

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1538 Session of 2015

INTRODUCED BY WHITE, READSHAW, BAKER, BARRAR, BENNINGHOFF, BLOOM, CORBIN, DAY, DIGIROLAMO, EVERETT, FARRY, FEE, GINGRICH, GREINER, GROVE, HEFFLEY, IRVIN, JOZWIAK, KAUFFMAN, MARSHALL, MILNE, MURT, O'NEILL, D. PARKER, PETRI, QUIGLEY, QUINN, RADER, REGAN, SANTORA, SAYLOR, SONNEY, TALLMAN, TAYLOR, TOEPEL, TOOHL, VEREB, WARD, WARNER, ZIMMERMAN, BIZZARRO, BOYLE, D. COSTA, DAVIS, DRISCOLL, KORTZ, NEILSON, YOUNGBLOOD, SACCONI, FLYNN, WHEELAND, GABLER, DELOZIER, ROAE, CUTLER AND HARPER, SEPTEMBER 11, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, NOVEMBER 10, 2015

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, adding provisions for law enforcement
3 activities by providing for release of law enforcement
4 officer information when firearm discharged or use of force.

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

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

CHAPTER 5

LAW ENFORCEMENT ACTIVITIES

Subchapter A

Preliminary Provisions

(Reserved)

Subchapter B

General Provisions

1 Sec.

2 511. Release of law enforcement officer information when
3 firearm discharged or use of force.

4 § 511. Release of law enforcement officer information when
5 firearm discharged or use of force.

6 (a) General rule.--Pending the conclusion of an official
7 investigation that involves the discharge of a firearm or use of
8 force by a law enforcement officer during the performance of the
9 law enforcement officer's official duties, the name and
10 identifying information of the law enforcement officer may not
11 be released to the public by any public official or public
12 employee conducting or participating in the official
13 investigation or any person acting on behalf of such public
14 official or public employee.

15 (b) Conclusion of official investigation.--After the
16 official investigation concludes:

17 (1) The law enforcement officer's name and identifying
18 information ~~may~~ SHALL be released to the public ~~only~~ if the <--
19 law enforcement officer is charged with a criminal offense
20 relating to the discharge of the firearm or use of force. The
21 release of the information must occur in accordance with
22 applicable law.

23 (2) ~~The~~ IF THE law enforcement OFFICER IS NOT CHARGED <--
24 WITH A CRIMINAL OFFENSE RELATING TO THE DISCHARGE OF THE
25 FIREARM OR THE USE OF FORCE, THE LAW ENFORCEMENT officer's
26 name and identifying information may not be released to the
27 public, if: <--

28 ~~(i) the law enforcement officer is not charged with~~
29 ~~a criminal offense relating to the discharge of the~~
30 ~~firearm or use of force; and~~

1 ~~(ii)~~ the release of the information can reasonably
2 be expected to ~~cause~~ CREATE A RISK OF harm to the person <--
3 or property of the law enforcement officer or an
4 immediate family member of the law enforcement officer.

5 (c) Definitions.--The following words and phrases when used
6 in this section shall have the meanings given to them in this
7 subsection unless the context clearly indicates otherwise:

8 "Immediate family member." The spouse, child, parent or
9 sibling of a law enforcement officer.

10 "Law enforcement officer." The term shall have the meaning
11 given to the term "peace officer" in section 501 (relating to
12 definitions).

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