

AN ACT

To amend section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (Pamphlet Laws, thirty-eight), entitled, as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," further regulating the suspension and dismissal of policemen and firemen in cities of the second class A.

Section 1, act of April 14, 1931 (P. L. 38), as amended by act of May 25, 1933 (P. L. 1048), further amended.

Section 1. Be it enacted, &c., That section one of the act, approved the fourteenth day of April, one thousand nine hundred and thirty-one (Pamphlet Laws, thirty-eight), entitled, as amended "An act regulating the removal or dismissal of policemen and firemen in cities of the second class A, and the removal of policemen in cities of the second class," which title and section were amended by the act, approved the twenty-fifth day of May, one thousand nine hundred and thirty-three (Pamphlet Laws, one thousand forty-eight), is hereby further amended to read as follows:

Cities of second class—policemen.
Cities of second class A—policemen and firemen.
Removal or dismissal.

Section 1. Be it enacted, &c., That no regularly appointed policeman in cities of the second class, and no regularly appointed policeman or fireman in cities of the second class A, shall be removed or dismissed without his written consent, except by the decisions of court, either of trial or inquiry, duly determined and certified in writing to the mayor, which court shall be composed of three persons belonging to the police or fire force equal or superior in official position therein to the accused. Such decisions shall only be determined by trial of charges, with plain specifications made by or lodged with the director of the department of public safety, of which trial the accused shall have due notice, and at which he shall have the right to be present in person and also by a brother officer to act as his counsel. The persons composing such court shall be appointed as hereinafter provided, and shall be sworn by the director of the department of public safety to perform their duties impartially and without fear or favor; and the person of highest rank in such court shall have the same authority to issue and enforce process to secure the attendance of witnesses, and to administer oaths to witnesses, as is possessed by any justice of the peace of this Commonwealth.

Notice of trial.

Power to issue and enforce process.

Charges.

Court of inquiry.

Such charges may be of disability for service, in which case the court shall be one of inquiry, whose decisions may be for the honorable discharge from the service of the person concerned; or of neglect or violation of law or duty, inefficiency, intemperance, disobedience of orders, [or] unbecoming official or personal conduct, and, in cities of the second class A, intoxication while

on duty, in which cases the court shall be one of trial, and its decision may authorize the director of the department of public safety to impose fines and pecuniary penalties to be stopped from pay, or to suspend from pay or duty, or both, for a period fixed by them, not exceeding one year, or to dismiss from the service: *Provided, That in cities of the second class A where the charge is intoxication while on duty and a trial court finds the defendant guilty, the mayor shall suspend the convicted officer for a period of thirty days without pay: Provided, That the defendant has not been convicted of any similar offense within a period of five years last preceding the effective date of this statute.*

Court of trial.

Fines and penalties.

If the said fireman or policeman shall be convicted a second time on a charge of intoxication while on duty after the effective date of this act, then the mayor shall suspend him for a period of six months without pay, and, upon the third conviction for intoxication while on duty after the effective date of this act, the mayor shall dismiss said fireman or policeman from the service.

If the accused shall have been convicted once within five years last preceding the effective date of this act on a charge of intoxication while on duty, then his first conviction after the effective date of this act on a charge of intoxication while on duty, he shall be suspended for a period of six months without pay, and, upon his second conviction after the effective date of this act on a charge of intoxication while on duty, the mayor shall suspend him for one year without pay, and, upon the third conviction after the effective date of this act on a charge of intoxication while on duty, he shall be dismissed by the mayor from the service.

If the accused shall have been convicted twice within five years last preceding the effective date of this act on charges of intoxication while on duty, then, upon his first conviction after the effective date of this act on a charge of intoxication while on duty, he shall be suspended from the service without pay for a period of one year, and, upon his second conviction after the effective date of this act on a charge of intoxication while on duty, he shall be dismissed from the service.

If the accused shall have been convicted three or more times within five years last preceding the effective date of this act on charges of intoxication while on duty, then, upon his conviction after the effective date of this act on a charge of intoxication while on duty, he shall be dismissed from service.

In all cases involving intoxication while on duty, the sentence shall be imposed by the mayor of said city of the second class A, and a plea of guilty shall be considered a conviction for the purposes of this amendment, and shall be in writing.

Suspension of
person under
charge.

It shall be lawful for the director of the department of public safety, at his discretion, to suspend from duty before trial any person charged, as aforesaid, until such trial can be had, with or without pay, as such court shall afterwards determine, but no trial shall be delayed for more than one month after charge has been made.

Findings to be
approved by
mayor.

The finding of the court of trial or inquiry, as aforesaid, shall be of no effect until approved by the mayor, *except in cases of conviction for intoxication while on duty in cities of the second class A; upon conviction of intoxication while on duty in such cities, the trial board shall immediately certify its findings to the mayor, who shall thereupon impose sentence on the convicted in the manner herein set forth.*

When effective.

Section 2. This act shall become effective immediately upon its final enactment.

APPROVED—The 29th day of April, A. D. 1937.

GEORGE H. EARLE

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No. 131

AN ACT

To amend the title and section one of the act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, eight hundred and five), entitled "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure," by further providing for the acquisition and possession of occupied property and structures.

Highways.

Section 1. Be it enacted, &c., That the title and section one of the act, approved the twelfth day of July, one thousand nine hundred thirty-five (Pamphlet Laws, eight hundred and five), entitled "An act providing for the acquisition and possession of occupied dwelling houses condemned for highway purposes, and providing a method of procedure," are hereby amended to read as follows:

AN ACT

Providing for the acquisition and possession of occupied *property, structures, and* dwelling houses condemned for highway purposes, and providing a method of procedure.

Section 1. Be it enacted, &c., That whenever the Secretary of Highways, with the approval of the Governor, shall have condemned property for highway purposes, in the manner now or hereafter provided by law, in such cases, the condemnation aforesaid shall authorize the issuance and execution of a writ or writs of possession by the court of common pleas of the county wherein the