

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1767 Session of
2013

INTRODUCED BY BISHOP, V. BROWN, WATSON, MAHONEY, KORTZ, ROEBUCK,
COHEN AND MURT, OCTOBER 16, 2013

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 16, 2013

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 44 (Law and
2 Justice) of the Pennsylvania Consolidated Statutes,
3 regulating neighborhood watch groups; imposing powers and
4 duties on the Pennsylvania State Police; establishing a fund;
5 and making an appropriation.

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

8 Section 1. Title 18 of the Pennsylvania Consolidated
9 Statutes is amended by adding a section to read:

10 § 5518. Vigilantism.

11 (a) Offense defined.--

12 (1) A person commits an offense if the person organizes
13 as a volunteer group to reduce or prevent crime in a
14 community without being certified under 44 Pa.C.S. 7305
15 (relating to certification).

16 (2) An individual commits an offense if the individual
17 engages in self-appointed law enforcement as a part of a
18 volunteer group organized to reduce or prevent crime in a
19 community without being licensed under 44 Pa.C.S. 7306

1 (relating to licensure).

2 (b) Grading.--An offense under this section is a summary
3 offense.

4 Section 2. Title 44 of the Pennsylvania Consolidated
5 Statutes is amended by adding a chapter to read:

6 CHAPTER 73

7 NEIGHBORHOOD WATCH GROUPS

8 Sec.

9 7301. Definitions.

10 7302. Administration.

11 7303. Fund.

12 7304. Training.

13 7305. Certification.

14 7306. Licensure.

15 § 7301. Definitions.

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

19 "Commissioner." The Commissioner of the Pennsylvania State
20 Police.

21 "Fund." The Neighborhood Watch Fund established in section
22 7303(a) (relating to fund).

23 "Neighborhood watch group." A group of individuals who are
24 organized to prevent or reduce crime in a specified geographical
25 area within a municipality.

26 "Neighborhood watch member." An individual who is a member
27 of a neighborhood watch group.

28 § 7302. Administration.

29 (a) Duties.--In order to implement this chapter, the
30 commissioner has the following duties:

1 (1) Development and operation of the programs under
2 section 7304 (relating to training).

3 (2) Development and operation of the programs under:

4 (i) section 7305 (relating to certification); and

5 (ii) section 7306 (relating to licensure).

6 (3) Coordination with law enforcement agencies in
7 municipalities.

8 (b) Powers.--In order to implement this chapter, the
9 commissioner has the following powers:

10 (1) Promulgation of regulations.

11 (2) Investigation of proper operation of neighborhood
12 watch groups and neighborhood watch members.

13 (3) Assistance of law enforcement agencies in
14 municipalities.

15 (4) Supplementing programs under section 7304.

16 § 7303. Fund.

17 (a) Establishment.--The Neighborhood Watch Fund is
18 established as a separate fund in the State Treasury.

19 (b) Purpose.--The Pennsylvania State Police shall use the
20 fund to implement the following provisions:

21 (1) Section 7302 (a) (3) and (b) (3) (relating to
22 administration).

23 (2) Section 7304 (relating to training).

24 (3) Section 7305 (relating to certification).

25 (4) Section 7306 (relating to licensure).

26 (c) Sources.--The following are the sources of the fund:

27 (1) Appropriations.

28 (2) Fees under sections:

29 (i) 7505(b) (2); and

30 (ii) 7306(b) (2).

1 (3) Return on the money in the fund.

2 (d) Nonlapse.--The money in the fund is continuously
3 appropriated into the fund. This appropriation shall not lapse
4 at the end of any fiscal year.

5 § 7304. Training.

6 (a) Neighborhood watch groups.--In order to train
7 neighborhood watch groups, the Pennsylvania State Police shall
8 establish a Statewide training program and make the training
9 program available to municipal law enforcement agencies. A
10 municipal law enforcement agency shall train neighborhood watch
11 group managers of a neighborhood watch group located in the
12 municipality served by the municipal law enforcement agency. If
13 a municipality is served by the Pennsylvania State Police
14 instead of a municipal law enforcement agency, the Pennsylvania
15 State Police shall provide training to the neighborhood watch
16 group managers. The program under this subsection shall consist
17 of the following:

18 (1) Compliance with sections:

19 (i) 7305 (relating to certification); and

20 (ii) 7306 (relating to licensure).

21 (2) Limitation of functions of neighborhood watch groups
22 to surveillance and reporting.

23 (3) Common law principles of arrest by private persons.

24 (4) Statutory principles under 18 Pa.C.S. Ch. 5
25 (relating to general principles of justification).

26 (5) Compliance with 18 Pa.C.S. Ch. 61 (relating to
27 firearms and other dangerous articles).

28 (6) Problems associated with racial profiling.

29 (b) Neighborhood watch members.--In order to train
30 neighborhood watch members, the Pennsylvania State Police shall

1 establish a Statewide training program and make the training
2 program available to municipal law enforcement agencies. A
3 municipal law enforcement agency shall train neighborhood watch
4 group members of a neighborhood watch group located in the
5 municipality served by the municipal law enforcement agency. If
6 a municipality is served by the Pennsylvania State Police
7 instead of a municipal law enforcement agency, the Pennsylvania
8 State Police shall provide training to the neighborhood watch
9 group members. The program under this subsection shall consist
10 of the following:

11 (1) Compliance with section 7306.

12 (2) Limitation of functions of neighborhood watch groups
13 to surveillance and reporting.

14 (3) Common law principles of arrest by private persons.

15 (4) Statutory principles under 18 Pa.C.S. Ch. 5.

16 (5) Compliance with 18 Pa.C.S. Ch. 61.

17 (6) Problems associated with racial profiling.

18 § 7305. Certification.

19 (a) Eligibility.--A neighborhood watch group is eligible for
20 certification if all of the following apply:

21 (1) The neighborhood watch group is approved by a law
22 enforcement agency in a municipality.

23 (2) Every manager and member of the neighborhood watch
24 group complete the program under section 7304(a) (relating to
25 training).

26 (b) Procedure.--To receive certification, a neighborhood
27 watch group must do all of the following:

28 (1) Demonstrate to the Pennsylvania State Police
29 eligibility under subsection (a).

30 (2) Pay a fee set by the Pennsylvania State Police.

1 (c) Obligations.--A certified neighborhood watch group has
2 the following obligations:

3 (1) Submit an annual report for each of its neighborhood
4 watch members to the Pennsylvania State Police based on 18
5 Pa.C.S. Ch. 91 (relating to criminal history record
6 information).

7 (2) Cooperate to carry out this chapter with the
8 Pennsylvania State Police and the law enforcement agency
9 under subsection (a)(2).

10 (d) Duration.--

11 (1) Certification is valid for five years based upon:

12 (i) continued eligibility under subsection (a); and

13 (ii) compliance with this chapter.

14 (2) Certification is subject to renewal under subsection
15 (b).

16 § 7306. Licensure.

17 (a) Eligibility.--A neighborhood watch member is eligible
18 for licensure if all of the following apply:

19 (1) The applicable neighborhood watch group is certified
20 under section 7305 (relating to certification).

21 (2) The neighborhood watch member completes the program
22 under section 7304(b) (relating to training).

23 (3) The neighborhood watch member has been a resident of
24 the geographical area served by the applicable neighborhood
25 watch group for at least one year prior to initial licensure
26 or license renewal.

27 (4) The neighborhood watch member has not been sentenced
28 for an offense graded higher than a summary offense.

29 (b) Procedure.--To receive licensure, a neighborhood watch
30 member must do all of the following:

1 (1) Demonstrate to the Pennsylvania State Police
2 eligibility under subsection (a).

3 (2) Pay a fee set by the Pennsylvania State Police.

4 (c) Duration.--

5 (1) Licensure is valid for two years based on:

6 (i) continued eligibility under subsection (a); and

7 (ii) compliance with this chapter.

8 (2) Licensure is subject to renewal under subsection
9 (b).

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