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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1061 Session of  
2015

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INTRODUCED BY RAFFERTY, SABATINA, VULAKOVICH, WILEY, YUDICHAK,  
TARTAGLIONE, MENSCH, BARLOTTA AND WARD, NOVEMBER 30, 2015

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REFERRED TO LAW AND JUSTICE, NOVEMBER 30, 2015

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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 and prescribing a penalty.

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

8 Section 1. Part I of Title 44 of the Pennsylvania  
9 Consolidated Statutes is amended by adding a chapter to read:

10 CHAPTER 5

11 LAW ENFORCEMENT ACTIVITIES

12 Subchapter

13 A. Preliminary Provisions (Reserved)

14 B. General Provisions

15 SUBCHAPTER A

16 PRELIMINARY PROVISIONS

17 (Reserved)

18 SUBCHAPTER B

19 GENERAL PROVISIONS

1 Sec.

2 511. Release of law enforcement officer information when  
3 firearm discharged or use of force.

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

6 (a) During official investigation.--Pending the conclusion  
7 of an official investigation that involves the discharge of a  
8 firearm or use of force by a law enforcement officer during the  
9 performance of the law enforcement officer's official duties,  
10 the name and identifying information of the law enforcement  
11 officer may not be released to the public by any public official  
12 or public employee conducting or participating in the official  
13 investigation or any person acting on behalf of such public  
14 official or public employee.

15 (b) After official investigation.--After the official  
16 investigation concludes:

17 (1) The law enforcement officer's name and identifying  
18 information shall be released to the public if the law  
19 enforcement officer is charged with a criminal offense  
20 relating to the discharge of the firearm or use of force. The  
21 release of the information must occur in accordance with  
22 applicable law.

23 (2) If the law enforcement officer is not charged with a  
24 criminal offense relating to the discharge of the firearm or  
25 the use of force, the information may not be released to the  
26 public if the release of the information can reasonably be  
27 expected to create a risk of harm to the person or property  
28 of the law enforcement officer or an immediate family member  
29 of the law enforcement officer.

30 (c) Penalty.--A person who violates this section commits a

1 misdemeanor of the second degree.

2 (d) Definitions.--The following words and phrases when used  
3 in this section shall have the meanings given to them in this  
4 subsection unless the context clearly indicates otherwise:

5 "Immediate family member." The spouse, child, parent or  
6 sibling of a law enforcement officer.

7 "Law enforcement officer." The term shall have the meaning  
8 given to the term "peace officer" in section 501 (relating to  
9 definitions).

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