

61 P.S. §309.1

No 277  
AN ACT

Providing that probation officers shall have the powers of peace officers in the performance of their duties.

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

Section 1. Probation officers heretofore or hereafter appointed by any court of record of this Commonwealth are hereby declared to be peace officers, and shall have police powers and authority throughout the Commonwealth to arrest with or without warrant, writ, rule or process, any person on probation or parole under the supervision of said court for failing to report as required by the terms of his probation or parole or for any other violation of his probation or parole.

**APPROVED**---the 6<sup>th</sup> day of August, A.D. 1963

**WILLIAM W. SCRANTON**

AUTHORIZATION TO CARRY FIREARMS

Officers permitted to carry as *an exception*  
to the Uniform Firearms Act

The exception is dependent upon  
*function.*

§ 8332.8. *Immunity of county probation officers.*

(a) *Assistance of law enforcement personnel.—In addition to the provisions of section 1 of the act of August 6, 1963 (P.L.521, No.277), entitled “An act providing that probation officers shall have the power of peace officers in the performance of their duties,” or any other law, any probation officer appointed by any court of record of this Commonwealth who, after obtaining permission in advance from a person authorized by the appointing court, assists State or local police or county probation officers in the lawful performance of their duties shall be considered to be acting within the scope of his official duty for all purposes of law and shall enjoy any benefit or immunity conferred upon an employee of that county.*

(b) *Assistance of criminal victims.—In addition to any other immunity provided by law, any probation officer appointed by any court of record of this Commonwealth who is entitled to immunity under section 8331.3 (relating to criminal victim aid good Samaritan civil immunity) as a result of providing assistance to a victim of a crime shall be considered to be acting within the scope of his official duty while providing assistance to the victim for all purposes of law and shall enjoy any benefit or immunity conferred upon an employee of that county.*

---



**Pennsylvania Consolidated Statutes**  
**CRIMES AND OFFENSES (TITLE 18)**

**PART I. PRELIMINARY PROVISIONS.**

**CHAPTER 5. GENERAL PRINCIPLES OF JUSTIFICATION**

§ 501. Definitions.

§ 502. Justification a defense.

§ 503. Justification generally.

§ 504. Execution of public duty.

~~§ 505. Use of force in self-protection.~~

~~§ 506. Use of force for the protection of other persons.~~

~~§ 507. Use of force for the protection of property.~~

~~§ 508. Use of force in law enforcement.~~

§ 509. Use of force by persons with special responsibility for care, discipline or safety of others.

§ 510. Justification in property crimes.

**§ 505. Use of force in self-protection.**

(a) Use of force justifiable for protection of the person.--The use of force upon or toward another person is justifiable when the actor believes that such force is immediately necessary for the purpose of protecting himself against the use of unlawful force by such other person on the present occasion.

(b) Limitations on justifying necessity for use of force.--

1. The use of force is not justifiable under this section:

- i. to resist an arrest which the actor knows is being made by a peace officer, although the arrest is unlawful; or
- ii. to resist force used by the occupier or possessor of property or by another person on his behalf, where the actor knows that the person using the force is doing so under a claim of right to protect the property, except that this limitation shall not apply if:

- (A) the actor is a public officer acting in the performance of his duties or a person lawfully assisting him therein or a person making or assisting in a lawful arrest;
- (B) the actor has been unlawfully dispossessed of the property and is making a reentry or recaption justified by section 507 of this title (relating to use of force for the protection of property); or
- (C) the actor believes that such force is necessary to protect himself against death or serious bodily injury.

2. The use of deadly force is not justifiable under this section unless the actor believes that such force is necessary to protect himself against death, serious bodily injury, kidnapping or sexual intercourse compelled by force or threat; nor is it justifiable if:

- i. the actor, with the intent of causing death or serious bodily injury, provoked the use of force against himself in the same encounter; or
- ii. the actor knows that he can avoid the necessity of using such force with complete safety by

retreating or by surrendering possession of a thing to a person asserting a claim of right thereto or by complying with a demand that he abstain from any action which he has no duty to take, except that:

(A) the actor is not obliged to retreat from his dwelling or place of work, unless he was the initial aggressor or is assailed in his place of work by another person whose place of work the actor knows it to be; and

(B) a public officer justified in using force in the performance of his duties or a person justified in using force in his assistance or a person justified in using force in making an arrest or preventing an escape is not obliged to desist from efforts to perform such duty, effect such arrest or prevent such escape because of resistance or threatened resistance by or on behalf of the person against whom such action is directed.

3. Except as required by paragraphs (1) and (2) of this subsection, a person employing protective force may estimate the necessity thereof under the circumstances as he believes them to be when the force is used, without retreating, surrendering possession, doing any other act which he has no legal duty to do or abstaining from any lawful action.

(c) Use of confinement as protective force.--The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

#### § 506. Use of force for the protection of other persons.

(a) General rule.--The use of force upon or toward the person of another is justifiable to protect a third person when:

1. the actor would be justified under section 505 of this title (relating to use of force in self-protection) in using such force to protect himself against the injury he believes to be threatened to the person whom he seeks to protect;
2. under the circumstances as the actor believes them to be, the person whom he seeks to protect would be justified in using such protective force; and
3. the actor believes that his intervention is necessary for the protection of such other person.

(b) Exceptions.--Notwithstanding subsection (a) of this section:

1. When the actor would be obliged under section 505 of this title to retreat, to surrender the possession of a thing or to comply with a demand before using force in self-protection, he is not obliged to do so before using force for the protection of another person, unless he knows that he can thereby secure the complete safety of such other person.
2. When the person whom the actor seeks to protect would be obliged under section 505 of this title to retreat, to surrender the possession of a thing or to comply with a demand if he knew that he could obtain complete safety by so doing, the actor is obliged to try to cause him to do so before using force in his protection if the actor knows that he can obtain complete safety in that way.
3. Neither the actor nor the person whom he seeks to protect is obliged to retreat when in the dwelling or place of work of the other to any greater extent than in his own.

**§ 507. Use of force for the protection of property.**

(a) Use of force justifiable for protection of property.--The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary:

1. to prevent or terminate an unlawful entry or other trespass upon land or a trespass against or the unlawful carrying away of tangible movable property, if such land or movable property is, or is believed by the actor to be, in his possession or in the possession of another person for whose protection he acts; or
2. to effect an entry or reentry upon land or to retake tangible movable property, if:
  - i. the actor believes that he or the person by whose authority he acts or a person from whom he or such other person derives title was unlawfully dispossessed of such land or movable property and is entitled to possession; and
  - ii. (A) the force is used immediately or on fresh pursuit after such dispossession; or (B) the actor believes that the person against whom he uses force has no claim of right to the possession of the property and, in the case of land, the circumstances, as the actor believes them to be, are of such urgency that it would be an exceptional hardship to postpone the entry or reentry until a court order is obtained.

(b) Meaning of possession.--For the purpose of subsection (a) of this section:

1. A person who has parted with the custody of property to another who refuses to restore it to him is no longer in possession, unless the property is movable and was and still is located on land in his possession.
2. A person who has been dispossessed of land does not regain possession thereof merely by setting foot thereon.
3. A person who has a license to use or occupy real property is deemed to be in possession thereof except against the licensor acting under claim of right.

(c) Limitations on justifiable use of force.--

1. The use of force is justifiable under this section only if the actor first requests the person against whom such force is used to desist from his interference with the property, unless the actor believes that:
  - i. such request would be useless;
  - ii. it would be dangerous to himself or another person to make the request; or
  - iii. substantial harm will be done to the physical condition of the property which is sought to be protected before the request can effectively be made.
2. The use of force to prevent or terminate a trespass is not justifiable under this section if the actor knows that the exclusion of the trespasser will expose him to substantial danger of serious bodily injury.
3. The use of force to prevent an entry or reentry upon land or the recaption of movable property is not justifiable under this section, although the actor believes that such reentry or caption is unlawful, if:
  - i. the reentry or recaption is made by or on behalf of a person who was actually dispossessed of the property; and
  - ii. it is otherwise justifiable under subsection (a)(2).

4.

i. The use of deadly force is justifiable under this section if:

(A) there has been an entry into the actor's dwelling;

(B) the actor neither believes nor has reason to believe that the entry is lawful;  
and

(C) the actor neither believes nor has reason to believe that force less than deadly force would be adequate to terminate the entry.

ii. If the conditions of justification provided in subparagraph (i) have not been met, the use of deadly force is not justifiable under this section unless the actor believes that:

(A) the person against whom the force is used is attempting to dispossess him of his dwelling otherwise than under a claim of right to its possession; or

(B) such force is necessary to prevent the commission of a felony in dwelling.

(d) Use of confinement as protective force.--The justification afforded by this section extends to the use of confinement as protective force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he can do so with safety to the property, unless the person confined has been arrested on a charge of crime.

(e) Use of device to protect property.--The justification afforded by this section extends to the use of a device for the purpose of protecting property only if:

1. the device is not designed to cause or known to create a substantial risk of causing death or serious bodily injury;
2. the use of the particular device to protect the property from entry or trespass is reasonable under the circumstances, as the actor believes them to be; and
3. the device is one customarily used for such a purpose or reasonable care is taken to make known to probable intruders the fact that it is used.

(f) Use of force to pass wrongful obstructor.--The use of force to pass a person whom the actor believes to be intentionally or knowingly and unjustifiably obstructing the actor from going to a place to which he may lawfully go is justifiable, if:

1. the actor believes that the person against whom he uses force has no claim of right to obstruct the actor;
2. the actor is not being obstructed from entry or movement on land which he knows to be in the possession or custody of the person obstructing him, or in the possession or custody of another person by whose authority the obstructor acts, unless the circumstances, as the actor believes them to be, are of such urgency that it would not be reasonable to postpone the entry or movement on such land until a court order is obtained; and
3. the force used is not greater than it would be justifiable if the person obstructing the actor were using force against him to prevent his passage.

§ 508. Use of force in law enforcement.

(a) Peace officer's use of force in making arrest.--

1. A peace officer, or any person whom he has summoned or directed to assist him, need not retreat or desist from efforts to make a lawful arrest because of resistance or threatened resistance to the arrest. He is justified in the use of any force which he believes to be necessary to effect the arrest and of any force which he believes to be necessary to defend himself or another from bodily harm while making the arrest. However, he is justified in using deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or such other person, or when he believes both that:
  - i. such force is necessary to prevent the arrest from being defeated by resistance or escape; and
  - ii. the person to be arrested has committed or attempted a forcible felony or is attempting to escape and possesses a deadly weapon, or otherwise indicates that he will endanger human life or inflict serious bodily injury unless arrested without delay.
2. A peace officer making an arrest pursuant to an invalid warrant is justified in the use of any force which he would be justified in using if the warrant were valid, unless he knows that the warrant is invalid.

(b) Private person's use of force in making arrest.--

1. A private person who makes, or assists another private person in making a lawful arrest is justified in the use of any force which he would be justified in using if he were summoned or directed by a peace officer to make such arrest, except that he is justified in the use of deadly force only when he believes that such force is necessary to prevent death or serious bodily injury to himself or another.
2. A private person who is summoned or directed by a peace officer to assist in making an arrest which is unlawful, is justified in the use of any force which he would be justified in using if the arrest were lawful, unless he knows that the arrest is unlawful.
3. A private person who assists another private person in effecting an unlawful arrest, or who, not being summoned, assists a peace officer in effecting an unlawful arrest, is justified in using any force which he would be justified in using if the arrest were lawful, if:
  - i. he believes the arrest is lawful; and
  - ii. the arrest would be lawful if the facts were as he believes them to be.

(c) Use of force to prevent escape.--

1. A peace officer or other person who has an arrested person in his custody is justified in the use of such force to prevent the escape of the arrested person from custody as he would be justified in using if he were arresting such person.
2. A guard or other peace officer is justified in the use of force, including deadly force, which he believes to be necessary to prevent the escape from a correctional institution of a person whom the officer believes to be lawfully detained in such institution under sentence for an offense or awaiting trial or commitment for an offense.

(d) Use of force to prevent suicide or the commission of crime.--

1. The use of force upon or toward the person of another is justifiable when the actor believes that such force is immediately necessary to prevent such other person from committing suicide, inflicting serious bodily injury upon himself, committing or consummating the commission of a crime involving or threatening bodily injury, damage to or loss of property or a breach of the peace, except that:
  - i. Any limitations imposed by the other provisions of this chapter on the justifiable use of force in self-protection, for the protection of others, the protection of property, the effectuation of an arrest or the prevention of an escape from custody shall apply notwithstanding the criminality of the conduct against which such force is used.
  - ii. The use of deadly force is not in any event justifiable under this subsection unless:
    - (A) the actor believes that there is a substantial risk that the person whom he seeks to prevent from committing a crime will cause death or serious bodily injury to another unless the commission or the consummation of the crime is prevented and that the use of such force presents no substantial risk of injury to innocent persons; or
    - (B) the actor believes that the use of such force is necessary to suppress a riot or mutiny after the rioters or mutineers have been ordered to disperse and warned, in any particular manner that the law may require, that such force will be used if they do not obey.
2. The justification afforded by this subsection extends to the use of confinement as preventive force only if the actor takes all reasonable measures to terminate the confinement as soon as he knows that he safely can, unless the person confined has been arrested on a charge of crime.

(I) Make investigations and recommendations to the Board of Pardons in cases coming before it and upon its request. The investigations shall include all information set forth under section 19 of this act,<sup>1</sup> including a risk assessment if the applicant is incarcerated.

(Z) Immediately notify the Board of Pardons when a parolee has violated a condition of parole. This shall apply to parolees under supervision by other jurisdictions through the Interstate Compact.

(3) In no case shall the board act upon an application of an inmate whose term of imprisonment was commuted from life to life on parole or upon an inmate who was serving a term of imprisonment for a crime of violence or is an inmate serving a sentence under 42 Pa.C.S. § 9712 (relating to sentences for offenses committed with firearms) unless the inmate has served at least one year in a prerelease center. The transfer of the inmate to a prerelease center shall not occur where the transfer is not appropriate due to a certified terminal illness. Upon parole, these parolees shall be subject to weekly supervision for the first six months of parole. The parolee shall not be paroled to another jurisdiction unless the jurisdiction will provide weekly supervision for the first six months of parole. The parolee shall not be paroled to another jurisdiction unless the jurisdiction will provide weekly supervision for the first six months of the parole.

(1>) As used in this section, the term "crime of violence" means:

(1) Murder of the third degree, voluntary manslaughter, rape, sexual assault, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery), robbery of a motor vehicle, arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) or kidnapping.

(2) An attempt to commit voluntary manslaughter, rape, involuntary deviate sexual intercourse, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or kidnapping.

1941, Aug. 6, P.L. 861, No. 34.1, added 1995, June 1, P.L. 1020, No. 16, § 4 (Spec. Sess. No. 1), effective in GO days. Amended 1995, Nov. 17, P.L. 1145, No. 37, (Spec. Sess. No. 1), § 2, effective in GO days.

<sup>1</sup> 61 P.S. 5 331.19.

#### • Historical and Statutory Notes

##### 1995 Legislation

Act 1995, No. 37 (Spec. Sess. No. 1), in subd. (b)(1), inserted "robbery of a motor vehicle, arson as defined in 18 Pa.C.S. 5 3301 (a) (relating to arson and related offenses)."

##### Prior Laws:

1941, Aug. 6, P.L. 861, § 34 (61 P.S. 5 331.34).

#### Notes of Decisions

Construction and application  
Discretion of board 1  
Mandamus 2

##### ¶. Construction and application

Parole Act does not in any way restrict prisoner's right to apply for parole once minimum term of sentence has expired, nor grant Board of Probation and Parole any discretion to refuse to consider parole application. *Mickens-Thomas v. Com., Bd. of Probation and Parole*, 699 A.2d 792, Cmwlth.1997.

Parole is nothing more than a possibility, and if granted, it merely constitutes favor given by state, as a matter of grace and mercy, to prisoner who has demonstrated probability of ability to function as law-abiding citizen in society. *Mickens-Thomas v. Com., Bd. of Probation and Parole*, 699 A.2d 792, Cmwlth.1997.

##### 1. Discretion of board

Under Parole Act, Board of Probation and Parole has power and broad discretion to either grant or deny prisoner's parole application. *Mickens-Thomas v. Com., Bd. of Probation and Parole*, 699 A.2d 792, Cmwlth.1997.

Parole Act grants Board of Probation and Parole broad discretion in determining if and when prisoner should be released on parole. *Mickens-Thomas v. Com., Bd. of Probation and Parole*, 699 A.2d 792, Cmwlth.1997.

##### Z. Mandamus

Mandamus did not lie to compel Board of Probation and Parole to reach particular result in exercising its discretion on prisoner's application for parole. *Mickens-Thomas v. Com., Bd. of Probation and Parole*, 699 A.2d 792, Cmwlth. 1997.

## CHAPTER 3A

### COUNTY PROBATION AND PAROLE OFFICERS' FIREARM EDUCATION AND TRAINING LAW.

Section	Section
332.1. Short title.	332.6. Training mandatory.
332.2. Definitions.	332.7. Requirements for program participation or waiver.
332.3. The County Probation and Parole Officers' Firearm.	• 332.8. County Probation and Parole Officers' Firearm Education and Training Fund.
332.4. Commission membership.	332.9. Applicability.
332.5. Powers and duties of commission.	

#### § 332.1. Short title

This act shall be known and may be cited as the County Probation and Parole Officers' Firearm Education and Training Law.

1994, Dec. 27, P.L. 1354, No. 158, § 1, effective in 240 days.

#### Historical and Statutory Notes •

##### Title of Act:

An Act creating the County Probation and Parole Officers' Firearm Education and Training Commission under the Pennsylvania Board of Probation and Parole; providing for the commission's membership, selection and compensation;

providing for the powers and duties of the commission; requiring training of certain county probation and parole officers; and establishing the County Probation and Parole Officers' Firearm Education and Training Fund. 1994, Dec. 27, P.L. 1354, No. 158.

#### § 332.2. 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:

"Board." The Pennsylvania Board of Probation and Parole.

"Certification." The assignment of a certification number to a probation or parole officer after successful completion of a mandatory basic training course or receipt of a waiver of basic training from the County Probation and Parole Officers' Firearm Education and Training Commission and successful completion of mandatory training.

"Commission." The County Probation and Parole Officers' Firearm Education and Training Commission.

"Fund." The County Probation and Parole Officers' Firearm Education and Training Fund established under section 8.

"Officer." A county probation or parole officer of this Commonwealth.

"Program." The County Probation and Parole Officers' Firearm Education and Training Program established in accordance with this act.

"School." A school currently approved by the Municipal Police Officers Education and Training Commission under the act of June 18, 1974 (P.L. 359, No. 120), referred to as the Municipal Police Education and Training Law.<sup>1</sup>

"Weapon-carrying officer." A county probation or parole officer who is authorized to carry a weapon in connection with performance of the duties of his employment.

1994, Dec. 27, P.L. 1354, No. 158, § 2, effective in 240 days.

<sup>1</sup> 53 P.S. § 740 el seq.

#### § 332.3. The County Probation and Parole Officers' Firearm

Education and Training Commission.

There is hereby created a County Probation and Parole Officers' Firearm Education and Training Commission under the Pennsylvania Board of Probation and Parole. The

commission shall establish within six months following the appointment of commission\* members a County Probation and Parole Officers' Firearm Education and Training Program to provide firearm education and training in accordance with the provisions of this act.

1994, Dec. 27, P.L. 1354, No. 168, § 3, effective in 240 days.

#### § 332.4. Commission membership

(a) **Composition of commission.**—The commission shall be composed of the chairman of the board and eight other members to be appointed by the Governor:

(1) Three county adult probation officers who are full members of the County Chief Adult Probation and Parole Officers' Association of Pennsylvania, one of whom is a chief adult probation officer from a county authorized to carry firearms and two of whom are firearms instructors certified as such by the National Rifle Association, the Pennsylvania State Police or the Federal Bureau of Investigation.

(2) One member of the Pennsylvania Council of Chief Juvenile Probation Officers.

(3) One representative of the Juvenile Court Judges' Commission.

(4) One judge of a court of common pleas of a county that employs officers who carry firearms.

(6) One director qualified under the act of June 18, 1974 (P.L. 359, No. 120), referred to as the Municipal Police Education and Training Law.<sup>1</sup>

(G) One county commissioner from a county which employs officers who carry firearms.

(b) **Terms.**—Terms of the members initially appointed shall be three members for one year, three members for two years and three members for three years, as designated by the Governor at the time of appointment. Thereafter, terms shall be for three years. Each member shall hold office until the expiration of the term for which he was selected or until his earlier death, resignation or removal or until his successor has been selected and qualified, but in no event more than six months beyond the expiration of the member's appointed term.

(c) **Vacancies.**—A member appointed to fill a vacancy created by other than expiration of a term shall be appointed for the unexpired term of the member who he is to succeed in the same manner as the original appointment.

(d) **Compensation.**—The members of the commission shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the commission and in the performance of their duties under this act.

(c) **Organization.**—The commission shall elect from among its members a chairman and other officers who shall hold office at the pleasure of the commission. The commission shall act only with the concurrence of the majority.

(0) **Meetings and quorum.**—The commission shall meet at least four times each year until the program is implemented. Thereafter, the commission shall meet as may be necessary, but at least once annually. Special meetings may be called by the chairman of the commission or upon written request of three members. A quorum shall consist of four members of the commission.

1994, Dec. 27, P.L. 1354, No. 158, § 4, effective in 240 days.

<sup>1</sup> 53 P.S. 5 740 et seq.

#### § 332.5. Powers and duties of commission

The powers and duties of the commission shall be as follows:

(1) To develop, establish and administer the minimum courses of study and training and competency standards for firearm training for county probation and parole officers, including an initial curriculum of at least 40 hours and including the firing of a qualification course.

(2) To revoke an officer's certification for failing to comply with educational and training requirements established by the commission.

(3) To approve or revoke the approval for the purposes of this act of any school which may be utilized to comply with the educational and training requirements as established by the commission.

(4) To establish the minimum qualifications for instructors, to approve or revoke the approval of any instructor and to develop the requirements for continued certification.

(6) To promote the most efficient and economical program for training by utilizing existing facilities, programs and qualified Federal, State and local police personnel.

(6) To make an annual report to the Governor and to the General Assembly concerning:

(i) the administration of the program; and

(ii) the activities of the commission, together with any recommendations for executive or legislative actions.

(7) To require in accordance with this act county probation and parole officers to attend a minimum number of hours in in-service training as provided for by regulation, unless the officer's employer files a show-cause document with the commission, requesting additional time for the officer to comply with the in-service training requirements. Approval of the request shall be made by the commission on a case-by-case basis.

(8) To appoint an administrative officer who shall serve and be directly responsible to the commission.

(9) To consult and cooperate with universities, colleges, community colleges and institutes for the development of specialized courses for county probation and parole officers.

(10) To consult and cooperate with departments and agencies of this Commonwealth and other states and the Federal Government concerned with county probation and parole officer training.

(11) To certify officers who have satisfactorily completed basic educational and training requirements as established by the commission and to issue appropriate certificates to these officers.

(12) To visit and inspect approved schools at least once every two years. This inspection requirement does not apply where training is conducted locally at a satellite center consisting of a classroom and shooting range.

(13) To make rules and regulations and to perform other duties as may be reasonably necessary or appropriate to implement the training program for county probation and parole officers.

(14) To consider granting waivers of mandatory basic training to county probation and parole officers who have successfully completed previous equivalent training.

(15) To maintain certifications and other records as necessary.

(16) To issue reports to the president judges of the courts of common pleas relating to compliance with this act.

1994, Dec. 27, P.L. 1354, No. 158, § 5, effective in 240 days.

#### § 332.6. Training mandatory

Within two years of the establishment of the County Probation and Parole Officers' Firearm Education and Training Program and in accordance with the provisions of this act, a county shall provide for the training of any officer in its county probation and parole department who carries a firearm. Following this two-year period, a county shall provide that training and certification requirements of this act are met prior to a county probation or parole officer being authorized to carry a firearm.

1994, Dec. 27, P.L. 1354, No. 158, § 6, effective in 240 days.

#### § 332.7. Requirements for program participation or waiver

In order to participate in the training program or be granted a waiver of training requirements, at a minimum the officer must:

(1) Be employed as a full-time county probation or parole officer.

(2) Be a United States citizen.

(3) Not have been convicted of an offense graded a misdemeanor of the first degree or greater or punishable by a term of imprisonment of more than two years, unless, in possession of a waiver from the Bureau of Alcohol, Tobacco and Firearms of the Department of the Treasury.

(4) Have had his fingerprints submitted by his employer to the Pennsylvania State Police for the purposes of a background investigation. The officer shall have results of the investigation which indicate that the requirements of paragraph (3) are met. 1994, Dec. 27, P.L. 1354, No. 158, § 7, effective in 240 days.

§ 332.8. County Probation and Parole Officers' Firearm Education and Training Fund

(a) Fund established.—There is hereby established the County Probation and Parole Officers' Firearm Education and Training Fund as a restricted receipts account within the General Fund. Moneys from this fund shall be used exclusively for the purposes described under this section.

(b) Costs imposed.—Any person who accepts Accelerated Rehabilitative Disposition or pleads guilty or nolo contendere or is convicted of a felony or misdemeanor shall, in addition to any other court costs imposed under the laws of this Commonwealth, be sentenced to pay costs of \$5. Costs collected by the clerk of courts under this subsection shall be paid into the fund. Moneys in the fund shall be used to offset or pay for:

- (1) Training expenses.
(2) Commission expenses.

Disbursement and allocation of fund moneys shall be at the discretion of the commission.

(c) Oilier moneys to be used.—In addition to payment of training expenses as prescribed under subsection (b), training expenses may also be paid out of the County Offender Supervision Fund under section 477.20 of the act of April 9, 1929 (P.L. 177, No. 176), known as The Administrative Code of 1929, or any other county fund.

(d) Juvenile probation officer participation.—In the event that sufficient funds are not generated under the provisions of subsection (b) to fully fund the costs of providing training to juvenile probation officers, a training fee representing the prorated share of the additional actual cost thereof shall be payable by a participating juvenile probation officer's county of employment.

1994, Dec. 27, P.L. 1354, No. 158, § 8.
I 71 P.S. § 180-7.20.

Historical and Statutory Notes

1994 Legislation
Section 10 of Act 1994, Dec. 27, P.L. 1354, No. 158, provides that this section takes effect in 240 days, except for subsec. (b), which takes effect in 60 days.

§ 332.9. Applicability

This act shall apply to county juvenile probation, adult probation or parole officers only, and only such officers shall be eligible for training under this act. 1994, Dec. 27, P.L. 1354, No. 158, § 9, effective in 240 days.

CHAPTER 4

PENITENTIARIES

IN GENERAL

Table with 2 columns: Section and Section. Rows include 340.1, 340.2, 344, 34G, 347 to 349, 350, 351, 352, 353, 354.

Repealed

Table with 2 columns: Section and Section. Rows include 355.1, TREATMENT AND CARE OF PRISONERS, 371 to 375, 376, 378, 379, 380, 381, 382, 383.

Cross References

Employees, arrests by, see 71 P.S. § 1791 ct seq.
Escape or prison breach, see 18 Pa.C.S.A. § 5121 ct seq.

IN GENERAL

§§ 340.1, 340.2. Repealed. 1992, Dec. 14, P.L. 887, No. 142, § 2, imd. effective

Historical and Statutory Notes

Former §§ 340.1, 340.2, which were added by Act 1953, July 29, P.L. 1433, No. 409, §§ 1, 2, related to division of state into districts and counties composing each district.

§ 344. Repealed. 1992, Dec. 14, P.L. 887, No. 142, § 2, imd. effective

Historical and Statutory Notes

Former § 344, which was added by Act 1929, April 25, P.L. 694, § 1, related to payment by counties of expenses of keeping convicts in State penitentiaries, and prior to repeal was amended by Act 1972, March 23, P.L. 125, No. 47, § 1.

Notes of Decisions

In general 1

1. In general
Section 501 of this title, relating to expenses of trial and maintenance for person convicted of

crime committed while an inmate of former Industrial Reformatory at Huntingdon (now State Correctional Institution at Camp Hill) was not repealed, altered or amended by this section. 1958 Op.Atty.Gen. No. 114.

§ 346. Repealed. 1978, Oct. 4, P.L. 909, No. 173, § 9, effective in 60 days

§§ 347 to 349. Repealed. 1992, Dec. 14, P.L. 887, No. 142, § 2, imd. effective

Historical and Statutory Notes

Former § 347, which was added by Act 1848, April 10, P.L. 428, § 2, related to disputes to be referred to arbitrators.
Former § 348, which was added by Act 1913, April 4, P.L. 44, § 1, related to farming implements for Western Penitentiary.
Former § 349, which was added by Act 1915, June 3, P.L. 787, § 1, related to the utilization of minerals on land occupied by Western Penitentiary.

§ 350. Repealed. 1978, Oct. 4, P.L. 909, No. 173, § 9, effective in 60 days

§ 351. Repealed. 1992, Dec. 14, P.L. 887, No. 142, § 2, imd. effective