

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 881 Session of 2021

INTRODUCED BY LANGERHOLC, YUDICHAK, PHILLIPS-HILL, VOGEL, MENSCH, COSTA, CAPPELLETTI, MUTH AND MASTRIANO, SEPTEMBER 28, 2021

SENATOR YUDICHAK, COMMUNITY, ECONOMIC AND RECREATIONAL DEVELOPMENT, AS AMENDED, OCTOBER 27, 2021

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, providing for Safe Exchange Zone
3 Program.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a chapter to read:

8 CHAPTER 62

9 SAFE EXCHANGE ZONE PROGRAM

10 Sec.

11 6201. Scope of chapter.

12 6202. Definitions.

13 6203. Legislative purpose.

14 6204. Safe Exchange Zone Program.

15 § 6201. Scope of chapter.

16 This chapter relates to the Safe Exchange Zone Program.

17 § 6202. Definitions.

1 The following words and phrases when used in this chapter
2 shall have the meanings given to them in this section unless the
3 context clearly indicates otherwise:

4 "County." A county of any class.

5 "Department." The Department of Community and Economic
6 Development of the Commonwealth.

7 "Municipality." A county, city, borough, incorporated town,
8 township or home rule, optional plan or optional charter
9 municipality or municipal authority in this Commonwealth and any
10 entity formed under Subchapter A of Chapter 23 (relating to
11 intergovernmental cooperation).

12 "Participant." An individual utilizing a safe exchange zone.

13 "Participating entity." A local police department, a county
14 sheriff or the Pennsylvania State Police.

15 "Program." The Safe Exchange Zone Program established under
16 section 6204(a) (relating to Safe Exchange Zone Program).

17 "Safe exchange zone." A place which meets the requirements
18 under section 6204(e) (1) (iii).

19 § 6203. Legislative purpose.

20 The purpose of this chapter is to establish safe public
21 locations for participants to exchange goods purchased online
22 and for child custody exchanges through the distribution of
23 grant money to municipalities.

24 § 6204. Safe Exchange Zone Program.

25 (a) Establishment.--The Safe Exchange Zone Program is
26 established within the department.

27 (b) Eligibility.--Municipalities may apply for a ONE-TIME <--
28 grant under the program to establish safe exchange zones at a
29 participating entity's office or barracks or in a public area.

30 (c) Application.--The department shall generate an

1 application upon which municipalities may apply for a grant
2 under the program. The form shall indicate the cost of
3 establishing a safe exchange zone, the location, the approval of
4 a participating entity to assist with the safe exchange zone, <--
5 THE APPROVAL FROM ANOTHER MUNICIPALITY, IF APPLICABLE, and any
6 additional information the department deems necessary.

7 (d) Duty of department.--The department shall approve or
8 deny an application under subsection (b) within 30 days of
9 receipt of the application. Upon approval of an application, the
10 department shall disburse the grant money as provided under
11 subsection (h).

12 (e) Safe exchange zone requirements and assignment of
13 responsibility.--

14 (1) Safe exchange zones:

15 (i) Shall have an appropriate video surveillance
16 system to observe all areas of the safe exchange zone, <--
17 which shall be monitored by a participating entity.

18 (ii) Shall be clearly indicated with proper signage
19 that displays the participating entity's telephone number
20 and "in case of an emergency dial 911."

21 (iii) May only be placed:

22 (A) Within 100 feet of a local police
23 department's office.

24 (B) Within 100 feet of a county sheriff's
25 office.

26 (C) Within 100 feet of a State Trooper barracks.

27 (D) Within 100 feet of a public park, county
28 courthouse, local magistrate's office, municipal
29 office or other public area that has an active public
30 presence, as approved by the department.

1 (iv) Must be on public land- UNDER THE JURISDICTION <--
2 OR OWNERSHIP OF THE APPLICANT MUNICIPALITY UNLESS
3 OTHERWISE APPROVED BY THE GOVERNING BODY OF OWNERSHIP OF
4 THE PUBLIC LAND.

5 (2) If the municipality seeks to establish a safe
6 exchange zone under paragraph (1)(iii)(A), the participating
7 entity shall be the local police department.

8 (3) If the municipality seeks to establish a safe
9 exchange zone under paragraph (1)(iii)(B), the participating
10 entity shall be the county sheriff.

11 (4) If the municipality seeks to establish a safe
12 exchange zone under paragraph (1)(iii)(C), the participating
13 entity shall be the Pennsylvania State Police.

14 (5) If the municipality seeks to establish a safe
15 exchange zone under paragraph (1)(iii)(D), the video
16 surveillance requirement under subsection ~~(g)(1)~~ (G) shall be <--
17 the responsibility of the participating entity that has the <--
18 ~~closest response time to~~ AGREED TO ASSIST WITH the safe <--
19 exchange zone.

20 (f) Participating entity requirements.--A participating
21 entity:

22 (1) Shall ~~regularly~~ ADEQUATELY monitor the video <--
23 surveillance system required under subsection (e)(1)(i) for
24 activity that endangers participants or the public IN <--
25 ACCORDANCE WITH SUBSECTION (G).

26 (2) Must ensure that participants have the ability to
27 notify the participating entity of the need for assistance by
28 displaying the appropriate contact information as required
29 under subsection (e)(1)(ii).

30 (3) If a participant notifies a participating entity

1 under paragraph (2), shall properly assist the participant in
2 accordance with the guidelines established under subsection
3 (g) and ensure that the exchange does not present a danger to
4 the participant or the public.

5 (4) During examination of the video surveillance, may
6 not interfere with an exchange unless it presents a clear and
7 present danger to the participating entity, a participant or
8 the public or unless the participating entity's assistance is
9 requested by a participant under paragraph (2).

10 (g) Guidelines and procedures.--In consultation with
11 participating entities, the department shall establish
12 guidelines and procedures for the adequate monitoring AND <--
13 RETENTION of video surveillance required under subsection (f) (1)
14 and for surveillance measures necessary to keep participants and
15 the public safe, which do not infringe on the Fourth Amendment
16 rights of the participants of the exchange provided for in the
17 Constitution of the United States.

18 (h) Priority of award.--Priority shall be given to
19 municipalities awarded a grant under this section in the
20 following order:

21 (1) Municipalities seeking to establish safe exchange
22 zones within 100 feet of a local police department, county
23 sheriff's office or State Trooper barrack.

24 (2) Municipalities seeking to establish safe exchange
25 zones in a public area- UNDER THE JURISDICTION OR OWNERSHIP <--
26 OF THE APPLICANT MUNICIPALITY UNLESS OTHERWISE APPROVED BY
27 THE GOVERNING BODY OF OWNERSHIP OF THE PUBLIC LAND.

28 (i) Disbursement of money.--The Secretary of Community and
29 Economic Development shall ensure that the grant money awarded
30 under this section is geographically disbursed throughout this

1 Commonwealth.

2 (j) Use and audit.--Grant money must be used exclusively for
3 the purpose of establishing a safe exchange zone and is subject
4 to audit by the department and the Auditor General.

5 (K) LIABILITY LIMITED.--THE FOLLOWING ENTITIES MAY NOT BE <--
6 HELD LIABLE OR IN BREACH OR VIOLATION OF ANY LAW OR STANDARD FOR
7 THE CONDUCT OF PARTICIPANTS IN A SAFE EXCHANGE ZONE ESTABLISHED
8 UNDER THIS CHAPTER:

9 (1) THE MUNICIPALITY THAT ESTABLISHED THE SAFE EXCHANGE
10 ZONE.

11 (2) THE PARTICIPATING ENTITY ASSIGNED RESPONSIBILITY FOR
12 THE SAFE EXCHANGE ZONE UNDER SUBSECTION (E) (2), (3), (4) OR
13 (5).

14 (3) THE DEPARTMENT.

15 (4) THE COUNTY IN WHICH THE MUNICIPALITY THAT
16 ESTABLISHED THE SAFE EXCHANGE ZONE IS LOCATED.

17 Section 2. This act shall take effect in 180 days.