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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 46 Session of  
2025

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INTRODUCED BY HUGHES, SCHWANK, STREET, KEARNEY, COMITTA,  
HAYWOOD, COSTA AND KANE, JANUARY 22, 2025

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REFERRED TO LAW AND JUSTICE, JANUARY 22, 2025

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AN ACT

1 Providing for adoption by the Attorney General of a Statewide  
2 model policy related to the prevention of excessive force by  
3 law enforcement officers and school security personnel.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Eight Can't  
8 Wait Policy to Prevent Excessive Force Act.

9 Section 2. Legislative findings.

10 The General Assembly finds that:

11 (1) The authority of law enforcement officers and school  
12 security personnel to use physical force is a serious  
13 responsibility that must be exercised judiciously, with  
14 respect for human rights, dignity and the sanctity of every  
15 human life.

16 (2) Every individual has a right to be free from  
17 excessive use of force by law enforcement officers and school  
18 security personnel acting under color of law.

1           (3) Through enactment of a model policy the Commonwealth  
2 can implement common-sense policing standards that can  
3 prevent excessive force being used against our residents and  
4 in our communities.

5           (4) The law and policy created must be carefully  
6 constructed and in a manner that thoughtfully reflects the  
7 gravity of the serious consequences that excessive force by  
8 law enforcement officers and school security personnel can  
9 have.

10 Section 3. Definitions.

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

14 "Chokehold." A physical maneuver that restricts an  
15 individual's ability to breathe for the purpose of  
16 incapacitation.

17 "Commission." The Municipal Police Officers' Education and  
18 Training Commission of the Commonwealth.

19 "Commissioner." The Commissioner of Pennsylvania State  
20 Police.

21 "Community-based organization." A grassroots organization  
22 that monitors the issue of police misconduct and reform measures  
23 and has a national presence and membership. The term includes  
24 the National Association for the Advancement of Colored People,  
25 the American Civil Liberties Union and UnidosUS.

26 "Deadly force." Force which, under the circumstances in  
27 which it is used, is readily capable of causing death or serious  
28 bodily injury.

29 "Force." Efforts used by a law enforcement officer that may  
30 result in serious bodily injury or death when used to:

- 1 (1) effectuate an arrest;
- 2 (2) overcome resistance or threatened resistance to  
3 effectuate an arrest; or
- 4 (3) protect the law enforcement officer or any other  
5 individual from injury or death.

6 "Law enforcement agency." A law enforcement agency in this  
7 Commonwealth that is the employer of a law enforcement officer.

8 "Law enforcement officer." The term shall have the same  
9 meaning as the term "peace officer" under 18 Pa.C.S. § 501  
10 (relating to definitions).

11 "Professional law enforcement association." A law  
12 enforcement membership association that works for the needs of  
13 state or local law enforcement agencies. The term includes the  
14 International Association of Chiefs of Police, the National  
15 Sheriffs' Association, the Fraternal Order of Police and the  
16 National Association of School Resource Officers.

17 "Reasonable alternatives." Tactics and methods used by a law  
18 enforcement officer or school security personnel to effectuate  
19 an arrest or detainment that do not unreasonably increase the  
20 risk posed to the law enforcement officer or another individual,  
21 including verbal communication, distance, warnings, de-  
22 escalation tactics and techniques, tactical repositioning and  
23 other tactics and techniques intended to stabilize the situation  
24 and reduce the immediacy of the risk so that more time, options  
25 and resources can be called upon to resolve the situation  
26 without the use of a firearm, taser, explosive device, chemical  
27 agent, baton, impact projectile, blunt instrument, hand, fist,  
28 foot, canine or vehicle against an individual.

29 "School entity." The term shall have the same meaning as  
30 defined under section 1301-C of the act of March 10, 1949

1 (P.L.30, No.14), known as the Public School Code of 1949.

2 "School police officer." As defined under section 1301-C of  
3 the Public School Code of 1949.

4 "School resource officer." As defined under section 1301-C  
5 of the Public School Code of 1949.

6 "School security guard." As defined under section 1301-C of  
7 the Public School Code of 1949.

8 "School security personnel." School police officers, school  
9 resource officers and school security guards.

10 "Serious bodily injury." Bodily injury that creates a  
11 substantial risk of death or causes serious, permanent  
12 disfigurement or protracted loss or impairment of the function  
13 of a bodily member or organ.

14 Section 4. Statewide model policy.

15 (a) Development.--Within 120 days of the effective date of  
16 this section, the Attorney General, in consultation with the  
17 commissioner, the commission, law enforcement agencies,  
18 professional law enforcement associations and community-based  
19 organizations shall promulgate a Statewide model policy to  
20 prevent excessive force by law enforcement officers and school  
21 security personnel within this Commonwealth. The Attorney  
22 General shall seek public comment at least 20 days prior to  
23 finalizing the Statewide model policy.

24 (b) Notification.--The Attorney General shall:

25 (1) Publicly and conspicuously post the promulgated  
26 Statewide model policy on the Attorney General's publicly  
27 accessible Internet website and provide notice of the  
28 promulgation to the commissioner, the commission, law  
29 enforcement agencies, professional law enforcement  
30 associations and community-based organizations with whom the

1 Attorney General consulted.

2 (2) Notify and supply a copy of the policy to the  
3 Governor and the General Assembly.

4 (c) Adoption.--

5 (1) Sixty days following the promulgation of the  
6 Statewide model policy by the Attorney General, except as  
7 provided under paragraph (2), each law enforcement agency and  
8 school entity shall adopt the Statewide model policy as a  
9 written policy governing the procedures that law enforcement  
10 officers and school security personnel shall comply with when  
11 engaging with individuals, including bringing an incident  
12 under control, making an arrest or protecting the officers,  
13 security personnel or others.

14 (2) A law enforcement agency or school entity may  
15 develop and adopt a written policy provided the policy  
16 developed contains, at a minimum, the components specified in  
17 subsection (f).

18 (3) The Statewide model policy shall serve as a minimum  
19 standard by which other policies are developed and reviewed.  
20 The commission shall compile a list of all law enforcement  
21 agencies and school entities that are required to adopt a  
22 written policy under this section.

23 (4) A law enforcement agency and school entity shall  
24 certify to the commission compliance with this section and  
25 provide the commission with a copy of the adopted policy.

26 (5) The commission shall review each adopted policy to  
27 determine if the policy meets the minimum standards required.  
28 The commission shall notify the Attorney General of any law  
29 enforcement agency or school entity that has failed to comply  
30 with this section.

1 (d) Failure to comply.--If a law enforcement agency or  
2 school entity fails to adopt a written policy as required under  
3 subsection (c), the law enforcement agency or school entity  
4 risks revocation or suspension of State-appropriated money. The  
5 Attorney General shall notify the Governor and the General  
6 Assembly of a law enforcement agency or school entity that fails  
7 to comply.

8 (e) Periodic review and training.--At least every two years,  
9 the Attorney General shall review and update the Statewide model  
10 policy as may be required. At least annually, the commissioner  
11 and the commission shall review the training programs, for which  
12 each is responsible, and ensure that law enforcement officers  
13 and school security personnel receive training that is  
14 consistent with the Statewide model policy.

15 (f) Components of policy.--

16 (1) The Statewide model policy developed shall, at a  
17 minimum:

18 (i) Require the use of de-escalation tactics and  
19 techniques before using force.

20 (ii) Develop a force continuum or matrix that  
21 defines and limits the types of force and specific  
22 weapons that can be used to respond to specific levels of  
23 resistance.

24 (iii) Ban chokeholds and strangleholds, including  
25 carotid restraints.

26 (iv) Require a verbal warning be given, when  
27 possible, before using deadly force.

28 (v) Prohibit shooting at individuals in moving  
29 vehicles unless the individual poses a deadly threat by  
30 means other than the vehicle.

1 (vi) Require the exhaustion of all reasonable  
2 alternatives before resorting to using deadly force.

3 (vii) Establish a duty to intervene and stop other  
4 law enforcement officers or school security personnel  
5 from using excessive force, as well as immediately  
6 reporting incidents to a supervisor.

7 (viii) Require reporting of uses of force, including  
8 when force was threatened or attempted but not used.

9 (2) The policy developed must provide for the consistent  
10 definition and use of the following terms:

11 (i) "De-escalation tactics and techniques."

12 (ii) "Duty to intervene."

13 (iii) "Excessive force."

14 (iv) Any other term that may require clarification  
15 to ensure uniform understanding and use.

16 Section 5. Applicability.

17 This act applies to all law enforcement officers and school  
18 security personnel within the jurisdiction of the Commonwealth.

19 Section 6. Exclusive jurisdiction.

20 The Supreme Court shall have exclusive jurisdiction to hear  
21 any challenge to or to render a declaratory judgment concerning  
22 the constitutionality of this act. The Supreme Court is  
23 authorized to take such action as it deems appropriate,  
24 consistent with the Supreme Court retaining jurisdiction, to  
25 find facts or to expedite a final judgment in connection with  
26 such a challenge or request for declaratory relief.

27 Section 7. Effective date.

28 This act shall take effect immediately.