

COMMITTEE BILL ANALYSIS

Bill: House Bill 1772

Printer's No.: 2525

Sponsor: Rep. Harper

Prepared by: Gregg Warner

Synopsis: This bill amends the Deputy Sheriffs' Education and Training Act, 1984 Act 2, so that the provisions of the act apply to elected and appointed sheriffs.

Summary: The short title of the act is changed to the Sheriff and Deputy Sheriff Education and Training Act. The names of the Deputy Sheriffs' Education and Training Account and the Deputy Sheriffs' Education and Training Board are also changed to reflect the inclusion of sheriffs. Editorial changes are made throughout the act to include sheriffs.

Sheriff training requirements

Section 6.1 is added to require any sheriff elected after the effective date of this section and not holding certification as either a deputy sheriff or sheriff on the first Monday in January next following the election, during the sheriff's terms of office:

- (1) To obtain the required education and training.
- (2) To meet the continuing education requirements.
- (3) To obtain reinstatement of a previously revoked certification, if applicable.

In the case of counties in which the sheriff is appointed, a sheriff appointed after the effective date of this section shall obtain certification within 18 months of the appointment.

The board may reduce the hours of education and training for sheriffs who, because of prior education, training or experience, have acquired knowledge or skill equivalent to that provided in the program.

Any sheriff holding office on the effective date of this section shall be deemed to have satisfied the requirements for training and shall receive certification. However, they are subject to the continuing education requirements.

Any sheriff failing to receive and maintain certification shall be ineligible to be on the ballot for the office of sheriff for any term subsequent to the election referred to above.

Any person appointed to fill a vacancy in the office of sheriff shall be certified or, in the alternative, obtain and maintain certification during the term for which the person is appointed. Any person appointed to fill a vacancy in the office of sheriff who does not fulfill the requirements shall be ineligible for subsequent election as sheriff. No person appointed to fill a vacancy where the balance of the term is less than one year shall be subject to these requirements. However, a person who is elected immediately following filling a vacancy is subject to the requirements.

Revocation of certifications

Section 7.1 is added governing the revocation of deputy sheriff and sheriff certifications. The board shall revoke the certification of any deputy sheriff for one or more of the following reasons:

- (1) Conviction for a felony or a misdemeanor of the first or second degree.
- (2) Where the board determines that the person was dismissed for cause from employment as a deputy sheriff.
- (3) Where the board determines that the person is physically or psychologically unfit to perform the duties of the office.
- (4) Where the board determines that the person committed misconduct which makes the person unfit to perform the duties of the office.

The board shall revoke the certification of a sheriff only after the sheriff is removed from office.

In the case of a deputy sheriff, it shall be the responsibility of the sheriff to notify the board within 15 days of the occurrence of an event described above. In the case of a sheriff, it shall be the responsibility of the county commissioners to notify the board within 15 days of a sheriff's removal.

Powers and duties

Section 4 is amended to give the board the power to revoke the certification of sheriffs and deputy sheriffs and to reinstate previously revoked certifications of sheriffs and deputy sheriffs where the board finds that the circumstances which led to the revocation of the certification are no longer an impediment.

Disposition of monies

Section 8(c) is amended to remove the provision authorizing excess funds in the account to be transferred to the General Fund in order to ensure that funds are available for the training of sheriffs without an increase in the surcharges collected by sheriffs.

Effective date

This act takes effect in 60 days.

Background: The House of Representatives passed House Bill 1772 on April 7, 2014 by a vote of 198 to 0.

Current law

Currently the Deputy Sheriffs' Education and Training Act, 1984 Act 2, provides for training requirements and continuing education requirements for deputy sheriffs. The law does not address the revocation of certifications or recertification. Sheriffs are not required to participate in any training program or receive continuing education as a qualification for office.

Local Government Commission

The Local Government Commission prepared this legislation. The legislation was drafted with the participation of the County Commissioners Association of Pennsylvania, the Pennsylvania Commission on Crime and Delinquency, and the Pennsylvania Sheriffs' Association.

Companion legislation

On January 14, 2014 the Senate Judiciary Committee reported Senate Bill 1158 from committee. Senate Bill 1158 and House Bill 1772 are the same. Senate Bill 1158 is pending before the Senate Appropriations Committee.