



PENNSYLVANIA STATUTES, ANNOTATED BY LEXISNEXIS(R)

* Pa.C.S. documents are current through 2014 Regular Session Act 137, Enacted September 24, 2014. *

* P.S. documents are current through 2014 Regular Session Acts 1 to 130 *

PENNSYLVANIA STATUTES

TITLE 71. STATE GOVERNMENT

PART V. MISCELLANEOUS

CHAPTER 25. SHERIFF AND DEPUTY SHERIFF EDUCATION AND TRAINING ACT

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71 P.S. § 2101 (2014)

§ 2101. Short title

This act shall be known and may be cited as the Sheriff and Deputy Sheriff Education and Training Act.

HISTORY: Act 1984-2 (S.B. 403), P.L. 3, § 1, approved Feb. 9, 1984, eff. in 6 months; Act 2014-114 (H.B. 1772), P.L. 1006, § 1, approved July 9, 2014, eff. in 60 days.

NOTES:

LexisNexis (R) Notes:

Amendment Notes.--The 2014 amendment substituted "Sheriff and Deputy Sheriff" for "Deputy Sheriffs'."

CASE NOTES

1. Deputy sheriff, who has completed the deputy sheriff's basic training course provided under the Deputy Sheriff's Education and Training Act, 71 P.S. § 2101 et seq., the driving while under the influence modules given to municipal police officers under former 53 P.S. §§ 740 to 749.1 (now 53 Pa.C.S. §§ 2161 to 2171), and training in field sobriety test administration, qualified as a "police officer" for purposes of enforcing the Vehicle Code under the rationale of the holding in *Commonwealth v. Leet*, 537 Pa. 89, 641 A.2d 299 (1994); accordingly, a driver's challenge to the deputy's authority to make a warrantless arrest was unsuccessful in an appeal of a one year license suspension for refusal to submit to a breathalyzer test, as provided for under 75 Pa.C.S. § 1547(a)(1). *DOT, Bureau of Driver Licensing v. Kline*, 559 Pa. 646, 741 A.2d 1281, 1999 Pa. LEXIS 3784 (1999).

2. Deputy sheriff, who has completed the deputy sheriff's basic training course provided under the Deputy Sheriff's Education and Training Act, 71 P.S. § 2101 et seq., the driving while under the influence modules given to municipal police officers under former 53 P.S. §§ 740 to 749.1 (now 53 Pa.C.S. §§ 2161 to 2171), and training in field sobriety test administration, qualified as a "police officer" for purposes of enforcing the Vehicle Code under the rationale of the holding in *Commonwealth v. Leet*, 537 Pa. 89, 641 A.2d 299 (1994); accordingly, a driver's challenge to the deputy's authority to make a warrantless arrest was unsuccessful in an appeal of a one year license suspension for refusal to submit to a breathalyzer test, as provided for under 75 Pa.C.S. § 1547(a)(1). *DOT, Bureau of Driver Licensing v. Kline*, 559 Pa. 646, 741 A.2d 1281, 1999 Pa. LEXIS 3784 (1999).

PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

1. 37 Pa. Code § 421.1 (2013), PART COMMISSION ON CRIME AND DELINQUENCY.

§ 2102. 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:

"Account." The Sheriff and Deputy Sheriff Education and Training Account.

"Board." The Sheriff and Deputy Sheriff Education and Training Board.

"COMMISSION." The Pennsylvania Commission on Crime and Delinquency.

HISTORY: Act 1984-2 (S.B. 403), P.L. 3, § 2, approved Feb. 9, 1984, eff. in 6 months; Act 2014-114 (H.B. 1772), P.L. 1006, § 2, approved July 9, 2014, eff. in 60 days.

NOTES:

LexisNexis (R) Notes:

Amendment Notes.--The 2014 amendment substituted "Sheriff and Deputy Sheriff" for "Deputy Sheriffs" in the definition of "Account" and in the definition of "Board."

§ 2103. The Sheriff and Deputy Sheriff Education and Training Board

(a) ESTABLISHMENT. --There is hereby established within the commission a board to be known as the Sheriff and Deputy Sheriff Education and Training Board.

(b) COMPOSITION. --The board shall be composed of ten members as follows:

(1) The Attorney General.

(2) Two judges of the courts of common pleas from different counties.

(3) Two sheriffs from different counties with a minimum of six years experience as a sheriff or chief deputy.

(4) Three individuals from different counties with a minimum of eight years experience each as a deputy sheriff. One of the three shall be currently employed in the capacity of deputy sheriff with the rank of sergeant or deputy sheriff.

(5) One educator qualified in the field of curriculum design.

(6) One county commissioner.

(c) APPOINTMENTS AND TERMS.-- All members of the board, other than the Attorney General, who shall be a permanent member, shall be appointed by the Governor for a period of three years except that upon the effective date of this act the Governor shall appoint one judge for a period of two years, one sheriff for a period of two years and one deputy sheriff for a period of one year. Any member of the board shall cease to be a member of said board immediately upon termination of service in the position by which that person was eligible for membership or appointed as a member of the board.

(d) VACANCIES. --A member appointed to fill a vacancy created by any reason other than expiration of a term shall be appointed for the unexpired term of the member who the appointee succeeds in the same manner as the original appointment.

(e) EXPENSES.-- The members of the board shall serve without compensation but shall be reimbursed the necessary and actual expenses incurred in attending the meetings of the board and in the performance of their duties under this act.

(f) REMOVAL.-- Members of the board, other than the Attorney General, may be removed by the Governor for good cause upon written notice from the Governor specifically setting forth the cause for removal.

(g) CHAIR. --The members of the board shall elect a chair from among the members to serve for a period of one year. A chair may be elected to serve successive terms. The Governor shall designate the first chair for organizational purposes only.

(h) MEETINGS AND QUORUM. --The chair shall summon the members of the board to the first meeting within 120 days of the effective date of this act. The board shall meet at least four times each year. Special meetings may be called by the chair of the board or upon written request of three members. A quorum shall consist of five members.

HISTORY: Act 1984-2 (S.B. 403), P.L. 3, § 3, approved Feb. 9, 1984, eff. in 6 months; Act 1994-43 (H.B. 411), P.L. 262, § 1, approved June 15, 1994, eff. immediately; Act 1998-10 (H.B. 1065), P.L. 38, § 1, approved Jan. 29, 1998, eff. immediately; Act 2014-114 (H.B. 1772), P.L. 1006, § 3, approved July 9, 2014, eff. in 60 days.

NOTES:

LexisNexis (R) Notes:

Amendment Notes.--The 2014 amendment substituted "Sheriff and Deputy Sheriff" for "Deputy Sheriffs" in the section heading and in (a); substituted "a board" for "an advisory board" in (a); deleted "or chief deputies" following "Two sheriffs" in (b)(3); substituted "who the appointee succeeds" for "whom he is to succeed" in (d); and substituted "chair" for "chairman" wherever it appears in (g) and (h).

LAW REVIEWS

1. 4 *Widener J. Pub. L. 1035, 1994* LEGISLATIVE REVIEW: LEGISLATIVE ACTS OF 1994.

§ 2104. Powers and duties of the board

The board, with the review and approval of the commission, shall:

- (1) Establish, implement and administer the Sheriff and Deputy Sheriff Education and Training Program according to the minimum requirements set forth in this act.
- (2) Establish, implement and administer requirements for the minimum courses of study and training for sheriffs and deputy sheriffs.
- (3) Establish, implement and administer requirements for courses of study and in-service training for sheriffs holding office and deputy sheriffs appointed prior to the effective date of this act.
- (4) Establish, implement and administer requirements for a continuing education program for all sheriffs and deputy sheriffs concerning subjects the board may deem necessary and appropriate for the continued education and training of sheriffs and deputy sheriffs.
- (5) Approve or revoke the approval of any school which may be utilized to comply with the educational and training requirements of this act.
- (6) Establish the minimum qualifications for instructors and certify

instructors.

(7) Consult and cooperate with universities, colleges, law schools, community colleges and institutes for the development of specialized courses for sheriffs and deputy sheriffs.

(8) Promote the most efficient and economical program for sheriff and deputy sheriff training by utilizing existing facilities, programs and qualified State and local personnel.

(9) Certify sheriffs and deputy sheriffs who have satisfactorily completed the basic education and training requirements of this act and issue appropriate certificates to them.

(9.1) Revoke the certification of sheriffs and deputy sheriffs in accordance with section 7.1.

(9.2) Reinstate previously revoked certifications of sheriffs and deputy sheriffs where the board finds that the circumstances which led to the revocation of certification are no longer an impediment to certification.

(10) Make rules and regulations and perform other duties as may be reasonably necessary or appropriate to administer this act.

(11) Make an annual report to the Governor and to the General Assembly concerning:

(i) The administration of the Sheriff and Deputy Sheriff Education and Training Program.

(ii) The activities of the board.

(iii) The costs of the program.

HISTORY: Act 1984-2 (S.B. 403), P.L. 3, § 4, approved Feb. 9, 1984, eff. in 6 months; Act 2014-114 (H.B. 1772), P.L. 1006, § 4, approved July 9, 2014, eff. in 60 days.

NOTES:

LexisNexis (R) Notes:

Amendment Notes.--The 2014 amendment substituted "Sheriff and Deputy Sheriff" for "Deputy Sheriffs" in (1) and (11)(i); added "sheriffs and" wherever it appears in (2), (4), and (7) through (9); added "sheriffs holding office and" in (3); added (9.1) and (9.2); and substituted "this act" for "the education and training program for deputy sheriffs" in (10).

CASE NOTES

1. Preponderance of the evidence was the proper standard in an administrative hearing before the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriffs' Education and Training Board on a deputy sheriff's dismissal from the Board's deputy sheriffs' education and training program for cheating on a civil procedure examination; preponderance of the evidence was the normal standard of proof in administrative proceedings, the few situations where a higher standard of proof applied were not similar to the dismissal proceeding, and the sheriff's interests were no more substantial than the interests involved in administrative proceedings that were similar to the dismissal proceeding and that used the preponderance of the evidence standard. *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678, 2005 Pa. Commw. LEXIS 643 (Pa. Commw. Ct. 2005), appeal denied by 586 Pa. 776, 895 A.2d 1264, 2006 Pa. LEXIS 409 (2006).
2. Deputy Sheriffs' Education and Training Board could not deny request to reimburse costs and grant deputy sheriffs credits toward completion of certain training courses, where there was no evidence that the Board actually performed its duty, under 71 P.S. § 2104(8) to consider utilization of an existing facility in order to promote the most efficient and economical program for deputy sheriff training. *Coon v. Deputy Sheriff's Education & Training Bd.*, 111 Pa. Commw. 176, 533 A.2d 804, 1987 Pa. Commw. LEXIS 2623 (1987).
3. Preponderance of the evidence was the proper standard in an administrative hearing before the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriffs' Education and Training Board on a deputy sheriff's dismissal from the Board's deputy sheriffs' education and training program for cheating on a civil procedure examination; preponderance of the evidence was the normal standard of proof in administrative proceedings, the few situations where a higher standard of proof applied were not similar to the dismissal proceeding, and the sheriff's interests were no more substantial than the interests involved in administrative proceedings that were similar to the dismissal proceeding and that used the preponderance of the evidence standard. *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678, 2005 Pa. Commw. LEXIS 643 (Pa. Commw. Ct. 2005), appeal denied by 586 Pa. 776, 895 A.2d 1264, 2006 Pa. LEXIS 409 (2006).
4. Deputy Sheriffs' Education and Training Board could not deny request to reimburse costs and grant deputy sheriffs credits toward completion of certain training courses, where there was no evidence that the Board actually performed its duty, under 71 P.S. § 2104(8) to consider utilization of an existing facility in order to promote the most efficient and economical program for deputy sheriff training. *Coon v. Deputy Sheriff's Education & Training Bd.*, 111 Pa. Commw. 176, 533 A.2d 804, 1987 Pa. Commw. LEXIS 2623 (1987).
5. Preponderance of the evidence was the proper standard in an administrative hearing before the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriffs' Education and Training Board on a deputy sheriff's dismissal from the Board's deputy sheriffs' education and training program for cheating on a civil procedure examination; preponderance of the evidence was the normal standard of proof in administrative proceedings, the few situations where a higher standard of proof applied were not similar to the dismissal proceeding, and the sheriff's interests were no more substantial than the interests involved in administrative proceedings that were similar to the dismissal proceeding and that used the preponderance of the evidence standard. *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678, 2005 Pa. Commw. LEXIS 643 (Pa. Commw. Ct. 2005), appeal denied by 586 Pa. 776, 895 A.2d 1264, 2006 Pa. LEXIS 409 (2006).

PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

1. 37 Pa. Code Part VI, Ch 421 (2013), PART COMMISSION ON CRIME AND DELINQUENCY.

§ 2105. Training program

The Sheriff and Deputy Sheriff Education and Training Program shall include appropriate training for not less than 160 hours which content and hours of instruction shall be determined by the board, subject to the review and approval of the commission.

HISTORY: Act 1984-2 (S.B. 403), P.L. 3, § 5, approved Feb. 9, 1984, eff. in 6 months; Act 1998-10 (H.B. 1065), P.L. 38, § 2, approved Jan. 29, 1998, eff. immediately; Act 2014-114 (H.B. 1772), P.L. 1006, § 5, approved July 9, 2014, eff. in 60 days.

NOTES:

LexisNexis (R) Notes:

Amendment Notes.--The 2014 amendment substituted "Sheriff and Deputy Sheriff" for "Deputy Sheriffs'."

PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

1. *37 Pa. Code § 421.1* (2013), PART COMMISSION ON CRIME AND DELINQUENCY

§ 2106. Continuing education

The board, with the review and approval of the commission, shall establish a continuing education program for all sheriffs and deputy sheriffs, which shall include not less than 20 hours of continuing education every two years, concerning subjects the board may deem necessary and appropriate for the continued education and training of sheriffs and deputy sheriffs.

HISTORY: Act 1984-2 (S.B. 403), P.L. 3, § 6, approved Feb. 9, 1984, eff. in 6 months; Act 1998-10 (H.B. 1065), P.L. 38, § 2, approved Jan. 29, 1998, eff. immediately; Act 2014-114 (H.B. 1772), P.L. 1006, § 5, approved July 9, 2014, eff. in 60 days.

LexisNexis (R) Notes:

CASE NOTES

1. As a law enforcement officer, a deputy sheriff was authorized under *Pa. R. Cr. P. 504* to be an affiant on a criminal complaint against defendant on charges of obstructing the administration of law or other government function in violation of *18 Pa.C.S. § 5101*, disorderly conduct in violation of *18 Pa.C.S. § 5503*, and harassment in violation of *18 Pa.C.S. § 2709(a)*; the sheriff completed all of the training required of a deputy sheriff, including all continuing education updates pursuant to *71 P.S. § 2106*, so he did not have to complete training under *53 Pa.C.S. 2161* et seq. in order to be authorized to carry out his legal duties; since the officer was properly trained and authorized to carry out his legal duties, the complaint was properly submitted by the deputy sheriff and defendant's motion to dismiss the charges was properly denied. *Commonwealth v. Love*, 2006 PA Super 76, 896 A.2d 1276, 2006 Pa. Super. LEXIS 304 (Pa. Super. Ct. 2006), appeal denied by 596 Pa. 704, 940 A.2d 363, 2007 Pa. LEXIS 2711 (2007).

2. As a law enforcement officer, a deputy sheriff was authorized under *Pa. R. Cr. P. 504* to be an affiant on a criminal complaint against defendant on charges of obstructing the administration of law or other government function in violation of *18 Pa.C.S. § 5101*, disorderly conduct in violation of *18 Pa.C.S. § 5503*, and harassment in violation of *18 Pa.C.S. § 2709(a)*; the sheriff completed all of the training required of a deputy sheriff, including all continuing educa-

tion updates pursuant to 71 P.S. § 2106, so he did not have to complete training under 53 Pa.C.S. 2161 et seq. in order to be authorized to carry out his legal duties; since the officer was properly trained and authorized to carry out his legal duties, the complaint was properly submitted by the deputy sheriff and defendant's motion to dismiss the charges was properly denied. *Commonwealth v. Love*, 2006 PA Super 76, 896 A.2d 1276, 2006 Pa. Super. LEXIS 304 (Pa. Super. Ct. 2006), appeal denied by 596 Pa. 704, 940 A.2d 363, 2007 Pa. LEXIS 2711 (2007).

3. As a law enforcement officer, a deputy sheriff was authorized under Pa. R. Cr. P. 504 to be an affiant on a criminal complaint against defendant on charges of obstructing the administration of law or other government function in violation of 18 Pa.C.S. § 5101, disorderly conduct in violation of 18 Pa.C.S. § 5503, and harassment in violation of 18 Pa.C.S. § 2709(a); the sheriff completed all of the training required of a deputy sheriff, including all continuing education updates pursuant to 71 P.S. § 2106, so he did not have to complete training under 53 Pa.C.S. 2161 et seq. in order to be authorized to carry out his legal duties; since the officer was properly trained and authorized to carry out his legal duties, the complaint was properly submitted by the deputy sheriff and defendant's motion to dismiss the charges was properly denied. *Commonwealth v. Love*, 2006 PA Super 76, 896 A.2d 1276, 2006 Pa. Super. LEXIS 304 (Pa. Super. Ct. 2006), appeal denied by 596 Pa. 704, 940 A.2d 363, 2007 Pa. LEXIS 2711 (2007).

§ 2106.1. Sheriff training requirement

(a) CERTIFICATION REQUIRED.--

(1) It shall be the duty of any sheriff elected after the effective date of this section and not holding certification as either a deputy sheriff or sheriff on the first Monday in January next following the election, during the sheriff's term of office:

(i) To obtain the education and training as provided in section 5, subject to any reduction in hours as provided in subsection (c).

(ii) To meet the requirements for continuing education after certification.

(iii) To obtain reinstatement of a previously revoked certification, if applicable.

(2) In the case of a county which has adopted a home rule charter which provides for the appointment of the sheriff, a sheriff appointed after the effective date of this section shall obtain certification under this section within 18 months of appointment.

(b) CONTINUING EDUCATION. --Every sheriff shall, while in office, meet the requirements for continuing education established by the board, with the review and approval of the commission.

(c) PRIOR EDUCATION, TRAINING OR EXPERIENCE. --The board, with the review and approval of the commission, shall have the authority and the discretion to reduce the hours of education and training required in section 5 for those sheriffs required to receive education and training

who, because of prior education, training or experience, have acquired knowledge or skill equivalent to that provided by the program.

(d) **SHERIFFS IN OFFICE.** --Any sheriff holding office on the effective date of this section shall be deemed to have satisfied the requirements for training under section 5 and shall receive certification from the board. From the date of the certification under this subsection, sheriffs shall be subject to continuing education as provided in subsection (b).

(e) **INELIGIBILITY.** --Any sheriff failing to receive and maintain certification as provided in this section shall be ineligible to be on the ballot for the office of sheriff for any term subsequent to that referred to in subsection (a).

(f) **VACANCIES.** --

(1) Any person appointed to fill a vacancy in the office of sheriff shall be certified or, in the alternative, obtain and maintain certification during the term for which the person is appointed in accordance with subsection (a). Any person appointed to fill a vacancy in the office of sheriff who does not fulfill the requirements of subsection (a) shall be ineligible for subsequent election as provided in subsection (e).

(2) No person appointed to fill a vacancy in the office of sheriff where the balance of the unexpired term is less than one year shall be subject to the requirements of paragraph (1). However, a person who is elected to a term as sheriff immediately following the person's previously appointed term of less than one year is subject to the requirements of subsection (a).

(g) **PURPOSE AND LEGISLATIVE INTENT.** --It is hereby declared to be a public policy of this Commonwealth that sheriffs receive and maintain education and training equivalent to that required by law of deputy sheriffs in order to preserve the safety of county facilities, employees and residents. It is further declared that a newly elected sheriff have an opportunity to satisfy the requirements of this act during the sheriff's first term, notwithstanding past training and experience.

HISTORY: Act 2014-114 (H.B. 1772), P.L. 1006, § 6, approved July 9, 2014, eff. in 60 days.

§ 2107. Deputy sheriff training requirement

(a) **APPLICATION OF ACT.** --Every sheriff of this Commonwealth shall assure that each full-time or part-time deputy employed by the sheriff who has less than five years of experience on the effective date of this act receives the training provided for in sections 5 and 6.

(A.1) **DIPLOMA.**-- No person shall be employed or appointed as a deputy sheriff unless the person is a high school graduate or has received a secondary school diploma on the basis of general education development (GED).

(b) **PRIOR EDUCATION, TRAINING OR EXPERIENCE.** --The board, with the review and approval of the commission, shall have the authority and the discretion to reduce the hours of education and training required in section 5 for those deputy sheriffs required to receive education and training who, because of prior education, training or experience, have acquired knowledge or skill equivalent to that provided by the program.

(c) **CERTIFICATION REQUIREMENT FOR CONTINUED COMPENSATION.** --Any person hired as a full-time or part-time deputy sheriff who has less than five years of experience on the effective date of this act shall, at the end of two years from the effective date of this act, be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of duties as a deputy sheriff unless the deputy sheriff has met all of the requirements established pursuant to this act and has been duly certified as having met those requirements by the board, with the review and approval of the commission, unless the deputy sheriff is granted additional time to complete training by the board, with the review and approval of the commission. Any new deputy hired by the sheriff after July 1, 1985 shall have one year in which to complete training.

(d) **CONTINUING EDUCATION.** --Any full-time or part-time deputy sheriff who fails to meet and fails to be certified as having met the requirements for continuing education established by the board, with the review and approval of the commission, shall be ineligible to receive any salary, compensation or other consideration or thing of value for the performance of duties as a deputy sheriff.

(e) **PENALTY.** --Any official of any county who orders, authorizes or pays a salary or compensation or other consideration or thing of value to any person in violation of this section commits a summary offense and shall, upon conviction, be sentenced to pay a maximum fine of \$ 500 or to imprisonment for a term not to exceed 30 days.

HISTORY: Act 1984-2 (S.B. 403), P.L. 3, § 7, approved Feb. 9, 1984, eff. in 6 months; Act 1994-43 (H.B. 411), P.L. 262, § 2, approved June 15, 1994, eff. immediately; Act 2014-114 (H.B. 1772), P.L. 1006, § 7, approved July 9, 2014, eff. in 60 days.

NOTES:

LexisNexis (R) Notes:

Amendment Notes.--The 2014 amendment added "Deputy sheriff" in the section heading and made stylistic changes.

CASE NOTES

1. Preponderance of the evidence was the proper standard in an administrative hearing before the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriffs' Education and Training Board on a deputy sheriff's dismissal from the Board's deputy sheriffs' education and training program for cheating on a civil procedure examination; preponderance of the evidence was the normal standard of proof in administrative proceedings, the few situations where a higher standard of proof applied were not similar to the dismissal proceeding, and the sheriff's interests were no more

substantial than the interests involved in administrative proceedings that were similar to the dismissal proceeding and that used the preponderance of the evidence standard. *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678, 2005 Pa. Commw. LEXIS 643 (Pa. Commw. Ct. 2005), appeal denied by 586 Pa. 776, 895 A.2d 1264, 2006 Pa. LEXIS 409 (2006).

2. Substantial evidence supported a decision by the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriffs' Education and Training Board to dismiss a deputy sheriff from the Board's deputy sheriffs' education and training program for cheating on a civil procedure examination; the Board did not ignore the sheriff's evidence that he did not cheat but, instead, exercised its role as ultimate fact finder by resolving conflicting evidence. As ultimate fact finder, the Board was entitled to find the testimony of classmates who observed the sheriff cheating more credible than the sheriff's testimony and that credibility determination bound the court on review. *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678, 2005 Pa. Commw. LEXIS 643 (Pa. Commw. Ct. 2005), appeal denied by 586 Pa. 776, 895 A.2d 1264, 2006 Pa. LEXIS 409 (2006).

3. Substantial evidence supported a decision by the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriffs' Education and Training Board to dismiss a deputy sheriff from the Board's deputy sheriffs' education and training program for cheating on a civil procedure examination; the Board did not ignore the sheriff's evidence that he did not cheat but, instead, exercised its role as ultimate fact finder by resolving conflicting evidence. As ultimate fact finder, the Board was entitled to find the testimony of classmates who observed the sheriff cheating more credible than the sheriff's testimony and that credibility determination bound the court on review. *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678, 2005 Pa. Commw. LEXIS 643 (Pa. Commw. Ct. 2005), appeal denied by 586 Pa. 776, 895 A.2d 1264, 2006 Pa. LEXIS 409 (2006).

4. Substantial evidence supported a decision by the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriffs' Education and Training Board to dismiss a deputy sheriff from the Board's deputy sheriffs' education and training program for cheating on a civil procedure examination; the Board did not ignore the sheriff's evidence that he did not cheat but, instead, exercised its role as ultimate fact finder by resolving conflicting evidence. As ultimate fact finder, the Board was entitled to find the testimony of classmates who observed the sheriff cheating more credible than the sheriff's testimony and that credibility determination bound the court on review. *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678, 2005 Pa. Commw. LEXIS 643 (Pa. Commw. Ct. 2005), appeal denied by 586 Pa. 776, 895 A.2d 1264, 2006 Pa. LEXIS 409 (2006).

5. Preponderance of the evidence was the proper standard in an administrative hearing before the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriffs' Education and Training Board on a deputy sheriff's dismissal from the Board's deputy sheriffs' education and training program for cheating on a civil procedure examination; preponderance of the evidence was the normal standard of proof in administrative proceedings, the few situations where a higher standard of proof applied were not similar to the dismissal proceeding, and the sheriff's interests were no more substantial than the interests involved in administrative proceedings that were similar to the dismissal proceeding and that used the preponderance of the evidence standard. *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678, 2005 Pa. Commw. LEXIS 643 (Pa. Commw. Ct. 2005), appeal denied by 586 Pa. 776, 895 A.2d 1264, 2006 Pa. LEXIS 409 (2006).

6. Preponderance of the evidence was the proper standard in an administrative hearing before the Pennsylvania Commission on Crime and Delinquency's Deputy Sheriffs' Education and Training Board on a deputy sheriff's dismissal from the Board's deputy sheriffs' education and training program for cheating on a civil procedure examination; pre-

ponderance of the evidence was the normal standard of proof in administrative proceedings, the few situations where a higher standard of proof applied were not similar to the dismissal proceeding, and the sheriff's interests were no more substantial than the interests involved in administrative proceedings that were similar to the dismissal proceeding and that used the preponderance of the evidence standard. *Suber v. Pa. Comm'n on Crime & Delinquency*, 885 A.2d 678, 2005 Pa. Commw. LEXIS 643 (Pa. Commw. Ct. 2005), appeal denied by 586 Pa. 776, 895 A.2d 1264, 2006 Pa. LEXIS 409 (2006).

§ 2107.1. Revocation of certification

(a) **REVOCAION OF DEPUTY SHERIFF CERTIFICATION.** --The board shall revoke the certification of any deputy sheriff for one or more of the following:

- (1) Conviction for a felony or misdemeanor of the first or second degree.
- (2) Where the board determines the person was dismissed for cause from employment as a deputy sheriff.
- (3) Where the board determines the person is physically or psychologically unfit to perform the duties of the office.
- (4) Where the board determines the person has committed misconduct which makes the person unfit to perform the duties of the office, including:
 - (i) Submission to the board of a document that the deputy knows contains false information, including fraudulent application.
 - (ii) Cheating on board examinations or skill tests.

(b) **REVOCAION OF SHERIFF CERTIFICATION.** --The board shall revoke the certification of a sheriff only after the sheriff is removed from office. Nothing in this act shall be interpreted as providing grounds for removal of a sheriff from office, except as provided for by Article VI of the Constitution of Pennsylvania.

(c) **NOTIFICATION BY SHERIFF.** --In the case of a deputy sheriff, it shall be the responsibility of the sheriff to notify the board within 15 days of the occurrence of an event described under subsection (a).

(d) **NOTIFICATION BY COUNTY COMMISSIONERS.** --In the case of a sheriff, it shall be the responsibility of the county commissioners to notify the board within 15 days of a sheriff's removal from office.

(e) **REGULATIONS.** --The board shall establish, with the approval of the commission, regulations providing for the following:

- (1) Notice of a revocation and the right of sheriffs and deputy

sheriffs to request a hearing.

(2) Standards and guidelines for application for recertification following revocation.

HISTORY: Act 2014-114 (H.B. 1772), P.L. 1006, § 8, approved July 9, 2014, eff. in 60 days.

§ 2108. Sheriff and Deputy Sheriff Education and Training Account

(a) ESTABLISHMENT. --There is hereby established a special restricted receipts account within the General Fund of the State Treasury, which shall be known as the Sheriff and Deputy Sheriff Education and Training Account, for the purpose of financing training program expenses, the costs of administering the program, reimbursements to counties and all other costs associated with the activities of the board and the implementation of this act.

(b) SURCHARGE.-- There is hereby assessed a surcharge on each fee collected by the sheriff of every county upon acceptance for each service required for any complaint, summons, writ or other legal paper required to be served or posted by the sheriff. Surcharges shall be assessed as follows:

(1) Beginning January 1, 1998, through December 31, 1998, the surcharge shall be \$ 6.

(2) Beginning January 1, 1999, through December 31, 1999, the surcharge shall be \$ 8.

(3) Beginning January 1, 2000, and thereafter, the surcharge shall be \$ 10.

(B.1) SURCHARGE IN COUNTIES OF FIRST AND SECOND CLASS.-- In counties of the first and second class, a surcharge shall be collected by the prothonotary of that county for each defendant named in a document filed to commence an action pursuant to *Pa.R.C.P. No.1007*, except when service is made by a competent adult in the actions listed in *Pa.R.C.P. Nos.400(b)* and *400.1(c)*. One dollar of the surcharge shall be retained by the prothonotary to cover administrative costs incurred by collecting the surcharge and to support any technology and automation improvements or upgrades for the prothonotary, and the balance shall be transmitted semiannually to the State Treasurer for deposit into the account.

Surcharges shall be assessed as follows:

(1) Beginning January 1, 1998, through December 31, 1998, the surcharge shall be \$ 7.

(2) Beginning January 1, 1999, through December 31, 1999, the surcharge shall be \$ 9.

(3) Beginning January 1, 2000, and thereafter, the surcharge shall be \$ 11.

(c) DISPOSITION OF MONEYS COLLECTED. --The moneys collected under subsection (b) shall be forwarded semiannually by the sheriff of an individual county to the State Treasurer for deposit into the account and used exclusively to cover the costs and expenses of the Sheriff and Deputy Sheriff Education and Training Program.

(d) DISBURSEMENTS. --Disbursements from the account shall be made by the commission.

(e) AUDIT. --The Auditor General shall conduct an audit of the account as the Auditor General may deem necessary or advisable from time to time but no less often than once every three years.

HISTORY: Act 1984-2 (S.B. 403), P.L. 3, § 8, approved Feb. 9, 1984, eff. in 60 days; Act 1994-43 (H.B. 411), P.L. 262, § 2, approved June 15, 1994, eff. in 60 days; Act 1998-10 (H.B. 1065), P.L. 38, § 3, approved Jan. 29, 1998, eff. Jan. 1, 1998; Act 2014-114 (H.B. 1772), P.L. 1006, § 9, approved July 9, 2014, eff. in 60 days.

NOTES:

LexisNexis (R) Notes:

Amendment Notes.--The 2014 amendment substituted "Sheriff and Deputy Sheriff" for "Deputy Sheriffs" in the section heading and in (a); rewrote (c), which formerly read: "The moneys collected under subsection (b) shall be forwarded semiannually by the sheriff of an individual county to the State Treasurer for deposit into the account. All moneys received by the treasurer in excess of the amount necessary to cover the costs and expenses of the training program shall be transferred from the special restricted receipts account to the General Fund of the Commonwealth on an annual basis with such reserve maintained as will be adequate to assure the continued operation of the Deputy Sheriffs' Education and Training Program"; and made a stylistic change.

§ 2109. Reimbursement to counties

Each county shall pay the ordinary and necessary living and travel expenses and the regular salary of their sheriff and deputy sheriffs while attending approved schools. The commission shall provide for reimbursement to each county of 100% of the regular salaries of their sheriff and deputy sheriffs and 100% of the ordinary and necessary living and travel expenses incurred by their sheriff and deputy sheriffs while attending certified sheriff and deputy sheriff basic training or continuing education schools if the county adheres to the training standards set forth in this act and established by the board with the review and approval of the commission. The commission shall provide for 100% of the tuition incurred by sheriffs and deputy sheriffs while attending certified sheriff and deputy sheriff basic training or continuing education schools.

HISTORY: Act 1984-2 (S.B. 403), P.L. 3, § 9, approved Feb. 9, 1984, eff. in 6 months; Act 2002-184 (H.B. 2456), P.L. 1442, § 1, approved Dec. 9, 2002, eff. in 60 days; Act 2014-114 (H.B. 1772), P.L. 1006, § 10, approved July 9, 2014, eff. in 60 days.

NOTES:

LexisNexis (R) Notes:

Amendment Notes.--The 2014 amendment added "sheriff and" throughout the section and made stylistic changes.

PENNSYLVANIA ADMINISTRATIVE CODE REFERENCES.

1. *37 Pa. Code § 421.1* (2013), PART COMMISSION ON CRIME AND DELINQUENCY.
2. *37 Pa. Code § 421.31* (2013), PART COMMISSION ON CRIME AND DELINQUENCY.