

No. 1982-32

AN ACT

HB 1384

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," defining "full-time police officer", providing for certain exemptions from testing and fees and further providing for applications.

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

Section 1. Section 3, act of October 10, 1974 (P.L.705, No.235), known as the "Lethal Weapons Training Act," is amended by adding a definition to read:

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

* * *

"Full-time police officer" means any employee of a city, borough, town, township or county police department assigned to law enforcement duties who works a minimum of two hundred days per year. The term does not include persons employed to check parking meters or to perform only administrative duties, nor does it include auxiliary and fire police.

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Section 2. Clause (2) of section 5 and subsections (c) and (d) of section 6 of the act are amended to read:

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

* * *

(2) To implement and administer or approve physical and psychological testing and screening of the candidate for the purpose of barring from the program those not physically or mentally fit to handle lethal weapons. ***However, candidates who are full-time police officers and have successfully completed a physical and psychological examination as a prerequisite to employment or to continued employment by their local police departments or who have been continuously employed as full-time police officers since June 18, 1974 shall not be required to undergo any physical or psychological testing and screening procedures so implemented.***

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Section 6. Certificate of Qualification.—* * *

(c) The application shall be personally presented by the applicant at an office of the Pennsylvania State Police where his fingerprints shall be affixed thereto. The application shall be accompanied by two current

photographs of the applicant of a size and nature to be prescribed by the commissioner and a thirty-five dollar (\$35) application fee, *unless the applicant is a full-time police officer, in which case no application fee shall be required.* Thereafter the application shall be forwarded to the commissioner.

(d) The fingerprints of the applicant shall be examined by the Pennsylvania State Police and the Federal Bureau of Investigation to determine if he has been convicted of or has pleaded guilty or ~~not~~ contended to a crime of violence. *The commissioner shall have the power to waive the requirement of Federal Bureau of Investigation examination during any period when examinations are suspended by, or otherwise unavailable through, the Federal agency.*

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Section 3. This act shall take effect immediately.

APPROVED—The 20th day of February, A. D. 1982.

DICK THORNBURGH