

71 P.S. § 2101
PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

* THIS DOCUMENT IS CURRENT THROUGH ALL 2004 LEGISLATION *
*** JUNE 2005 ANNOTATION SERVICE ***

PENNSYLVANIA STATUTES
TITLE 71. STATE GOVERNMENT
V. MISCELLANEOUS
CHAPTER 22. DEPUTY SHERIFFS' EDUCATION AND TRAINING ACT

§ **2101**. Short title

This act shall be known and may be cited as the Deputy Sheriffs' Education and Training Act.

LexisNexis (R) Notes:

1. Deputy sheriff, who has completed the deputy sheriff's basic training course provided under the Deputy Sheriff's Education and Training Act, 71 **P.S.** § **2101** et seq., the driving while under the influence modules given to municipal police officers under former 53 **P.S.** §§ 740 to 749.1 (now 53 Pa.C.S. §§ 2161 to 2171), and training in field sobriety test administration, qualified as a "police officer" for purposes of enforcing the Vehicle Code under the rationale of the holding in *Commonwealth v. Leet*, 537 Pa. 89, 641 A.2d 299 (1994); accordingly, a driver's challenge to the deputy's authority to make a warrantless arrest was unsuccessful in an appeal of a one year license suspension for refusal to submit to a breathalyzer test, as provided for under 75 Pa.C.S. § 1547(a)(1). *DOT, Bureau of Driver Licensing v. Kline*, 559 Pa. 646, 741 A.2d 1281, 1999 Pa. LEXIS 3784 (1999).

2. Deputy sheriff, who has completed the deputy sheriff's basic training course provided under the Deputy Sheriff's Education and Training Act, 71 **P.S.** § **2101** et seq., the driving while under the influence modules given to municipal police officers under former 53 **P.S.** §§ 740 to 749.1 (now 53 Pa.C.S. §§ 2161 to 2171), and training in field sobriety test administration, qualified as a "police officer" for purposes of enforcing the Vehicle Code under the rationale of the holding in *Commonwealth v. Leet*, 537 Pa. 89, 641 A.2d 299 (1994); accordingly, a driver's challenge to the deputy's authority to make a warrantless arrest was unsuccessful in an appeal of a one year license suspension for refusal to submit to a breathalyzer test, as provided for under 75 Pa.C.S. § 1547(a)(1). *DOT, Bureau of Driver Licensing v. Kline*, 559 Pa. 646, 741 A.2d 1281, 1999 Pa. LEXIS 3784 (1999).

§ **2102.** Definitions

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

"ACCOUNT." The Deputy Sheriffs' Education and Training Account.

"BOARD." The Deputy Sheriffs' Education and Training Board.

"COMMISSION." The Pennsylvania Commission on Crime and Delinquency.

§ **2103.** The Deputy Sheriffs' Education and Training Board

(a) ESTABLISHMENT.-- There is hereby established within the commission an advisory board to be known as the Deputy Sheriffs' Education and Training Board.

(b) COMPOSITION.-- The board shall be composed of ten members as follows:

(1) The Attorney General.

(2) Two judges of the courts of common pleas from different counties.

(3) Two sheriffs or chief deputies from different counties with a minimum of six years experience as a sheriff or chief deputy.

(4) Three individuals from different counties with a minimum of eight years experience each as a deputy sheriff. One of the three shall be currently employed in the capacity of deputy sheriff with the rank of sergeant or deputy sheriff.

(5) One educator qualified in the field of curriculum design.

(6) One county commissioner.

(c) APPOINTMENTS AND TERMS.-- All members of the board, other than the Attorney General, who shall be a permanent member, shall be appointed by the Governor for a period of three years except that upon the effective date of this act the Governor shall appoint one judge for a period of two years, one sheriff for a period of two years and one deputy sheriff for a period of one year. Any member of the board shall cease to be a member of said board immediately upon termination of service in the position by which that person was eligible for membership or appointed as a member of the board.

(d) VACANCIES.-- A member appointed to fill a vacancy created by any reason other than expiration of a term shall be appointed for the unexpired

term of the member whom he is to succeed in the same manner as the original appointment.

(e) EXPENSES.-- The members of the board shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the board and in the performance of their duties under this act.

(f) REMOVAL.-- Members of the board, other than the Attorney General, may be removed by the Governor for good cause upon written notice from the Governor specifically setting forth the cause for removal.

(g) CHAIRMAN.-- The members of the board shall elect a chairman from among the members to serve for a period of one year. A chairman may be elected to serve successive terms. The Governor shall designate the first chairman for organizational purposes only.

(h) MEETINGS AND QUORUM.-- The chairman shall summon the members of the board to the first meeting within 120 days of the effective date of this act. The board shall meet at least four times each year. Special meetings may be called by the chairman of the board or upon written request of three members. A quorum shall consist of five members.

§ 2104. Powers and duties of the board

The board, with the review and approval of the commission, shall:

- (1) Establish, implement and administer the Deputy Sheriffs' Education and Training Program according to the minimum requirements set forth in this act.
- (2) Establish, implement and administer requirements for the minimum courses of study and training for deputy sheriffs.
- (3) Establish, implement and administer requirements for courses of study and in-service training for deputy sheriffs appointed prior to the effective date of this act.
- (4) Establish, implement and administer requirements for a continuing education program for all deputy sheriffs concerning subjects the board may deem necessary and appropriate for the continued education and training of deputy sheriffs.
- (5) Approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements of this act.
- (6) Establish the minimum qualifications for instructors and certify instructors.
- (7) Consult and cooperate with universities, colleges, law schools, community colleges and institutes for the development of specialized

courses for deputy sheriffs.

(8) Promote the most efficient and economical program for deputy sheriff training by utilizing existing facilities, programs and qualified State and local personnel.

(9) Certify deputy sheriffs who have satisfactorily completed the basic education and training requirements of this act and issue appropriate certificates to them.

(10) Make rules and regulations and perform other duties as may be reasonably necessary or appropriate to administer the education and training program for deputy sheriffs.

(11) Make an annual report to the Governor and to the General Assembly concerning:

(i) The administration of the Deputy Sheriffs' Education and Training Program.

(ii) The activities of the board.

(iii) The costs of the program.

§ 2105. Training program

The Deputy Sheriffs' Education and Training Program shall include appropriate training for not less than 160 hours which content and hours of instruction shall be determined by the board subject to the review and approval of the commission

§ 2106. Continuing education

The board, with the review and approval of the commission, shall establish a continuing education program for all deputy sheriffs, which shall include not less than 20 hours of continuing education every two years, concerning subjects the board may deem necessary and appropriate for the continued education and training of deputy sheriffs.

§ 2107. Training requirement

(a) APPLICATION OF ACT. --Every sheriff of this Commonwealth shall assure that each full-time or part-time deputy employed by him who has less than five years of experience on the effective date of this act receives the training provided for in sections 5 and 6.

(A.1) DIPLOMA.-- No person shall be employed or appointed as a deputy sheriff unless the person is a high school graduate or has received a secondary school diploma on the basis of general education development (GED).

(b) PRIOR EDUCATION, TRAINING OR EXPERIENCE. --The board, with the review and approval of the commission, shall have the authority and the discretion to reduce the hours of education and training required in section 5 for those deputy sheriffs required to receive education and training who, because of prior education, training or experience, have acquired knowledge or skill equivalent to that provided by the program.

(c) CERTIFICATION REQUIREMENT FOR CONTINUED COMPENSATION. --Any person hired as a full-time or part-time deputy sheriff who has less than five years of experience on the effective date of this act shall, at the end of two years from the effective date of this act, be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of his duties as a deputy sheriff unless he has met all of the requirements established pursuant to this act and has been duly certified as having met those requirements by the board, with the review and approval of the commission, unless the deputy sheriff is granted additional time to complete his training by the board, with the review and approval of the commission. Any new deputy hired by the sheriff after July 1, 1985 shall have one year in which to complete his or her training.

(d) CONTINUING EDUCATION. --Any full-time or part-time deputy sheriff who fails to meet and fails to be certified as having met the requirements for continuing education established by the board, with the review and approval of the commission, shall be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of his duties as a deputy sheriff.

(e) PENALTY. --Any official of any county who orders, authorizes or pays a salary or compensation or other consideration or thing of value to any person in violation of this section commits a summary offense and shall, upon conviction, be sentenced to pay a maximum fine of \$ 500 or to imprisonment for a term not to exceed 30 days.

§ 2108. Deputy Sheriffs' Education and Training Account

(a) ESTABLISHMENT. --There is hereby established a special restricted receipts account within the General Fund of the State Treasury, which shall be known as the Deputy Sheriffs' Education and Training Account, for the purpose of financing training program expenses, the costs of administering the program, reimbursements to counties and all other costs associated with the activities of the board and the implementation of this act.

(b) SURCHARGE.-- There is hereby assessed a surcharge on each fee collected by the sheriff of every county upon acceptance for each service required for any complaint, summons, writ or other legal paper required to be served or posted by the sheriff. Surcharges shall be assessed as follows:

(1) Beginning January 1, 1998, through December 31, 1998, the surcharge shall be \$ 6.

(2) Beginning January 1, 1999, through December 31, 1999, the surcharge shall be \$ 8.

(3) Beginning January 1, 2000, and thereafter, the surcharge shall be \$ 10.

(B.1) SURCHARGE IN COUNTIES OF FIRST AND SECOND CLASS.-- In counties of the first and second class, a surcharge shall be collected by the prothonotary of that county for each defendant named in a document filed to commence an action pursuant to Pa.R.C.P. No.1007, except when service is made by a competent adult in the actions listed in Pa.R.C.P. Nos.400(b) and 400.1(c). One dollar of the surcharge shall be retained by the prothonotary to cover administrative costs incurred by collecting the surcharge and to support any technology and automation improvements or upgrades for the prothonotary, and the balance shall be transmitted semiannually to the State Treasurer for deposit into the account.

Surcharges shall be assessed as follows:

(1) Beginning January 1, 1998, through December 31, 1998, the surcharge shall be \$ 7.

(2) Beginning January 1, 1999, through December 31, 1999, the surcharge shall be \$ 9.

(3) Beginning January 1, 2000, and thereafter, the surcharge shall be \$11.

(c) DISPOSITION OF MONEYS COLLECTED. --The moneys collected under subsection (b) shall be forwarded semiannually by the sheriff of an individual county to the State Treasurer for deposit into the account. All moneys received by the treasurer in excess of the amount necessary to cover the costs and expenses of the training program shall be transferred from the special restricted receipts account to the General Fund of the Commonwealth on an annual basis with such reserve maintained as will be adequate to assure the continued operation of the Deputy Sheriffs' Education and Training Program.

(d) DISBURSEMENTS. --Disbursements from the account shall be made by the commission.

(e) AUDIT. --The Auditor General shall conduct an audit of the account as he may deem necessary or advisable from time to time but no less often than once every three years.

§ 2109. Reimbursement to counties

Each county shall pay the ordinary and necessary living and travel expenses and the regular salary of their deputy sheriffs while attending approved schools. The commission shall provide for reimbursement to each county of 100% of the regular salaries of their deputy sheriffs and 100% of the ordinary and necessary living and travel expenses incurred by their deputy sheriffs while attending certified deputy sheriffs' basic training or continuing education

schools if the county adheres to the training standards set forth in this act and established by the board with the review and approval of the commission. The commission shall provide for 100% of the tuition incurred by deputy sheriffs while attending certified deputy sheriffs' basic training or continuing education schools.

