

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 522 Session of 2013

INTRODUCED BY WATERS, COHEN, ROEBUCK, KINSEY, BROWNLEE, BRIGGS,
GAINNEY, KIRKLAND, SIMS AND STURLA, FEBRUARY 5, 2013

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 5, 2013

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure) and 44
2 (Law and Justice) of the Pennsylvania Consolidated Statutes,
3 in particular rights and immunities, further providing for
4 antidrug and town-watch volunteer civil immunity; and adding
5 crime prevention provisions relating to neighborhood watch
6 groups.

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

9 Section 1. Section 8332.6 of Title 42 of the Pennsylvania
10 Consolidated Statutes is amended to read:

11 § 8332.6. Antidrug and [town-watch] neighborhood watch
12 volunteer civil immunity.

13 (a) General rule.--An antidrug or [town-watch] neighborhood
14 watch volunteer who acts in good faith and within the scope of
15 the volunteer's role with an antidrug [or crime prevention]
16 volunteer organization, neighborhood watch group or government
17 agency shall be immune from civil liability for damage caused by
18 acts or omissions unless all of the following apply:

19 (1) The conduct of the volunteer falls substantially
20 below the standards generally practiced and accepted in like

1 circumstances by similar persons rendering such services.

2 (2) It is shown that the volunteer performed an act or
3 failed to perform an act which the volunteer was under a
4 recognized duty to another to perform, knowing or having
5 reason to know that such act or omission created a
6 substantial risk or actual harm to the person or property of
7 another. It is insufficient to impose liability under this
8 paragraph to establish only that the conduct of the volunteer
9 fell below ordinary standards of care.

10 (b) Definitions.--As used in this section, the following
11 words and phrases shall have the meanings given to them in this
12 subsection:

13 "Antidrug [or town-watch] volunteer." A person performing
14 services for an antidrug [or town-watch] volunteer organization
15 or government agency without compensation other than
16 reimbursement for actual expenses incurred. The term includes a
17 volunteer serving as a director, officer, trustee or direct
18 service volunteer.

19 "Antidrug [or town-watch] volunteer organization." A
20 nonprofit organization, corporate volunteer program, medical
21 facility or substance abuse treatment program that uses
22 volunteers to reduce crime and drug use in the community.

23 "Corporate volunteer program." A program administered by an
24 entity other than a nonprofit organization or government agency
25 that enlists primarily its own employees, retirees, partners or
26 professional affiliates in a volunteer capacity to achieve
27 objectives that would qualify as charitable under section 501(c)
28 of the Internal Revenue Code of 1986 (Public Law 99-514, 26
29 U.S.C. § 501(c)).

30 "Neighborhood watch group." As defined in 44 Pa.C.S. § 8301

1 (relating to definitions).

2 "Neighborhood watch volunteer." A person performing services
3 for a neighborhood watch group which has complied with all of
4 the requirements of 44 Pa.C.S. Ch. 83 (relating to neighborhood
5 watch groups) or a government agency without compensation other
6 than reimbursement for actual expenses incurred. The term
7 includes a volunteer serving as a director, officer, trustee or
8 direct service volunteer.

9 "Nonprofit organization." An organization which is described
10 in section 501(c) of the Internal Revenue Code of 1986 (Public
11 Law 99-514, 26 U.S.C. § 501(c)), whether or not it has been
12 certified by the Internal Revenue Service.

13 Section 2. Title 44 is amended by adding a part to read:

14 PART V
15 CRIME PREVENTION

16 Ch.

17 81. Preliminary Provisions

18 83. Neighborhood Watch Groups

19 CHAPTER 81

20 PRELIMINARY PROVISIONS

21 (Reserved)

22 CHAPTER 83

23 NEIGHBORHOOD WATCH GROUPS

24 Sec.

25 8301. Definitions.

26 8302. Permission.

27 8303. Training.

28 8304. Insurance.

29 8305. Registration.

30 § 8301. Definitions.

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

4 "Neighborhood watch group." A crime prevention program
5 consisting of a group of at least four individuals living in the
6 same area who work together and in conjunction with local law
7 enforcement to reduce crime in their area.

8 "Patrol." An individual who walks or drives within the
9 neighborhood during designated tours of duty looking for
10 suspicious activity not normally noticed by stationary
11 observers.

12 § 8302. Permission.

13 A member of a neighborhood watch group may only carry a
14 licensed firearm while on patrol if, by a majority vote, the
15 members of the neighborhood watch group permit the member to do
16 so.

17 § 8303. Training.

18 (a) Requirement.--Members of a neighborhood watch group must
19 attend public safety training provided by the Pennsylvania State
20 Police.

21 (b) Firearms.--A member of a neighborhood watch group who
22 carries a firearm under section 8302 (relating to permission)
23 must undergo firearm training provided by the Pennsylvania State
24 Police.

25 (c) Duties.--The Pennsylvania State Police shall create and
26 administer any training required under this section.

27 § 8304. Insurance.

28 If a neighborhood watch group permits members to carry
29 firearms under section 8302 (relating to permission), the
30 neighborhood watch group must purchase a firearm liability

1 insurance policy covering all firearms that are licensed under
2 each neighborhood watch group member's name. The following shall
3 apply to the firearm liability insurance policy:

4 (1) The payment of any annual premium must be paid in
5 full and distributed equally among each member of the
6 neighborhood watch group.

7 (2) The policy shall be in an amount of at least
8 \$1,000,000.

9 (3) The policy must satisfy any judgment for personal
10 injuries or property damages arising out of the negligent or
11 willful acts involving the use of an insured firearm. The
12 policy may not cover any unlawful acts.

13 § 8305. Registration.

14 (a) Requirement.--A neighborhood watch group must register
15 with the Attorney General and provide all of the following
16 information:

17 (1) The full name of each member.

18 (2) The address and the telephone number of each member.

19 (3) The members of the neighborhood watch group who have
20 a licensed firearm.

21 (4) The members of the neighborhood watch group who have
22 or will carry their firearms while on patrol.

23 (b) Proof.--A neighborhood watch group must annually provide
24 proof to the Attorney General of all of the following:

25 (1) That each member has completed any training required
26 under this chapter.

27 (2) Firearm liability insurance under section 8304
28 (relating to insurance). If a neighborhood watch group fails
29 to renew its insurance or provide proof of insurance within
30 30 days after the initial date of registration, the

1 registration shall be revoked by the Attorney General.

2 (c) Database.--The Attorney General shall create a database
3 which contains information regarding all neighborhood watch
4 groups in this Commonwealth.

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