

No. 2002-77

AN ACT

HB 2005

Amending the act of August 9, 1955 (P.L.323, No.130), entitled, as amended, "An act relating to counties of the first, third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto; relating to imposition of excise taxes by counties, including authorizing imposition of an excise tax on the rental of motor vehicles by counties of the first class; and providing for regional renaissance initiatives," further providing for private services by certain county employees and for compensation of solicitors appointed by county officers.

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

Section 1. Section 1210 of the act of August 9, 1955 (P.L.323, No.130), known as the County Code, is amended to read:

Section 1210. Private Services, Gifts and Payments, Contracts, Prohibited.—(a) No sheriff, deputy sheriff, detective or other county police officer whatsoever, shall perform, directly or indirectly, any official services or official duties for any person, association or corporation, or receive, directly or indirectly, any compensation, gifts or gratuities from any person, association or corporation during the period of his official services. Nothing herein contained shall prohibit such officers from serving writs and other legal process as authorized by law. Any compensation payable to any such officer for official duties and services shall be paid only out of the proper county, or other public funds, to the amount and in the manner prescribed by law. Gifts, donations, and gratuities of any nature whatsoever made by any person, association or corporation to the county or to any official or agent thereof, shall not constitute public funds within the meaning of this section.

(b) No county, or any official or agent thereof, shall accept as a gratuity, gift or donation any arms, ammunition, military supplies, tear gas or equipment, or supplies or articles of a similar character from, nor shall any such gratuity, gift or donation be made by any person, association or corporation.

(c) Any contract or agreement, whatsoever, made in violation of the provisions of this section, shall be utterly void and of no effect, in law or in equity, and is hereby declared to be contrary to public policy.

(d) *Notwithstanding any other provision of this section, unless otherwise prohibited by resolution or ordinance of the county, an individual who is employed as a sheriff, deputy sheriff, detective or other county police officer may engage in outside employment, including employment in security, during a period in which the individual is not scheduled to perform nor performing duty as a county employe. The*

county is not liable for any damage resulting from an act of an individual acting under this subsection.

Section 2. Section 1630 of the act, amended December 6, 1972 (P.L.1421, No.309), is amended to read:

Section 1630. Compensation of Solicitors Appointed by County Officers.—The county commissioners may appropriate money for the payment of any solicitor appointed pursuant to this act by a county treasurer, sheriff, prothonotary, register of wills, recorder of deeds, clerk of courts [of quarter sessions and oyer and terminer], coroner [or], a clerk of orphans' court *or the county controller or the county auditors.*

Section 3. This act shall take effect as follows:

- (1) The amendment of section 1630 of the act shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 28th day of June, A.D. 2002.

MARK S. SCHWEIKER