

Public Safety/Public Protection

Legislation for the 2017 – 2018 Session

Metal Theft (Act 8 of 2017): Adds the offense of theft of secondary metal, which includes wire, pipe or cable commonly used by communications, gas and electrical utilities, and railroads and mass transit or commuter rail agencies, as well as copper, aluminum or other metal, or combination of metals, that is valuable for recycling or reuse as raw material. The offense is graded based on the value of secondary metal stolen.

Libre’s Law (Act 10 of 2017): Updates and clarifies the existing animal abuse statute and increases the penalties for abusing any animal. The bill would apply criminal penalties based on the severity of the offense and divide the types of abuse into three categories: neglect, which would include failure to provide food, water or shelter; cruelty, which would include recklessly overloading, beating or abandonment; and aggravated cruelty, which would include intentionally torturing an animal to the point where it causes bodily injury or death.

Civil Asset Forfeiture Reform (Act 13 of 2017): Reforms the state’s civil asset forfeiture process by imposing a higher burden of proof on the Commonwealth to take property, bolstering protections for third-party property owners, improving auditing and recording transparency of collected property, prohibiting the pre-forfeiture seizure of real property without a hearing, and adding an extra level of protection for those who are trying to collect their property after an acquittal.

Police Body Cameras (Act 22 of 2017): Removes barriers to the use of body cameras by law enforcement officers, including the previous requirement that an officer must announce to everyone in a public space they are being recorded. The measure also outlines the process by which recordings would be made available to the public.

Identification of Law Enforcement Officer (HB 27 – awaiting Senate action): Prohibits releasing the name and identifying information of a law enforcement officer involved in a discharge of a firearm or use of force during the performance of official duties before an investigation is complete or before 30 days after the incident has occurred, whichever occurs first.

Officer Down Advisory System (HB 31 – awaiting Senate action): Establishes the Pennsylvania Officer Down Advisory System to assist, by prompt notification to the public, in the apprehension of those suspected of causing serious injury or death to a law enforcement officer.

Precious Metal Sales (HB 41 – awaiting Senate action): Enhances requirements for precious metal dealers regarding transaction records, item retention and licensing status, purchases from minors and penalties.

Improving PFA Orders (HB 44 – awaiting Senate action): Amends the Protection from Abuse Act in order to provide the court with information regarding whether the defendant has been involved with a child abuse investigation.

Trafficking of Infants (HB 128 – awaiting Senate action): Increases the penalty for the offense of trafficking of infants to a first-degree felony.

Recording Court Proceedings (HB 149 – awaiting Senate action): Prohibits the use of devices to record video or audio or take photographs in a courtroom or hearing room without the permission of the presiding officer or as permitted by the rules of court.

Jurisdiction in Juvenile Cases (HB 159 – awaiting Senate action): Clarifies that a minor's failure to comply with a summary offense sentence constitutes a "delinquent act." This clarification ensures that the juvenile courts retain jurisdiction over enforcement of such cases.

Collecting Restitution (HBs 234, 236, 280, 285 – awaiting Senate action): The following bills aim to help ensure payment of restitution:

- HB 234 requires each county to establish an internal unit dedicated to the collection of restitution, fines, fees and other court-imposed obligations unless the county chooses to outsource collections.
- HB 236 authorizes wage attachment for the satisfaction of restitution, costs and fines, and authorizes additional payment options for the same.
- HB 280 requires that any money posted as bail, which would otherwise be returnable, shall first be applied to the payment of any outstanding restitution, fees, fines or costs owed by the defendant in any criminal or delinquency case.
- HB 285 requires that correctional facilities make minimum deductions from the wages and personal accounts of inmates who have outstanding restitution or other court-ordered obligations.

Megan's Law Requirements (HB 508 – awaiting Senate action): Prevents convicted sex offenders who are non-compliant in their Megan's Law registry requirements from receiving welfare benefits.

No ARD for Sex Offenders (HB 594 – awaiting Senate action): Prohibits Accelerated Rehabilitative Disposition for certain sex offenses against children.

Adam Walsh Act Changes (HB 631 – awaiting Senate action): Requires the court to impose a mandatory three-year probation period consecutive to and in addition to any other lawful sentence imposed by the court for a person convicted of a Tier III sex offense under Pennsylvania's Adam Walsh Act.

Protecting Health Care Workers (HB 646 – awaiting Senate action): Amends the aggravated assault law to add health care practitioners to the protected class, which outlines a higher grade of offense and penalty if the health care practitioner is assaulted while in the performance of his or her duties.

Firearms Preemption (HB 671 – awaiting Senate action): Outlines better enforcement of the state’s preemption of local firearms and ammunition regulations by stating that any party who successfully challenges one of these illegal local firearm ordinances will be entitled to reimbursement from the offending jurisdiction for reasonable attorneys fees and costs to bring the lawsuit, and any loss of income suffered because of the illegal ordinance.

Reinstating Mandatory Minimum Sentences (HB 741 – awaiting Senate action): Re-enacts mandatory minimum sentences for many of Pennsylvania’s most dangerous crimes, including violent offenses committed with a firearm, assaults against children or the elderly, and trafficking deadly drugs.

DUI and Driving Without a License (HB 1049 – awaiting Senate action): Creates a tiered penalty system for driving on a suspended or revoked license as a result of DUI-related offenses and establishes sentencing enhancements for homicide by vehicle and homicide by vehicle while DUI as a result of driving without a license or on a suspended license.

Concussion Protocol (HB 1176 – awaiting Senate action): Creates the Law Enforcement Concussion Safety Act which directs the Pennsylvania State Police to develop a concussion protocol to be used by all police departments in the state.

Pets in Hot Vehicles (HB 1216 – awaiting Senate action): Offers civil immunity for a person entering a vehicle to rescue a dog or cat. The immunity would apply to law enforcement officers, animal control officers, human society police officers and emergency responders for property damage resulting from the effort to enter the dog or cat. For such immunity to apply, the person must have a reasonable belief the pet is in imminent danger, attempt to locate the driver, take reasonable steps to restore or ensure the animal’s well-being, use no more force than necessary and leave notice on or in the vehicle.

Drone Regulations (HB 1346 – awaiting Senate action): Establishes the crime of “unlawful use of unmanned aircraft” to better regulate the use of drones in the Commonwealth.

DNA Collection (HB 1523 – awaiting Senate action): Outlines new standards for the collection, analysis and use of DNA samples, and storage of DNA profiles in the State DNA Database for comparison with DNA profiles collected during criminal investigations. It also makes changes to the law to reflect current DNA testing terminology and techniques.