

No. 1988-180

AN ACT

HB 238

Amending the act of June 18, 1974 (P.L.359, No.120), entitled "An act creating the Municipal Police Officers' Education and Training Commission; providing for the commission's membership, selection, compensation, and removal; providing for the powers and duties of the commission; providing for the appointment and duties of the chairman; providing for the act's applicability to the civil service laws; requiring training by certain political subdivisions and police departments; providing penalties for violation thereof; and making an appropriation," further providing for the membership and duties of the commission; extending coverage of the act; further providing for training for certification of instructors and for reimbursement of certain municipal costs; increasing penalties; and extending provisions of commission for sunset purposes.

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

Section 1. Section 2 of the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law, is amended by adding a clause to read:

Section 2. Definitions.—As used in this act:

* * *

(7) "*Certification*" means the assignment of a certification number to a police officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the commission and successful completion of mandatory in-service training. Certification is for a period of two years.

Section 2. Section 4(a) of the act, amended December 20, 1984 (P.L.1197, No.227), is amended and the section is amended by adding a subsection to read:

Section 4. Commission Members; Selection, Compensation and Removal.—(a) The commission shall be composed of [nineteen] twenty members as follows:

- (1) The Secretary of the Department of Community Affairs.
- (2) The Attorney General of the Commonwealth.
- (3) The Commissioner of the Pennsylvania State Police, who shall serve as chairman of the commission.
- (4) A member of the Senate of Pennsylvania, to be appointed by the President pro tempore of the Senate.
- (5) A member of the Pennsylvania House of Representatives, to be appointed by the Speaker of the House of Representatives.
- (6) Four elected officials of the various political subdivisions of the Commonwealth, to be appointed by the Governor; one to be a borough official, one a first class township official, one a second class township official, and one a city official.

(7) Four incumbent chiefs of police from the various political subdivisions of the Commonwealth, to be appointed by the Governor; at least one to be a chief of a borough police department, at least one to be a chief of a township police department, at least one to be a chief of a city police department.

(8) One Federal Bureau of Investigation special agent-in-charge to be appointed by the Governor.

(9) One educator qualified in the field of law enforcement, to be appointed by the Governor.

(10) One member representing the public at large, to be appointed by the Governor.

(11) Two noncommissioned police officers to be appointed by the Governor.

(12) The police commissioner of a city of the first class or his designee.

(13) A director of one of the certified training schools to be appointed by the Governor.

* * *

(f) The designated public member may not be nor may not have been a police officer and is not affiliated nor has ever been affiliated with a police department or training school.

Section 3. Sections 5 and 6 of the act are amended to read:

Section 5. Powers and Duties of the Commission.—The powers and duties of the commission shall be as follows:

(1) To establish ***and administer*** the minimum courses of study **[and] for basic and in-service** training for municipal police officers ***and to revoke an officer's certification for failure to comply with the basic and in-service training requirements or in cases where an officer is convicted of a criminal offense or the commission determines that the officer is physically or mentally unfit to perform the duties of his office.***

[(2) To establish courses of study and in-service training for municipal police officers appointed prior to the effective date of this act.]

(3) To approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements as established by the commission.

(4) To establish the minimum qualifications for instructors, ***to approve or revoke the approval of any instructor and to develop the requirements for continued certification.***

(5) To promote the most efficient and economical program for police training by utilizing existing facilities, programs and qualified State, local and Federal police personnel.

(6) To make an annual report to the Governor and to the General Assembly concerning (i) the administration of the Municipal Police Officers' Education and Training Program, and (ii) the activities of the commission, together with recommendations for executive or legislative action necessary for the improvement of law enforcement and the administration of justice.

(7) To require every police officer to attend a minimum number of hours of in-service training as provided for by regulation, unless the officer's

employer files a show cause document with the commission, requesting additional time for such officer to comply with the in-service training requirements. Approval of such request shall be made by the commission on a case-by-case basis.

(8) To require all police officers to undergo a background investigation to determine the individual's suitability for employment as a police officer. This investigation shall be completed prior to the employment of such officer and shall include, but not be limited to, a criminal history check, a credit check, personal interviews and any other applicable means of determining eligibility. An applicant who has been convicted of a felony or serious misdemeanor shall not be eligible for employment as a police officer.

(9) To require minimum standards for physical fitness, psychological evaluation and education as prerequisites to employment as a police officer.

(10) To appoint an Executive Director to administer the training program established by this act. The position of Executive Director shall be filled by the commission who shall select the best qualified person from a list of three persons nominated by the Pennsylvania State Police Commissioner. The person who receives a simple majority of those members present and voting shall become the Executive Director. If the commission rejects all nominees, then the process shall be repeated until a person is selected. The Executive Director shall be directly responsible to the commission and may be dismissed only by two-thirds vote of the commission. The Executive Director shall employ a sufficient staff, including professional, administrative and clerical personnel, to perform the tasks of his office, including the preparation of an annual budget.

[Section 6. Powers and Duties of the Commissioner.—The duties of the commissioner shall be as follows:

(1) To implement and administer the minimum courses of study and training for municipal police officers as set by the commission.

(2) To issue certificates of approval to schools approved by the commission and to withdraw certificates of approval from those schools disapproved by the commission.

(3) To certify instructors pursuant to the minimum qualifications established by the commission.

(4) To implement and administer courses of study and in-service training for municipal police officers appointed prior to the effective date of this act as established by the commission.

(5) (11) To consult, and cooperate with, universities, colleges, community colleges and institutes for the development of specialized courses for municipal police officers.

[(6)] (12) To consult and cooperate with, departments and agencies of this Commonwealth and other states and the Federal Government concerned with police training.

[(7)] (13) To certify police officers who have satisfactorily completed basic educational and training requirements as established by the commission and to issue appropriate certificates to such police officers.

[(8)] (14) To visit and inspect approved schools at least once a year.

[(9)] (15) To make such rules and regulations and to perform such other duties as may be reasonably necessary or appropriate to implement the education and training program for police officers.

(16) *To grant waivers of mandatory basic training to police officers who have successfully completed previous equivalent training or who have acceptable full-time police experience, or both.*

Section 4. Section 7 of the act, amended December 22, 1981 (P.L.523, No.146), is amended to read:

Section 7. Meetings; Quorum.—**[The chairman shall summon the members of the commission to the first meeting within one hundred twenty days of enactment.]** The commission shall meet at least four times each year. Special meetings may be called by the chairman of the commission, or upon written request of five members. A quorum shall consist of **[ten] eleven** members of the commission.

Section 5. Section 9 of the act is amended to read:

Section 9. Police Training Mandatory; Penalties.—**(a)** All political subdivisions of the Commonwealth or groups of political subdivisions acting in concert shall be required to train all members of their police departments **[hired by them] prior to actually enforcing criminal laws, enforcing moving traffic violations under 75 Pa.C.S. (relating to vehicles) or being authorized to carry a firearm** after the effective date of this act, pursuant to the provisions of this act.

(b) *Those municipal police officers employed on the effective date of this subsection shall be able to perform criminal or traffic duties and be authorized to carry a firearm until certified by the commission, but no longer than one year from their date of employment.*

(c) Any person hired as a municipal police officer by any political subdivision or group thereof acting in concert **[after the effective date of this act]** shall be **[at the end of one year from the date of his employment]** ineligible to receive any salary, compensation or other consideration or thing of value for the performance of his duties as a police officer unless he has met all of the requirements as established by the **[Municipal Police Officers' Education and Training Commission] commission** and has been duly certified as having met those requirements by the **[commissioner, unless the police officer is granted additional time to complete his training by the commissioner] commission**. **[However, such persons hired as a municipal police officer will be given a grace period of two years from the effective date of this act before he becomes ineligible to receive salary, compensation or other consideration of thing of value.]**

(d) Any official of any political subdivision who orders, authorizes or pays as salary to a person in violation of the provisions of this act shall on summary conviction thereof be sentenced to pay a fine of one hundred dollars (\$100) or be imprisoned for a term not to exceed a period of thirty days. *The commission may stop payment of all funds which pass to municipalities by this act for any violation of this act. It shall notify the State Treasurer to discontinue disbursement of any State funds until a municipality is in compliance with this act.*

Section 6. The act is amended by adding sections to read:

Section 9.1. Automatic Certification.—*All municipal police officers hired prior to June 18, 1974, shall be automatically certified for basic training but shall be required to complete the in-service training as set forth in section 5(7).*

Section 9.2. In-Service Training by Existing Personnel.—*The requirements of section 5(7) shall apply to every municipal police officer.*

Section 7. Section 10 of the act, amended October 11, 1984 (P.L.869, No.168), is amended to read:

Section 10. Reimbursement of Expenses.—(a) The commission[, **through the commissioner,**] shall provide for reimbursement to each political subdivision of one hundred per cent of the allowable tuition and the ordinary and necessary living and travel expenses incurred by their *police* officers while attending certified municipal police basic training schools, providing said political subdivision adheres to the training standards established by the commission. The regular salary of police officers while attending approved schools, within the meaning of this act, shall be paid by the employing political subdivision. Fifty per cent of the regular salaries of police officers while attending approved schools within the meaning of the act shall be reimbursed by the commission to the employing political subdivision. **[This act shall not be construed to preclude the employing political subdivision from applying for grants from the Governor's Justice Commission under the Omnibus Crime Control and Safe Streets Act of 1968 for the payment of salary to a substitute police officer while the permanent officer is attending such school.]** *For the fiscal year beginning July 1, 1989, to June 30, 1990, and for each year thereafter, sixty per cent of the regular salaries of police officers while attending approved schools within the meaning of this act shall be reimbursed by the commission to the employing political subdivision. The commission shall require written documentation of all expenses incurred by political subdivisions relating to the training of municipal police officers for the purposes of reimbursement by the commission. All municipalities shall annually audit these funds as part of their annual audit and submit a copy of such audit to the commission. Failure to perform the audit and submit a copy of it to the commission shall render the municipality in violation of this act.*

(b) The commission[, **through the commissioner,** shall provide grants as a reimbursement for actual expenses incurred by political subdivisions of the Commonwealth for the providing of training programs to policemen from other jurisdictions within the Commonwealth,] *may approve in-service training grants for actual expenses incurred by political subdivisions of the Commonwealth for the providing of nonmandatory training programs to police officers* in accordance with this act.

(c) All political subdivisions of the Commonwealth or groups of political subdivisions acting in concert may make application to the **[commissioner] commission** for funding pursuant to the provisions of this act. The application shall be accompanied by a certified copy of a resolution or resolutions adopted by its governing body or bodies providing that, while receiving any

State funds pursuant to this act, the political subdivision of the Commonwealth or group of political subdivisions acting in concert will adhere to the standards for training established by the commission. The application shall contain such information as the [commissioner] *commission* may request.

(d) If a police officer, within two years following certification, terminates his employment with the political subdivision by which he was employed at the time he was duly certified as having met the commission's requirement and thereafter obtains employment as a police officer with another political subdivision, the political subdivision which employs the previously certified police officer shall reimburse the political subdivision which formerly employed the police officer for the nonreimbursable portion of the salary paid to the police officer while complying with the provisions of this act.

(e) The commission shall have the authority to pay for the cost of mandatory in-service training for all police officers, to the extent determined by the commission.

Section 8. This act, with respect to the Municipal Police Officers' Education and Training Commission, constitutes the legislation required to reestablish an agency under the act of December 22, 1981 (P.L.508, No.142), known as the Sunset Act.

Section 9. The presently confirmed members of the existing Municipal Police Officers' Education and Training Commission, as of December 31, 1988, shall continue to serve as members until their present terms of office expire.

Section 10. Each rule, regulation or fee of the Municipal Police Officers' Education and Training Commission in effect on December 31, 1988, shall remain in effect until repealed or amended by the commission.

Section 11. This act shall take effect as follows:

- (1) Section 6 (section 9.2) shall take effect in two years.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 21st day of December, A. D. 1988.

ROBERT P. CASEY