

# **STATUTES**

## **TITLE 42. Pa.C.S. Judiciary and Judicial Procedure (Selected Parts)**

### **PART VIII. CRIMINAL PROCEEDINGS**

#### **SUBCHAPTER D. MUNICIPAL POLICE JURISDICTION**

##### **§ 8951. Definitions.**

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Chief law enforcement officer." The head of a duly constituted municipal law enforcement agency which regularly provides primary police services to a political subdivision or, in the absence of any such municipal law enforcement agency, the commanding officer of the Pennsylvania State Police installation which regularly provides primary police services to the political subdivision.

"Municipal police officer." Any natural person who is properly employed by a municipality, including a home rule municipality, as a regular full-time or part-time police officer.

"Primary jurisdiction." The geographical area within the territorial limits of a municipality or any lawful combination of municipalities which employs a municipal police officer and, in the case of a county of the third class that has established a county park police force in accordance with the provisions of section 2511 of the act of August 9, 1955 (P.L. 323, No. 130), known as The County Code, the geographical area designated by ordinance of its board of county commissioners as the jurisdictional area for the county park police.

"Training law." The act of June 18, 1974 (P.L. 359, No. 120), referred to as the Municipal Police Education and Training Law.

Act 2004-152 (S.B. 92), § 6, approved Nov. 24, 2004, eff. in 60 days

##### **§ 8952. Primary municipal police jurisdiction.**

Any duly employed municipal police officer shall have the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office anywhere within his primary jurisdiction as to:

**(1) Any offense which the officer views or otherwise has probable cause to believe was committed within his jurisdiction.**

**(2) Any other event that occurs within his primary jurisdiction and which reasonably requires action on the part of the police in order to preserve, protect or defend persons or property or to otherwise maintain the peace and dignity of this Commonwealth.**

**§ 8953. Statewide municipal police jurisdiction.**

**(a) GENERAL RULE.-Any duly employed municipal police officer who is within this Commonwealth, but beyond the territorial limits of his primary jurisdiction, shall have the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office as if enforcing those laws or performing those functions within the territorial limits of his primary jurisdiction in the following cases:**

**(1) Where the officer is acting pursuant to an order issued by a court of record or an order issued by a district magistrate whose magisterial district is located within the judicial district wherein the officer's primary jurisdiction is situated, or where the officer is otherwise acting pursuant to the requirements of the Pennsylvania Rules of Criminal Procedure, except that the service of an arrest or search warrant shall require the consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which regularly provides primary police services in the municipality wherein the warrant is to be served.**

**(2) Where the officer is in hot pursuit of any person for any offense which was committed, or which he has probable cause to believe was committed, within his primary jurisdiction and for which offense the officer continues in fresh pursuit of the person after the commission of the offense.**

**(3) Where the officer has been requested to aid or assist any local, State or Federal law enforcement officer or park police officer or otherwise has probable cause to believe that the other officer is in need of aid or assistance.**

**(4) Where the officer has obtained the prior consent of the chief law enforcement officer, or a person authorized by him to give consent, of the organized law enforcement agency which provides primary police services to a political subdivision which is beyond that officer's primary jurisdiction to enter the other jurisdiction for the purpose of conducting official duties which arise from official matters within his primary jurisdiction.**

**(5) Where the officer is on official business and views an offense, or has probable cause to believe that an offense has been committed, and makes a reasonable effort to identify himself as a police officer and which offense is a felony, misdemeanor, breach of the peace or other act which presents an immediate clear and present danger to persons or property.**

**(6) Where the officer views an offense which is a felony, or has probable cause to believe that an offense which is a felony has been committed, and makes a reasonable effort to identify himself as a police officer.**

**(b) LIMITATION.-Nothing contained in subsection (a) shall be deemed to extend or otherwise enlarge a municipal police officer's power and authority to arrest any person for an offense unless specifically authorized by law.**

**(c) RELINQUISHING AUTHORITY.-Whenever a municipal police officer exercises any power or authority over any person or event pursuant to the provisions of subsection (a)(3), (4), (5) or (6), the officer shall relinquish authority and control over any such person or event upon the request of the chief law enforcement officer, or a person authorized by him to make the request, of the organized law enforcement agency which regularly provides primary police services in the municipality.**

**(d) IMMUNITIES AND BENEFITS PRESERVED.-Any municipal police officer who exercises any power or authority granted under this section, and the employing municipality of the police officer, shall have the same immunities from liability as would be applicable if the actions were performed within the territorial boundaries of the officer's primary jurisdiction and the police officer shall be entitled to the same benefits of employment as the officer would possess if acting solely within his primary jurisdiction. However, when any municipal police officer is responding to a request for aid or assistance from a State law enforcement officer pursuant to subsection (a)(3) for purposes of workers' compensation and allocation of liability for any death, injury or damage he may cause in the performance of his requested duties, he shall be considered to be an employee of the Commonwealth. All costs incurred by any municipality in the defense of lawsuits arising from the performance of any requested duties shall be borne by the Commonwealth. The Commonwealth shall provide attorneys to defend any lawsuits arising under this section. For purposes of compensation, pension or indemnity fund rights and other rights and benefits to which he may be entitled, the municipal officer shall be considered to be performing his duties in his normal capacity as a municipal law**

enforcement officer. Nothing in this section shall be construed to restrict the authority of any municipality to limit the exercise of any power or authority conferred on its police by this section.

**(e) EXISTING AND FUTURE MUNICIPAL POLICE SERVICE AGREEMENTS PRESERVED.**-Nothing in this section shall be construed to restrict the authority of any municipality to maintain current or to enter into new cooperative police service agreements with another municipality or municipalities for purposes including, but not limited to, describing conditions of mutual aid, assigning liability and determining appropriate costs of these cooperative efforts.

Act 1989-100 (S.B. 948), § 2, approved Dec. 22, 1989, eff. in 60 days.

**§ 8954. Noncompliance with mandatory certification requirements.**

Any person employed as a municipal police officer who is subject to the mandatory certification requirements of the training law and fails to obtain the required certification from the Commissioner of the Pennsylvania State Police within the time limits provided by law shall cease to be empowered or authorized to function as a municipal police officer for any purpose whatsoever.

####