

TOWNSHIP OF OHIO

ORDINANCE NO. 225

AN ORDINANCE OF THE TOWNSHIP OF OHIO, COUNTY OF ALLEGHENY AND COMMONWEALTH OF PENNSYLVANIA, CREATING A CHAPTER IN THE TOWNSHIP CODE ENTITLED "RESTITUTION OF WORKERS' COMPENSATION PAID TO POLICE OFFICERS"; SETTING FORTH DEFINITIONS; REQUIRING CERTAIN ACTIONS BY THE TOWNSHIP MANAGER AND TOWNSHIP POLICE OFFICERS WHO SUFFER PERSONAL INJURY AS A DIRECT RESULT OF CRIMINAL CONDUCT; REQUIRING THE REPORTING OF WORKERS' COMPENSATION LOSSES TO THE SENTENCING COURT BY INJURED POLICE OFFICERS; AND REPEALING ALL INCONSISTENT ORDINANCES.

WHEREAS, the Act of June 18, 1976, P.L. 394, No. 86, § 1, 18 Pa. C.S. § 1106, of the Crimes Code of Pennsylvania mandates that offenders, convicted of criminal conduct wherein victims suffer personal injury directly resulting from the crime, may be sentenced to make restitution in addition to the punishment prescribed therefore; and

WHEREAS, restitution should be encouraged as both an aid in assisting an offender's rehabilitation and as an aid in compensating a victim for harm directly caused by an offender; and

WHEREAS, the Act of May 3, 1995, P.L. 999, no. 12 (Spec. Session No. 1), § 1, 18 Pa. C.S. § 1106, of Crimes Code of Pennsylvania requires that mandatory restitution shall be ordered to the victim, the Crime Victim's Compensation Board, any other governmental agency which has provided reimbursement to the victim

as a result of the offender's criminal conduct, and any insurance company which has provided reimbursement to the victim as a result of the offender's criminal conduct; and

WHEREAS, the Board of Supervisors of Ohio Township desires to decrease the cost of workers' compensation insurance in order to minimize taxes to the residents of the Township of Ohio; and

WHEREAS, it is the intent of the Board of Supervisors to minimize losses sustained by the Township and its police officers through workers' compensation payments which occur as a direct result of criminal conduct inflicted upon its police officers by criminal offenders; and

WHEREAS, the Township desires to obtain restitution for losses sustained by the Township and its police officers as the direct result of criminal conduct resulting in personal injury to its police officers in the performance of their official duties.

SECTION 1: ENACTING CLAUSE

Therefore, in consideration of the foregoing, be it ordained and enacted by the Board of the Commissioners of the Township of Ohio, and it is hereby ordained and enacted by the authority of the same, that from and after the effective date of this Ordinance, the following Ordinance shall be in full force and effect in the Township of Ohio.

SECTION 2: SHORT TITLE

This Ordinance shall be known as the Township of Ohio Restitution of Workers' Compensation Paid to Police Officers Ordinance.

SECTION 3: CONFLICT WITH OTHER ORDINANCES OR REGULATIONS

All Ordinances or parts of Ordinances conflicting herewith are hereby required.

SECTION 4: PURPOSE AND INTENTION OF ORDINANCE

This Ordinance is adopted for the above stated purpose and to aid in compensating victims for harm directly caused by an offender, to decrease the cost of workers' compensation insurance in order to minimize taxes to the residents of the Township of Ohio to minimize taxes to the residents of the Township of Ohio, to minimize losses sustained by the Township and its police officers through workers' compensation payments which occur as a direct result of criminal conduct inflicted upon its police officers by criminal offenders, and to obtain restitution for losses sustained by the Township and its police officers as the direct result of criminal conduct resulting in personal injury to police officers in the performance of their official duties.

SECTION 5: RULES OF CONSTRUCTION

In the construction of this Ordinance, the rules and definitions contained in this Section shall be observed and applied, except when the context clearly indicates otherwise:

- A. Words used in the singular shall include plural, and the plural, singular.
- B. Words used in the present tense shall include the future tense.
- C. The word "shall" is always mandatory and not discretionary.

D. The word "may" is permissive.

E. This Ordinance shall be liberally constructed to accomplish its purpose to protect the public's health, safety and welfare.

SECTION 6: DEFINITIONS

Crime: Any offense punishable under 18 Pennsylvania Consolidated Statutes or Pennsylvania Consolidated Statutes.

Offender: Any person, except a victim, who criminally causes personal injury to the person or property of another as a direct result of a crime and who is adjudged guilty of an offense punishable under 18 Pennsylvania Consolidated Statutes or 75 Pennsylvania Consolidated Statutes.

Personal Injury: Actual bodily harm directly resulting from the crime.

Police Officer: Any person duly employed by the Township of Ohio who is by law given the power to arrest when acting within the scope of the person's employment.

Restitution: The return of property of the victim or payments in cash or the equivalent thereof pursuant to an order of court.

Victim: Any person, except an offender, who suffered injuries to his person or property as a direct result of the crime. The term "victim" specifically includes the Township of Ohio and any insurance company that has compensated the victim for loss under an insurance contract.

Township: The Township of Ohio.

Township of Ohio: The Manager of the Township of Ohio.

SECTION 7: REQUIREMENT OF OFFENDERS UNDER THE ORDINANCE

When required as a condition of probation or parole, offenders convicted of a crime, wherein a police officer suffered injury to property or personal injury directly resulting from the crime, shall make restitution in the amount of the value of the loss sustained by the victim, the Township or an insurance company, as ordered by the sentencing court.

SECTION 8: DUTIES OF POLICE OFFICERS UNDER THE ORDINANCE

A. Request for Information of Loss: When a Township police officer who has suffered personal injury receives notification from the District Attorney's Office of a pending trial for the offender, the officer who suffered personal injury shall request the Township Manager to provide to the officer the monetary value of the loss sustained by the Township and the Township's insurance carrier.

B. Reporting: If the offender is convicted of a crime which resulted in personal injury to the Township police officer, the police officer shall inform the Assistant District Attorney prior to sentencing of the loss sustained by the victim, the Township, and the Township's insurance carrier so that restitution may be ordered by the court pursuant to 18 Pa C.S. § 1106 (c).

C. Preservation of Private Remedies: No judgement or order of restitution shall debar the Township or any police officer who sustained personal injury, by appropriate action, to recover from the offender as otherwise provided by law, provided that any civil award shall be reduced by the amount paid under this Ordinance.

SECTION 9: DUTIES OF TOWNSHIP MANAGER

A. Notification of Value of Township Loss: Upon request from a Township police officer who has suffered personal injury directly resulting from a crime, the Township Manager shall provide to the requesting officer the monetary value of the loss sustained by the Township and the Township's insurance carrier.

B. Value of Loss: Value of Township loss shall include but not be limited to: medical expenses, amount of medical expenses not covered by the Township insurance carrier, amount of compensation received by the police officer during absence from duty caused by the offender and the amount of compensation paid to the police officer not reimbursed by the insurance carrier of the Township, as a direct result of the offender's crime.

SECTION 10: VALIDITY

The provisions of this Ordinance are severable and if any of its provisions or any part of provisions shall be held unconstitutional or otherwise held to be invalid, the decision of the court shall not affect or impair any of the remaining provisions. It is hereby declared to be the intent of the Board of Commissioners that this Ordinance would have been enacted had such unconstitutional provisions or parts thereof not been included herein.

SECTION 11: EFFECTIVE DATE

This Ordinance shall become effective when it is recorded in the Ordinance Book of the Township.

ORDAINED AND ENACTED into law this 9 day of
MARCH, 1998.

ATTEST:

TOWNSHIP OF OHIO

John F. Sullivan Jr
Secretary

George Balle
Board of Supervisors