
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1531 Session of
2023

INTRODUCED BY RABB, SANCHEZ AND KRAJEWSKI, JUNE 28, 2023

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 28, 2023

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, in law enforcement background
3 investigations and employment information, further providing
4 for maintenance of records and for hiring report; and
5 imposing penalties.

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

8 Section 1. Section 7308 of Title 44 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subsection to read:
10 § 7308. Maintenance of records.

11 * * *

12 (d) Penalties for noncompliance.--A law enforcement agency
13 that fails to put all relevant separation records into the
14 database in a timely manner under section 7309(d) (relating to
15 reporting) shall be ineligible to receive State funding for
16 equipment, hiring or overtime expenses. A noncompliant law
17 enforcement agency that seeks State funding designated for the
18 purpose of violence intervention, victim services or community
19 engagement programs shall first obtain the approval of the
20 commission.

1 Section 2. Section 7311 of Title 44 is amended to read:

2 § 7311. Hiring report.

3 (a) Information required to be reported.--If a prospective
4 employing law enforcement agency hires an applicant whose
5 separation records includes any of the following, the law
6 enforcement agency shall file a report with the commission that
7 indicates the prospective employing law enforcement agency's
8 reasoning and rationale for hiring the applicant[:] and
9 materially addresses why an applicant should be hired in
10 response to each documented disciplinary action in each of the
11 enumerated categories below. A hiring report shall be formatted
12 so that each disciplinary action per enumerated category is
13 required to be selected as appropriate:

14 (1) [**Final and binding disciplinary**] Disciplinary action
15 based on any of the following:

- 16 (i) excessive force;
- 17 (ii) harassment;
- 18 (iii) theft;
- 19 (iv) discrimination;
- 20 (v) sexual abuse;
- 21 (vi) sexual misconduct;
- 22 (vii) domestic violence;
- 23 (viii) coercion of a false confession;
- 24 (ix) filing a false report; or
- 25 [**(x) a judicial finding of dishonesty.**]

26 (x.1) a finding of dishonesty at any level by an
27 authority, internal or external, including judicial,
28 civil or administrative.

29 (2) A criminal conviction relating to conduct described
30 in paragraph (1).

1 (b) Electronic database of commission.--

2 (1) The hiring report shall be included in the
3 commission's electronic database.

4 (2) The hiring report shall be on a form developed by
5 the commission and made available on the commission's
6 publicly accessible Internet website.

7 (3) The Pennsylvania Commission on Crime and
8 Delinquency, the Majority Leader of the Senate, the Majority
9 Leader of the House of Representatives, the Minority Leader
10 of the Senate and the Minority Leader of the House of
11 Representatives may request that the commission produce a
12 report within five business days that documents the following
13 information:

14 (i) The number of agencies participating.

15 (ii) The number of separation records added in the
16 last 12-month period.

17 (iii) The number of separation records containing
18 allegations applicable in subsection (a), past and
19 present.

20 (iv) The number of conditional offers of employment
21 made by the county or law enforcement agency.

22 (v) The total number of hiring reports.

23 (vi) The number of hiring reports submitted.

24 (vii) The number of applicants for which hiring
25 reports were submitted.

26 (viii) The number of applicants rejected due to
27 substantiated allegations, complaints or final and
28 binding disciplinary action in the system.

29 (ix) The number of hirings despite allegations in
30 each category.

1 (4) By January 31 each year, the commission, in
2 coordination with the Pennsylvania Commission on Crime and
3 Delinquency, shall publish on the commission's publicly
4 accessible Internet website an annual report reviewing the
5 efficacy of the database on police accountability, community
6 safety and best practices in human resources within law
7 enforcement agencies. This report shall include:

8 (i) The number of separation records added in the
9 last 12 months.

10 (ii) The number of separation records containing
11 allegations in subsection (a).

12 (iii) The number of hirings despite allegations in
13 each category in subsection (a).

14 (c) Subject to disclosure.--The hiring report shall be
15 subject to disclosure under the act of February 14, 2008 (P.L.6,
16 No.3), known as the Right-to-Know Law.

17 (d) Public notice required prior to hiring.--A prospective
18 employing law enforcement agency, municipality or entity that
19 hires agents defined under State law as peace officers whose
20 record of separation includes any of the following reasons or
21 circumstances for separation shall issue a public notice 14
22 business days before the prospective employing law enforcement
23 agency or municipality takes formal action to hire the
24 prospective officer:

25 (1) Substantiated allegations, substantiated complaints
26 or completed or ongoing investigations, whether internal or
27 external, of the use of excessive force, harassment, theft,
28 discrimination, sexual abuse, sexual misconduct, domestic
29 violence, coercion of a false confession, filing a false
30 report or any finding of dishonesty at any level by an

1 authority, internal or external, including judicial, civil or
2 administrative.

3 (2) Criminal charges related to substantiated
4 allegations, substantiated complaints or completed or ongoing
5 investigations, whether internal or external, of the use of
6 excessive force, harassment, theft, discrimination, sexual
7 abuse, sexual misconduct, domestic violence, coercion of a
8 false confession, filing a false report or any finding of
9 dishonesty at any level by any authority, internal or
10 external, including judicial, civil or administrative.

11 (e) Penalties for noncompliance.--A law enforcement agency
12 or other entity that hires a peace officer that does not comply
13 with the requirements of this chapter or fails to include all
14 relevant separation records into the database in a timely manner
15 under section 7309(d) (relating to reporting) shall be
16 ineligible to apply or otherwise receive State grants or other
17 incentives. Municipal, county or other governmental entities
18 with budget authority over law enforcement or other agencies
19 that hire peace officers within their jurisdiction shall be made
20 ineligible for applying for or receipt of State money or tax
21 incentives due to noncompliance with this chapter.

22 Section 3. This act shall take effect in 60 days.