
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 870 Session of
2021

INTRODUCED BY KINSEY, KIM, DAWKINS, DALEY, SANCHEZ, A. DAVIS,
LEE, HILL-EVANS, MADDEN, SCHWEYER, SHUSTERMAN, SCHLOSSBERG,
SIMS, FREEMAN, ISAACSON, KINKEAD, INNAMORATO, FRANKEL,
HARRIS, DELLOSO, WARREN AND McCLINTON, MARCH 11, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2021

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, providing for actions by law
3 enforcement.

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

6 Section 1. Title 44 of the Pennsylvania Consolidated
7 Statutes is amended by adding a part to read:

8 PART V

9 ACTIONS BY LAW ENFORCEMENT

10 Chapter

11 91. Use of Force

12 CHAPTER 91

13 USE OF FORCE

14 Sec.

15 9101. Prohibition.

16 § 9101. Prohibition.

17 (a) General rule.--Notwithstanding 18 Pa.C.S. § 508

1 (relating to use of force in law enforcement) and except as
2 provided under subsection (b), in making an arrest a
3 Pennsylvania State Police officer or municipal police officer:

4 (1) May not:

5 (i) apply the use of a chokehold;

6 (ii) apply any pressure to the diaphragm, airways or
7 any compression that inhibits breath or the flow of blood
8 to the brain of the person; or

9 (iii) hold the person in prone restraint or facedown
10 while restrained for a period of time exceeding three
11 minutes or as practical as to avoid positional asphyxia.

12 (2) May not keep the person in prone restraint or a
13 facedown position once the person is restrained.

14 (b) Application.--The prohibitions under subsection (a)
15 shall not apply when the use of deadly force is permitted under
16 law.

17 (c) Definitions.--As used in this section, the following
18 words and phrases shall have the meanings given to them in this
19 subsection unless the context clearly indicates otherwise:

20 "Prone restraint." All items or measures used to restrain a
21 person in a facedown position.

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