

No. 1994-43

## AN ACT

HB 411

Amending the act of February 9, 1984 (P.L.3, No.2), entitled "An act providing for the education and training of deputy sheriffs; creating the Deputy Sheriffs' Education and Training Board under the Pennsylvania Commission on Crime and Delinquency; providing for the powers and duties of the board and the Attorney General; establishing the Deputy Sheriffs' Education and Training Account; providing for a surcharge on sheriffs' fees; and providing penalties," further providing for training requirement, for the Deputy Sheriffs' Education and Training Board and for the Deputy Sheriffs' Education and Training Account.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Section 3 of the act of February 9, 1984 (P.L.3, No.2), known as the Deputy Sheriffs' Education and Training Act, is amended to read: Section 3. The Deputy Sheriffs' Education and Training Board.

(a) Establishment.—There is hereby established within the commission an advisory board to be known as the Deputy Sheriffs' Education and Training Board.

(b) Composition.—The board shall be composed of nine members as follows:

(1) The Attorney General.

(2) Two judges of the courts of common pleas from different counties.

(3) Two sheriffs *or chief deputies* from different counties with a minimum of six years experience as a sheriff *or chief deputy*.

(4) Three individuals from different counties with a minimum of eight years experience each as a deputy sheriff, **to be appointed by the Governor**. *One of the three shall be currently employed in the capacity of deputy sheriff with the rank of sergeant or deputy sheriff.*

(5) One educator qualified in the field of curriculum design.

(c) Appointments and terms.—All members of the board, other than the Attorney General, who shall be a permanent member, shall be appointed by the Governor for a period of three years except that upon the effective date of this act the Governor shall appoint one judge for a period of two years, one sheriff for a period of two years and one deputy sheriff for a period of one year. Any member of the board shall cease to be a member of said board immediately upon termination of service in the position by which that person was eligible for membership or appointed as a member of the board.

(d) Vacancies.—A member appointed to fill a vacancy created by any reason other than expiration of a term shall be appointed for the unexpired term of the member whom he is to succeed in the same manner as the original appointment.

(e) Expenses.—The members of the board shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the board and in the performance of their duties under this act.

(f) Removal.—Members of the board, other than the Attorney General, may be removed by the Governor for good cause upon written notice from the Governor specifically setting forth the cause for removal.

(g) Chairman.—The members of the board shall elect a chairman from among the members to serve for a period of one year. A chairman may be elected to serve successive terms. The Governor shall designate the first chairman for organizational purposes only.

(h) Meetings and quorum.—The chairman shall summon the members of the board to the first meeting within 120 days of the effective date of this act. The board shall meet at least four times each year. Special meetings may be called by the chairman of the board or upon written request of three members. A quorum shall consist of five members.

Section 2. Sections 7 and 8 of the act are amended by adding subsections to read:

Section 7. Training requirement.

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*(a.1) Diploma.—No person shall be employed or appointed as a deputy sheriff unless the person is a high school graduate or has received a secondary school diploma on the basis of general education development (GED).*

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Section 8. Deputy Sheriffs' Education and Training Account.

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*(b.1) Surcharge in counties of first and second class.—In counties of the first and second class, a \$2.25 surcharge shall be collected by the prothonotary of that county for each defendant named in a document filed to commence an action pursuant to Pa.R.C.P. No.1007, except when service is made by a competent adult in the actions listed in Pa.R.C.P. Nos.400(b) and 400.1(c). Ten percent of the surcharge shall be retained by the prothonotary to cover administrative costs incurred by collecting the surcharge and to support any technology and automation improvements or upgrades for the prothonotary, and the balance shall be transmitted semiannually to the State Treasurer for deposit into the account.*

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Section 3. The amendment of section 7 of the act shall apply to all deputy sheriffs employed or appointed on or after the effective date of this act.

Section 4. All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 5. This act shall take effect as follows:

(1) The addition of section 8(b.1) of the act shall take effect in 60 days.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 15th day of June, A.D. 1994.

ROBERT P. CASEY