

WEEKLY SESSION NOTES

SENATE REPUBLICAN POLICY COMMITTEE – DAVID G. ARGALL, CHAIRMAN

Monday, July 13, 2015

[Senate Bill 430](#) (Hughes) would amend Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes to expand the Statewide Intermediate Punishment Program to include offenses committed because of gambling addiction. [Passed: 47-0.](#)

[Senate Bill 474](#) (Rafferty) would amend the Administrative Code of 1929 to require that a majority of the Senate confirm the gubernatorial appointment of the Chief Executive Officer of the Pennsylvania Turnpike Commission. [Passed: 33-14.](#)

[Senate Bill 683](#) (Pileggi) would amend Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes to modify the provisions of Chapter 23 which deal with DNA data and testing. The bill would expand the eligible offenses for which DNA collection is required once a person is convicted or adjudicated delinquent to include criminal homicide as defined in the bill, additional felony sex offenses and other specified offenses such as simple assault and unlawful restraint. An additional change would establish the phased-in collection of DNA samples for individuals arrested in the Commonwealth for criminal homicide, felony sex offenses or other specified offenses. The State Police would be required to create a separate category within the DNA data base to store DNA samples and records collected upon arrest. Further, the acceptance of a person into the Commonwealth for supervision from another jurisdiction under the Interstate Compact for Supervision of Adult Offenders or other similar agreement would be conditioned on the offender providing a DNA sample if the conviction or adjudication was for a crime equivalent to that which would require DNA collection in Pennsylvania. The bill would allow a criminal justice agency to request a “modified DNA search” to determine if a crime scene DNA profile is sufficiently likely to have originated from a close relative of an individual whose DNA profile is recorded in the State DNA Data Base. The request would have to adhere to the procedures outlined in the legislation.

The measure would also require that the quality assurance rules, regulations and guidelines used by the Pennsylvania State Police address the verification of accreditation of DNA laboratories and compliance with FBI quality assurance standards, including continuing education requirements for the personnel of forensic DNA testing laboratories. An additional provision would clarify that no DNA sample or record acquired under the chapter could be used for human behavioral genetic research or for non-law enforcement or non-humanitarian identification purposes.

The bill would establish procedures for an individual whose DNA sample, record or profile has been included in the State DNA Data Bank or State DNA Data Base to file a removal request on the grounds that the sample, record or profile was included mistakenly. The State Police would be required to review the request within 60 days and make a determination. If the State Police determines the sample, record or profile was mistakenly included, the request would be granted and the sample would have to be destroyed within 30 days of the determination at no

cost to the person making the request. If the State Police deny the request erroneously, the legislation would establish provisions for the individual to petition the courts to have the sample, record or profile expunged. The State Police would be required to publish information on its website regarding the eligibility requirements for expungement and the steps necessary to obtain an expungement.

The legislation would further require the Pennsylvania State Police to report annually to the Governor and the Chairmen and Minority Chairmen of the Senate and House Judiciary Committees on the collection and testing of DNA samples. Among other components, the report would have to include the fiscal impact on the State Police of collecting DNA samples, the number of DNA samples collected at arrest that were expunged, and recommendations, if any, for the inclusion of additional offenses for which DNA samples should be collected.

Passed: 33-14.

Senate Bill 890 (Blake) would designate the bridge carrying State Route 6011 (Harrison Avenue) over the Roaring Brook in the City of Scranton, Lackawanna County, to be constructed on or after the effective date of the legislation, as the Colonel Frank Duffy Memorial Bridge.

Passed: 47-0.

Senate Resolution 168 (Dinniman) recognizes the month of September 2015 as “Senior Center Month” in Pennsylvania. **Adopted by Voice Vote.**

Tuesday, July 14, 2015

Senate Bill 404 (Argall) would create the Correctional Officers Investigation Procedure Act to establish guidelines and procedures governing the investigation of correctional officers during certain investigations by the Department of Corrections. Among other protections, an interrogation could only be conducted after a 24-hour notice and would have to be conducted when the correctional officer is on duty or on approved leave. The complete interrogation would have to be recorded and a copy would have to be made available to the correctional officer. The correctional officer would have the right to be represented by counsel or other representative. Additionally, no correctional officer could be compelled to submit to a polygraph examination and no disciplinary action or other recrimination could be taken against the individual for the refusal. Further, no correctional officer could be subjected to or threatened with adverse employment action as a result of the exercise of rights accorded to correctional officers under the act. A correctional officer would have a cause of action against any person for damages suffered as a result of a complaint filed by that person which is found to be without merit or frivolous or without merit and made in bad faith.

Nothing in the act could be construed to diminish the obligation of the Department of Corrections to comply with a collective bargaining agreement which provides greater rights and coverage to correctional officers than the rights and coverage provided by the act. Further, the rights and coverage under this act could not be diminished by any collective bargaining agreement. If there is a conflict between an existing collective bargaining agreement and the rights and coverage under the act, the collective bargaining agreement would govern. Suspension of a correctional officer would have to be in accordance with the Civil Service Act

except that no suspension based on a pending internal investigation could last more than 60 days from the effective date of the suspension. A correctional officer against whom a criminal proceeding involving a misdemeanor or felony offense has been instituted could be suspended without pay pending disposition of the criminal charges. Written notice of suspension would have to be provided to the corrections officer no later than five working days after the effective date of the suspension. Medical benefits and insurance would continue during the period of suspension. If the correctional officer is acquitted of the criminal charges, the officer would have to be reinstated and reimbursed for all salary and benefits that had not been paid during the suspension period. **Passed: 45-1.**

Senate Bill 487 (McIlhinney) would amend the Insurance Company Law of 1921 by adding an article, Fairness in Multiple Copayments, concerning physical therapy, chiropractic and occupational therapy services. The bill would prohibit health insurance policies from requiring insured patients utilizing physical therapy, chiropractic or occupational therapy services to pay more than one copayment amount per visit or to deplete more than one visit with any one provider. A violation of the article would be deemed an unfair method of competition and an unfair deceptive act or practice under the Unfair Insurance Practices Act. **Concurrence in House Amendments: 46-0.**

Senate Bill 652 (Baker) would amend the Local Tax Enabling Act to exclude active duty military pay from the definition of “earned income” for purposes of the earned income tax. The change would apply to income taxes levied and collected after December 31, 2015. **Passed: 46-0.**

Senate Bill 765 (Brooks) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to include electric cooperative and utility personnel as emergency responders during declared emergencies. The change would give certain protections to the responders during emergencies when directing traffic in hazardous areas to keep drivers and emergency workers safe at the scene. **Passed: 46-0.**

Senate Bill 925 (Rafferty) would amend Title 75 (Vehicles) of the Pennsylvania Consolidated Statutes to make a number of changes to bring Pennsylvania into compliance with new guidelines issued by the Federal Motor Carrier Safety Administration. Among other modifications, the measure would specifically prohibit an employer from knowingly allowing, requiring, permitting or authorizing a driver to drive a commercial motor vehicle during any period in which the driver is not qualified by a license restriction to operate the commercial vehicle.

Regarding commercial driver’s license and permit requirements, the legislation would:

- Prohibit the use of interpreters during the CDL knowledge test or when a person seeks a hazardous materials endorsement on a CDL;
- Prohibit the CDL permit holder and the test examiner from communicating in a language other than English during the skills test;

- Require the Department of Transportation (PennDOT) to accept the results of skills tests administered in other states provided that the skills test meets federal testing standards;
- Authorize PennDOT to issue a nonresident CDL to a resident of a foreign jurisdiction without requiring additional testing if the driver possesses a valid CDL issued by another state or by the foreign jurisdiction of the driver (following a review by the U.S. Secretary of Transportation);
- Direct PennDOT to require a driver to retake the necessary tests within 30 days of receiving credible information that a CDL permit or license holder is suspected of fraud related to the issuance of a CDL permit or license;
- Stipulate that a CDL permit would be valid for a period of 180 days from the date of issuance and could be renewed for an additional period of up to 180 days without having to retake the knowledge test;
- Require a CDL permit holder to be accompanied at all times by a CDL holder who has a valid CDL with the proper class and endorsements necessary to operate the vehicle being driven;
- Prohibit a CDL permit holder with a passenger or school bus endorsement from operating a vehicle carrying a passenger other than federal or state auditors and inspectors, test examiners, other trainees and the CDL holder accompanying the CDL permit holder;
- Limit a CDL permit holder with a tank endorsement to only operating an empty tank vehicle, and prohibit the permit holder from operating a tank vehicle that previously contained hazardous materials;
- Require an applicant for a CDL permit to be at least 18 years of age;
- Prohibit a CDL permit holder from operating a commercial motor vehicle if the vehicle is transporting hazardous materials; and
- Adjust a variety of CDL classifications, endorsements and restrictions.

The Department of Transportation would be required to disqualify an individual from driving a commercial motor vehicle for one year upon receiving a certified record of the driver's conviction of fraud relating to the issuance of a CDL permit or license. PennDOT would also have to disqualify an individual from driving a commercial motor vehicle if the individual fails to pass a required retest relating to CDL qualification standards. The legislation would also expand the definition of "commercial motor vehicle" and "tank vehicle." **Passed: 46-0.**

Senate Resolution 169 (Vogel) recognizes 2015 as the "International Year of Soils" in Pennsylvania. **Adopted by Voice Vote.**