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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1207 Session of  
2020

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INTRODUCED BY STREET, MUTH, FARNESE, SCHWANK, HUGHES, FONTANA,  
KEARNEY, SANTARSIERO AND BOSCOLA, JUNE 22, 2020

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REFERRED TO LAW AND JUSTICE, JUNE 22, 2020

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AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania  
2 Consolidated Statutes, in preliminary provisions, providing  
3 for limitations on excess property procurement by local law  
4 enforcement agencies.

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

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

9 CHAPTER 9

10 LOCAL LAW ENFORCEMENT AGENCY ACTIVITIES

11 Sec.

12 901. Scope of chapter.

13 902. Definitions.

14 903. Limitation on military equipment procurement.

15 904. Inventory and accounting.

16 § 901. Scope of chapter.

17 This chapter relates to activities of local law enforcement  
18 agencies.

19 § 902. 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 "Local law enforcement agency." Any of the following:

5 (1) A public agency of a political subdivision having  
6 general police powers and charged with making arrests in  
7 connection with the enforcement of the criminal or traffic  
8 laws. This paragraph includes the sheriff's office in a  
9 county of the second class.

10 (2) A campus police or university police department, as  
11 used in section 2416 of the act of April 9, 1929 (P.L.177,  
12 No.175), known as The Administrative Code of 1929, certified  
13 by the Office of Attorney General as a criminal justice  
14 agency under the definition of "criminal justice agency" in  
15 18 Pa.C.S. § 9102 (relating to definitions). This paragraph  
16 does not include a campus police or university police  
17 department of the State System of Higher Education and its  
18 member institutions.

19 (3) A railroad or street railway police department  
20 formed with officers commissioned under 22 Pa.C.S. Ch. 33  
21 (relating to railroad and street railway police) or any prior  
22 statute providing for such commissioning.

23 (4) The Capitol Police.

24 (5) The Harrisburg International Airport Police.

25 (6) An airport authority police department.

26 (7) A county park police force under section 2511(b) of  
27 the act of August 9, 1955 (P.L.323, No.130), known as The  
28 County Code.

29 "Military equipment." Any of the following property:

30 (1) Tracked armored and militarized vehicles.

1           (2) Aircraft and vessels that are combat configured or  
2 combat tested.

3           (3) Drones that are armored, weaponized, or both.

4           (4) Grenades or similar explosives and grenade  
5 launchers.

6           (5) Firearms and ammunition of .50-caliber or higher.

7           (6) Silencers for firearms.

8           (7) Flash bangs, battering rams or other breaching  
9 equipment.

10          (8) Tear gas.

11 § 903. Limitation on military equipment procurement.

12          A local law enforcement agency may not, regardless of the  
13 source of funding, procure military equipment from or through a  
14 Federal program, State program, third party, law enforcement  
15 foundation or organization or any other person or by any other  
16 means unless:

17           (1) The local law enforcement agency requests written  
18 approval for the procurement from the governing body of the  
19 municipality that the local law enforcement agency serves.

20           (2) The local law enforcement agency publishes notice of  
21 the written request on the publicly accessible Internet  
22 website of the law enforcement agency.

23           (3) The governing body, at a public hearing, provides  
24 members of the public with an opportunity to comment on the  
25 request.

26           (4) The governing body approves the request after the  
27 public hearing and not earlier than 14 days after the  
28 publication of the notice under paragraph (2).

29 § 904. Inventory and accounting.

30          (a) Duty to maintain.--A local law enforcement agency that

1 procures military equipment shall maintain a written inventory  
2 and accounting of military equipment procured that includes the  
3 following:

4 (1) A detailed listing of each type of the military  
5 equipment.

6 (2) A detailed description of the potential deployment  
7 for each type of the military equipment.

8 (3) A detailed description of the actual deployment of  
9 the military equipment, including such information as the  
10 gender, race, ethnicity, age, offense and other identifying  
11 information of an intended apprehension or incident involving  
12 a civilian and a detailed description of the incident,  
13 including date, time, location and the manner in which the  
14 military equipment was deployed.

15 (b) Duty to report.--A local law enforcement agency that  
16 procures military equipment shall, on a monthly basis, publish  
17 on the publicly accessible Internet website of the local law  
18 enforcement agency aggregate data on the inventory maintained  
19 under subsection (a), excluding personal identifying  
20 information.

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