
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 27 Session of
2017

INTRODUCED BY WHITE, READSHAW, DRISCOLL, GREINER, HICKERNELL,
SANKEY, RYAN, GODSHALL, QUIGLEY, IRVIN, TAYLOR, O'NEILL,
MARSHALL, PHILLIPS-HILL, MILLARD, KAUFFMAN, D. COSTA, MURT,
TOPPER, CORBIN, BARRAR, ELLIS, EVERETT, ROAE, DAY, FEE,
SIMMONS, NEILSON, BURNS, BLOOM, SCHEMEL, KORTZ, BOYLE,
A. HARRIS, WARNER, DELOZIER, OBERLANDER, BENNINGHOFF,
DIGIROLAMO, FARRY, JOZWIAK, KNOWLES, C. QUINN, ZIMMERMAN,
HARPER AND KEEFER, FEBRUARY 6, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 2017

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:

9 CHAPTER 5

10 LAW ENFORCEMENT ACTIVITIES

11 Subchapter

12 A. Preliminary Provisions (Reserved)

13 B. General Provisions

14 SUBCHAPTER A

15 PRELIMINARY PROVISIONS

16 (Reserved)

1 SUBCHAPTER B

2 GENERAL PROVISIONS

3 Sec.

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

6 § 511. Release of law enforcement officer information when
7 firearm discharged or use of force.

8 (a) General rule.--

9 (1) Except as provided under paragraphs (2), (3) and
10 (4), if an official investigation has been initiated into the
11 discharge of a firearm or use of force by a law enforcement
12 officer during the performance of the law enforcement
13 officer's official duties that results in death or serious
14 bodily injury of an individual, the name and identifying
15 information of the law enforcement officer may not be
16 released to the public by:

17 (i) A public employee of the law enforcement
18 officer's employing agency.

19 (ii) The agency conducting or participating in the
20 official investigation.

21 (iii) A person acting on behalf of a public employee
22 under subparagraph (i) or an agency under subparagraph
23 (ii).

24 (2) A public employee of the officer's employing agency,
25 the agency conducting or participating in the official
26 investigation or a person acting on behalf of the public
27 employee or agency shall release the name or identifying
28 information of the law enforcement officer at the conclusion
29 of the investigation if the law enforcement officer is
30 charged with a criminal offense arising out of the discharge

1 of the firearm or use of force.

2 (3) Except during any period in which the release of the
3 information can reasonably be expected to create a risk of
4 harm to the person or property of the law enforcement officer
5 or an immediate family member of the law enforcement officer,
6 a public employee of the officer's employing agency, the
7 agency conducting or participating in the official
8 investigation or a person acting on behalf of the public
9 employee or agency may release the name or identifying
10 information of the law enforcement officer:

11 (i) thirty days after the discharge of the firearm
12 or use of force; or

13 (ii) after completion of the official investigation.

14 (4) The name or identifying information of the law
15 enforcement officer may be released if:

16 (i) the law enforcement officer consents in writing
17 to the release of the information; or

18 (ii) disclosure is made pursuant to court rules.

19 (b) Penalty.--A person who violates this section commits a
20 misdemeanor of the second degree.

21 (c) Exception.--This section shall not apply to the Office
22 of Attorney General or a district attorney's office.

23 (d) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection unless the context clearly indicates otherwise:

26 "Law enforcement officer." Has the meaning given to the term
27 "peace officer" in 18 Pa.C.S. § 501 (relating to definitions).

28 "Serious bodily injury." As defined in 18 Pa.C.S. § 2301
29 (relating to definitions).

30 "Use of force." Any application of force by a law

1 enforcement officer against another individual.

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