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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 748 Session of  
2023

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INTRODUCED BY BONNER, GILLEN, HAMM, JOZWIAK, KEEFER,  
M. MACKENZIE, ROAE AND STAATS, MARCH 28, 2023

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 28, 2023

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in obstructing governmental  
3 operations, providing for enforcement of State law.

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

6 Section 1. Title 18 of the Pennsylvania Consolidated  
7 Statutes is amended by adding a section to read:

8 § 5113. Enforcement of State law.

9 (a) Offense defined.--

10 (1) An elected official of a municipality commits a  
11 misdemeanor of the first degree if the elected official votes  
12 in favor of or approves of a law, regulation or policy that:

13 (i) permits, or otherwise decriminalizes, an  
14 activity that is illegal or prohibited under the laws of  
15 this Commonwealth;

16 (ii) prohibits the enforcement of a penalty or fine  
17 for an offense under the laws of this Commonwealth or  
18 establishes a penalty or fine for the offense that is

1 different from the penalty or fine required for the  
2 offense under the laws of this Commonwealth;

3 (iii) directs or induces a peace officer to not  
4 enforce a law of this Commonwealth; or

5 (iv) provides an alternate method to address the  
6 prohibitions or penalties existing under the laws of this  
7 Commonwealth.

8 (2) An elected official of a municipality or public  
9 employee of a municipality commits a misdemeanor of the first  
10 degree if the elected official or public employee directs or  
11 induces a peace officer under the command or supervision of  
12 the elected official or public employee to:

13 (i) permit an activity that is illegal or prohibited  
14 under the laws of this Commonwealth;

15 (ii) not enforce a penalty or fine for an offense  
16 under the laws of this Commonwealth or enforce a penalty  
17 or fine for the offense that is different from the  
18 penalty or fine required for the offense under the laws  
19 of this Commonwealth;

20 (iii) provide an alternate method to address a  
21 prohibition or penalty under the laws of this  
22 Commonwealth; or

23 (iv) not enforce a law of this Commonwealth.

24 (b) Previous law, regulation or policy voided.--A law,  
25 regulation or policy adopted or implemented by a municipality,  
26 elected official or public employee negating or limiting the  
27 enforcement of a law of this Commonwealth is declared null and  
28 void and of no further force or effect.

29 (c) Exception.--This section shall not apply to the  
30 following:

1           (1) The Attorney General, or a subordinate acting under  
2 the direction of the Attorney General.

3           (2) A district attorney, or a subordinate acting under  
4 the direction of a district attorney.

5           (3) A peace officer.

6           (d) Definitions.--As used in this section, the following  
7 words and phrases shall have the meanings given to them in this  
8 subsection unless the context clearly indicates otherwise:

9           "Law of this Commonwealth." A statute enacted by the General  
10 Assembly and approved as a law in accordance with the  
11 Constitution of Pennsylvania.

12           "Peace officer." As defined under section 501 (relating to  
13 definitions).

14           Section 2. This act shall take effect in 60 days.