

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1738 Session of
2017

INTRODUCED BY MARSICO, PASHINSKI, PICKETT, FREEMAN, QUIGLEY,
B. O'NEILL, SAYLOR, D. COSTA, A. HARRIS, MARSHALL, MILLARD,
WHEELAND, DeLUCA, ZIMMERMAN, WATSON, BENNINGHOFF, BARBIN,
CALTAGIRONE AND JOZWIAK, AUGUST 24, 2017

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 18, 2018

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in commencement of
3 proceedings, further providing for definitions ~~and~~, providing <--
4 for nonmunicipal police extraterritorial jurisdiction for
5 purposes of municipal police jurisdiction-- AND FOR AGENTS OF <--
6 THE OFFICE OF ATTORNEY GENERAL FOR PURPOSES OF MUNICIPAL
7 POLICE JURISDICTION.

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

10 Section 1. Section 8951 of Title 42 of the Pennsylvania
11 Consolidated Statutes is amended by adding definitions to read:

12 § 8951. Definitions.

13 The following words and phrases when used in this subchapter
14 shall have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

16 * * *

17 "Nonmunicipal police department." The term shall have the
18 same meaning as paragraphs (2), (3), (4), (5) and (6) in the
19 definition of "police department" in 53 Pa.C.S. § 2162 (relating

1 to definitions) AND SHALL INCLUDE THE OFFICE OF ATTORNEY <--
2 GENERAL.

3 "Nonmunicipal police officer." A police officer employed by
4 a nonmunicipal police department as a regular full-time or part-
5 time police officer; AND AN AGENT OF THE OFFICE OF ATTORNEY <--
6 GENERAL AS DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF
7 "ENFORCEMENT OFFICER" IN 71 PA.C.S. § 5102 (RELATING TO
8 DEFINITIONS).

9 * * *

10 Section 2. Title 42 is amended by adding ~~a section~~ SECTIONS <--
11 to read:

12 § 8953.1. Nonmunicipal police extraterritorial jurisdiction.

13 (a) Power and authority.--In addition to a power and
14 authority vested by law, a nonmunicipal police officer who is
15 within this Commonwealth, but beyond the territorial limit of
16 the jurisdiction established for the officer's nonmunicipal
17 police department by law, shall have the power and authority to
18 enforce the laws of this Commonwealth or to perform a function
19 of a municipal police officer in the following circumstances:

20 (1) If the officer is in hot pursuit of a person for an
21 offense which was committed, or which the officer has
22 probable cause to believe was committed, within the officer's
23 jurisdiction and for which the officer continues in fresh
24 pursuit of the person after the commission of the offense.

25 (2) If the officer has been requested to IMMEDIATELY aid <--
26 or assist a Federal, State or local law enforcement officer
27 or park police officer or has probable cause to believe that
28 the other officer is in need of aid or assistance.

29 (3) If, while on official business, the officer views an
30 offense and makes a reasonable effort to identify himself or

1 herself as a police officer and the offense is:

2 (i) A felony.

3 (ii) A misdemeanor.

4 (iii) A breach of the peace or other act that
5 presents an immediate clear and present danger to a
6 person or property.

7 (4) If the officer views an offense that is a felony and
8 makes a reasonable effort to identify himself or herself as a
9 police officer.

10 (b) Applicability.--A nonmunicipal police officer acting in
11 accordance with the authority granted under this section shall
12 be subject to section 8953(b), (c) and (d) (relating to
13 Statewide municipal police jurisdiction) to the same extent as
14 would a municipal police officer.

15 § 8953.2. AGENTS OF THE OFFICE OF ATTORNEY GENERAL.

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16 (A) POWER AND AUTHORITY.--AN AGENT OF THE OFFICE OF ATTORNEY
17 GENERAL AS DEFINED IN PARAGRAPH (2) OF THE DEFINITION OF
18 "ENFORCEMENT OFFICER" IN 71 PA.C.S. § 5102 (RELATING TO
19 DEFINITIONS) IN ADDITION TO THE POWER AND AUTHORITY VESTED BY
20 LAW, SHALL HAVE THE POWER AND AUTHORITY TO ENFORCE THE LAWS OF
21 THIS COMMONWEALTH OR TO PERFORM A FUNCTION OF A MUNICIPAL POLICE
22 OFFICER IN THE FOLLOWING CIRCUMSTANCES:

23 (1) IF THE OFFICER HAS BEEN REQUESTED TO IMMEDIATELY AID
24 OR ASSIST A FEDERAL, STATE OR LOCAL LAW ENFORCEMENT OFFICER
25 OR PARK POLICE OFFICER OR HAS PROBABLE CAUSE TO BELIEVE THAT
26 THE OTHER OFFICER IS IN NEED OF AID OR ASSISTANCE.

27 (2) IF, WHILE ON OFFICIAL BUSINESS, THE OFFICER VIEWS AN
28 OFFENSE AND MAKES A REASONABLE EFFORT TO IDENTIFY HIMSELF OR
29 HERSELF AS A POLICE OFFICER AND THE OFFENSE IS:

30 (I) A FELONY.

1 (II) A MISDEMEANOR.

2 (III) A BREACH OF THE PEACE OR OTHER ACT THAT
3 PRESENTS AN IMMEDIATE CLEAR AND PRESENT DANGER TO A
4 PERSON OR PROPERTY.

5 (3) IF THE OFFICER VIEWS AN OFFENSE THAT IS A FELONY AND
6 MAKES A REASONABLE EFFORT TO IDENTIFY HIMSELF OR HERSELF AS A
7 POLICE OFFICER.

8 (B) APPLICABILITY.--AN AGENT OF THE OFFICE OF ATTORNEY
9 GENERAL ACTING IN ACCORDANCE WITH THE AUTHORITY GRANTED UNDER
10 THIS SECTION SHALL BE SUBJECT TO SECTION 8953 (B), (C) AND (D)
11 (RELATING TO STATEWIDE MUNICIPAL POLICE JURISDICTION) TO THE
12 SAME EXTENT AS WOULD A MUNICIPAL POLICE OFFICER.

13 Section 3. This act shall take effect in 60 days.