

No. 1994-158

AN ACT

SB 1670

Creating the County Probation and Parole Officers' Firearm Education and Training Commission under the Pennsylvania Board of Probation and Parole; providing for the commission's membership, selection and compensation; providing for the powers and duties of the commission; requiring training of certain county probation and parole officers; and establishing the County Probation and Parole Officers' Firearm Education and Training Fund.

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

Section 1. Short title.

This act shall be known and may be cited as the County Probation and Parole Officers' Firearm Education and Training Law.

Section 2. Definitions.

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

"Board." The Pennsylvania Board of Probation and Parole.

"Certification." The assignment of a certification number to a probation or parole officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the County Probation and Parole Officers' Firearm Education and Training Commission and successful completion of mandatory training.

"Commission." The County Probation and Parole Officers' Firearm Education and Training Commission.

"Fund." The County Probation and Parole Officers' Firearm Education and Training Fund established under section 8.

"Officer." A county probation or parole officer of this Commonwealth.

"Program." The County Probation and Parole Officers' Firearm Education and Training Program established in accordance with this act.

"School." A school currently approved by the Municipal Police Officers Education and Training Commission under the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.

"Weapon-carrying officer." A county probation or parole officer who is authorized to carry a weapon in connection with performance of the duties of his employment.

Section 3. The County Probation and Parole Officers' Firearm Education and Training Commission.

There is hereby created a County Probation and Parole Officers' Firearm Education and Training Commission under the Pennsylvania Board of Probation and Parole. The commission shall establish within six months

following the appointment of commission members a County Probation and Parole Officers' Firearm Education and Training Program to provide firearm education and training in accordance with the provisions of this act.

Section 4. Commission membership.

(a) Composition of commission.—The commission shall be composed of the chairman of the board and eight other members to be appointed by the Governor:

(1) Three county adult probation officers who are full members of the County Chief Adult Probation and Parole Officers' Association of Pennsylvania, one of whom is a chief adult probation officer from a county authorized to carry firearms and two of whom are firearms instructors certified as such by the National Rifle Association, the Pennsylvania State Police or the Federal Bureau of Investigation.

(2) One member of the Pennsylvania Council of Chief Juvenile Probation Officers.

(3) One representative of the Juvenile Court Judges' Commission.

(4) One judge of a court of common pleas of a county that employs officers who carry firearms.

(5) One director qualified under the act of June 18, 1974 (P.L.359, No.120), referred to as the Municipal Police Education and Training Law.

(6) One county commissioner from a county which employs officers who carry firearms.

(b) Terms.—Terms of the members initially appointed shall be three members for one year, three members for two years and three members for three years, as designated by the Governor at the time of appointment. Thereafter, terms shall be for three years. Each member shall hold office until the expiration of the term for which he was selected or until his earlier death, resignation or removal or until his successor has been selected and qualified but in no event more than six months beyond the expiration of the member's appointed term.

(c) Vacancies.—A member appointed to fill a vacancy created by other than expiration of a term shall be appointed for the unexpired term of the member who he is to succeed in the same manner as the original appointment.

(d) Compensation.—The members of the commission shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the commission and in the performance of their duties under this act.

(e) Organization.—The commission shall elect from among its members a chairman and other officers who shall hold office at the pleasure of the commission. The commission shall act only with the concurrence of the majority.

(f) Meetings and quorum.—The commission shall meet at least four times each year until the program is implemented. Thereafter, the commission shall meet as may be necessary, but at least once annually. Special meetings may

be called by the chairman of the commission or upon written request of three members. A quorum shall consist of four members of the commission.

Section 5. Powers and duties of commission.

The powers and duties of the commission shall be as follows:

(1) To develop, establish and administer the minimum courses of study and training and competency standards for firearm training for county probation and parole officers, including an initial curriculum of at least 40 hours and including the firing of a qualification course.

(2) To revoke an officer's certification for failing to comply with educational and training requirements established by the commission.

(3) To approve or revoke the approval for the purposes of this act of any school which may be utilized to comply with the educational and training requirements as established by the commission.

(4) To establish the minimum qualifications for instructors, to approve or revoke the approval of any instructor and to develop the requirements for continued certification.

(5) To promote the most efficient and economical program for training by utilizing existing facilities, programs and qualified Federal, State and local police personnel.

(6) To make an annual report to the Governor and to the General Assembly concerning:

(i) the administration of the program; and

(ii) the activities of the commission, together with any recommendations for executive or legislative actions.

(7) To require in accordance with this act county probation and parole officers to attend a minimum number of hours in in-service training as provided for by regulation, unless the officer's employer files a show-cause document with the commission, requesting additional time for the officer to comply with the in-service training requirements. Approval of the request shall be made by the commission on a case-by-case basis.

(8) To appoint an administrative officer who shall serve and be directly responsible to the commission.

(9) To consult and cooperate with universities, colleges, community colleges and institutes for the development of specialized courses for county probation and parole officers.

(10) To consult and cooperate with departments and agencies of this Commonwealth and other states and the Federal Government concerned with county probation and parole officer training.

(11) To certify officers who have satisfactorily completed basic educational and training requirements as established by the commission and to issue appropriate certificates to these officers.

(12) To visit and inspect approved schools at least once every two years. This inspection requirement does not apply where training is conducted locally at a satellite center consisting of a classroom and shooting range.

(13) To make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers.

(14) To consider granting waivers of mandatory basic training to county probation and parole officers who have successfully completed previous equivalent training.

(15) To maintain certifications and other records as necessary.

(16) To issue reports to the president judges of the courts of common pleas relating to compliance with this act.

Section 6. Training mandatory.

Within two years of the establishment of the County Probation and Parole Officers' Firearm Education and Training Program and in accordance with the provisions of this act, a county shall provide for the training of any officer in its county probation and parole department who carries a firearm. Following this two-year period, a county shall provide that training and certification requirements of this act are met prior to a county probation or parole officer being authorized to carry a firearm.

Section 7. Requirements for program participation or waiver.

In order to participate in the training program or be granted a waiver of training requirements, at a minimum the officer must:

(1) Be employed as a full-time county probation or parole officer.

(2) Be a United States citizen.

(3) Not have been convicted of an offense graded a misdemeanor of the first degree or greater or punishable by a term of imprisonment of more than two years, unless in possession of a waiver from the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury.

(4) Have had his fingerprints submitted by his employer to the Pennsylvania State Police for the purposes of a background investigation. The officer shall have results of the investigation which indicate that the requirements of paragraph (3) are met.

Section 8. County Probation and Parole Officers' Firearm Education and Training Fund.

(a) Fund established.—There is hereby established the County Probation and Parole Officers' Firearm Education and Training Fund as a restricted receipts account within the General Fund. Moneys from this fund shall be used exclusively for the purposes described under this section.

(b) Costs imposed.—Any person who accepts Accelerated Rehabilitative Disposition or pleads guilty or nolo contendere or is convicted of a felony or misdemeanor shall, in addition to any other court costs imposed under the laws of this Commonwealth, be sentenced to pay costs of \$5. Costs collected by the clerk of courts under this subsection shall be paid into the fund. Moneys in the fund shall be used to offset or pay for:

(1) Training expenses.

(2) Commission expenses.

Disbursement and allocation of fund moneys shall be at the discretion of the commission.

(c) Other moneys to be used.—In addition to payment of training expenses as prescribed under subsection (b), training expenses may also be paid out of the County Offender Supervision Fund under section 477.20 of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, or any other county fund.

(d) Juvenile probation officer participation.—In the event that sufficient funds are not generated under the provisions of subsection (b) to fully fund the costs of providing training to juvenile probation officers, a training fee representing the prorated share of the additional actual cost thereof shall be payable by a participating juvenile probation officer's county of employment.

Section 9. Applicability.

This act shall apply to county juvenile probation, adult probation or parole officers only, and only such officers shall be eligible for training under this act.

Section 10. Effective date.

This act shall take effect as follows:

- (1) Section 8(b) of this act shall take effect in 60 days.
- (2) This section shall take effect in 60 days.
- (3) The remainder of this act shall take effect in 240 days.

APPROVED—The 27th day of December, A.D. 1994.

ROBERT P. CASEY