

No. 254

AN ACT

HB 1945

Amending the act of October 10, 1974 (P.L.705, No.235), entitled "An act providing for the training and licensing of watch guards, protective patrolmen, detectives and criminal investigators, carrying and using lethal weapons in their employment; imposing powers and duties on the Commissioner of the Pennsylvania State Police; and providing penalties," granting certain exemptions; changing definitions, and further providing for the powers and duties of the commissioner.

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

Section 1. The definitions of the terms "lethal weapons" and "privately employed agents" of section 3, act of October 10, 1974 (P.L.705, No.235), known as the "Lethal Weapons Training Act," are amended to read:

Section 3. Definitions.—As used in this act:

* * *

"Lethal weapons" include but are not limited to firearms [, mace] and other weapons calculated to produce death or serious bodily harm. A concealed billy club is a lethal weapon. *The chemical mace or any similar substance shall not be considered as "lethal weapons" for the purposes of this act.*

"Privately employed agents" include any person employed for the purpose of providing watch guard, protective patrol, detective or criminal investigative services either for another for a fee or for his employer. Privately employed agents do not include local, State or Federal Government employees *or those police officers commissioned by the Governor under the act of February 27, 1865 (P.L.225, No.228).*

* * *

Section 2. Subsection (b) of section 4 of the act is amended to read:

Section 4. Education and Training Program.—* * *

(b) All privately employed agents, *except those who have been granted a waiver from compliance herewith by the commissioner* who, as an incidence to their employment, carry a lethal weapon shall be required to attend the program established by subsection (a) of this section in accordance with the requirements or regulations established by the commissioner and, upon satisfactory completion of such program, shall be entitled to certification by the commissioner.

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Section 3. Section 5 of the act is amended by adding a clause to read:

Section 5. Power and Duties of Commissioner.—The commissioner shall have the power and duty:

* * *

(11) To grant waivers from compliance with the provisions of this act applicable to privately employed agents who have completed a course of instruction in a training program approved by the commissioner.

Section 4. This act shall take effect immediately.

APPROVED—The 23rd day of November, A. D. 1976.

MILTON J. SHAPP