

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL**No. 340** Session of
2001

INTRODUCED BY BIRMELIN, LEWIS, CALTAGIRONE, M. COHEN, ROHRER,
SAYLOR, SHANER, SOLOBAY, TIGUE, WILT, YOUNGBLOOD AND
WASHINGTON, JANUARY 31, 2001

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
OCTOBER 23, 2001

AN ACT

1 Establishing the Privately Employed Agents Training and
2 Certification Program; regulating privately employed agents;
3 and providing for powers and duties of the Commissioner of
4 the Pennsylvania State Police.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Privately
9 Employed Agents Training and Certification Act.

10 Section 2. 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 "Commissioner." The Commissioner of the Pennsylvania State
15 Police.

16 "Privately employed agent." A privately employed agent as
17 defined in section 3 of the act of October 10, 1974 (P.L.705,
18 No.235), known as the Lethal Weapons Training Act.

1 "Program." The Privately Employed Agents Training and
2 Certification Program established by this act.

3 Section 3. Establishment of program.

4 The Privately Employed Agents Training and Certification
5 Program is hereby established. The commissioner shall administer
6 the program for the training and certification of privately
7 employed agents within this Commonwealth in accordance with this
8 act. To the extent practicable, the commissioner shall utilize
9 the training resources of the Municipal Police Officers'
10 Education and Training Program, established under 53 Pa.C.S. Ch.
11 21 Subch. D (relating to municipal police education and
12 training) as well as the training resources available to the
13 commissioner in the administration of the act of October 10,
14 1974 (P.L.705, No.235), known as the Lethal Weapons Training
15 Act, including, but not limited to, courses and course
16 materials, instructors and other staff and training facilities.

17 Section 4. Participation in program.

18 Participation in the program by privately employed agents
19 shall be voluntary.

20 Section 5. Application to enroll in program.

21 (a) Eligibility.--In order to enroll in the program, a
22 privately employed agent must apply to the commissioner and
23 must:

24 (1) Be 18 years of age or older.

25 (2) Meet all relevant requirements of the act of August
26 21, 1953 (P.L.1273, No.361), known as The Private Detective
27 Act of 1953.

28 (3) Possess valid CPR certification issued by the
29 American Red Cross, the American Heart Association, the
30 Department of Health or other agency approved by the

1 Department of Health.

2 (4) Not have been convicted of or pleaded guilty or nolo
3 contendere to a felony, crime of violence or drug-related
4 offense.

5 (5) Be of good moral character.

6 (b) Form.--The commissioner shall determine the form of the
7 application, which shall include:

8 (1) The full name, age, residence and present and
9 previous occupations of the applicant.

10 (2) Evidence that fingerprints of the applicant have
11 been examined by the Pennsylvania State Police or the Federal
12 Bureau of Investigation within the three months immediately
13 preceding submission of the application and that the person
14 has not been convicted of or has not pleaded guilty or nolo
15 contendere to a felony, crime of violence or drug-related
16 offense.

17 (3) Proof that the applicant is 18 years of age or
18 older.

19 (4) Proof that the applicant has met all relevant
20 requirements of the act of August 21, 1953 (P.L.1273,
21 No.361), known as The Private Detective Act of 1953.

22 (5) Proof that the applicant possesses valid CPR
23 certification issued by the American Red Cross, the American
24 Heart Association, the Department of Health or other agency
25 approved by the Department of Health.

26 (6) Any other information the commissioner deems
27 necessary to determine the applicant's eligibility to enroll
28 in the program.

29 (c) Enrollment.--After the application has been processed
30 and if the commissioner determines that the applicant meets all

1 of the eligibility requirements of this section, the applicant
2 shall be enrolled in the program.

3 Section 6. Training.

4 (a) General rule.--The commissioner shall administer the
5 minimum courses of study necessary for privately employed agent
6 certification. The training curriculum shall include 40 hours of
7 instruction in any or all of the following areas:

8 (1) Pennsylvania criminal law.

9 (2) Pennsylvania Rules of Criminal Procedure.

10 (3) Handling violent and dangerous persons.

11 (4) Custody.

12 (5) Patrol procedures and operations.

13 (6) Traffic control.

14 (7) Ethics.

15 (8) Crime scene preservation.

16 (9) Report writing.

17 (10) Legal authority.

18 (11) CULTURAL DIVERSITY. <—

19 (12) EMERGENCY PREPAREDNESS AND RESPONSE.

20 ~~(11)~~ (13) Any other area deemed necessary by the <—
21 commissioner.

22 (b) Course content.--The commissioner shall determine the
23 course content of and hours of instruction required in each area
24 listed in subsection (a).

25 (c) Examinations.--Examinations provided by the commissioner
26 shall be used to determine successful completion of the
27 requirements of the courses listed in subsection (a).

28 (d) Waiver of weapons training.--The weapons training
29 requirements set forth in subsection (a)(3) shall be waived for
30 any privately employed agent who possesses a valid certificate

1 indicating that the agent has satisfactorily completed an
2 education and training program in the handling of lethal weapons
3 established in accordance with the act of October 10, 1974
4 (P.L.705, No.235), known as the Lethal Weapons Training Act, OR ←
5 HAS A VALID CERTIFICATE UNDER 42 PA.C.S. CH. 29 (RELATING TO
6 OFFICERS SERVING PROCESS AND ENFORCING ORDERS).

7 Section 7. Certification.

8 (a) General rule.--A privately employed agent who
9 successfully completes the courses of instruction described in
10 section 5 shall be known as a certified privately employed
11 agent.

12 (b) Exception.--A privately employed agent who has
13 successfully completed the basic training course of the
14 Municipal Police Officers' Education and Training Program and
15 possess a current, valid certificate issued under 53 Pa.C.S. Ch.
16 21 Subch. D (relating to municipal police education and
17 training) shall not be required to complete the courses of
18 instruction described in section 5 in order to attain the status
19 of certified privately employed agent.

20 (c) Duration and renewal.--Certification shall be for a
21 period of five years. The commissioner shall prescribe the
22 manner in which certification may be renewed, and may charge a
23 nominal renewal fee therefor.

24 Section 8. Costs of training.

25 Tuition and other costs of training shall be borne by the
26 privately employed agent or the agent's sponsoring employer.

27 Section 9. Powers and duties of commissioner.

28 The powers and duties of the commissioner shall be as
29 follows:

- 30 (1) To establish an enrollment application fee.

1 (2) To revoke the enrollment application of any
2 privately employed agent who does not meet the application
3 requirements set forth in section 5.

4 (3) To determine reasonable tuition and fees for
5 training and certification.

6 (4) To certify privately employed agents who
7 successfully complete the courses of instruction described in
8 section 5 and to issue appropriate certificates.

9 (5) To make such rules and regulations and to perform
10 such other duties as may be reasonably necessary or
11 appropriate to implement the program.

12 Section 10. Unlawful activity.

13 It shall be unlawful for any individual to hold himself out
14 as being a certified privately employed agent unless the
15 individual holds a current valid certificate issued by the
16 commissioner in accordance with this act.

17 Section 11. Effective date.

18 This act shall take effect in 60 days.