

Testimony provided by:

**Pennsylvania Liquor Enforcement Association
Charles Rubino, President**

**Senate of Pennsylvania
Law and Justice Committee**

**Hon. Charles T. McIlhinney, Jr., Chair
Hon. Jim Ferlo, Minority Chair**

April 30, 2013

On behalf of the men and women who serve as the Commonwealth's Liquor Enforcement Officers, I would like to thank Chairman McIlhinney, Minority Chairman Ferlo, and all the members of the committee for your continuing support in our mutual goal of protecting and serving the citizens of the Commonwealth.

I'm sure you can agree that as we explore the concept of liquor privatization, the number one priority must remain the safety of the citizens of this Commonwealth. The members of the General Assembly have long recognized that with the sale and consumption of alcoholic beverages there is always an element that threatens the safety of the public, be it from an intoxicated establishment patron, an underage consumer, or an establishment owner who seeks to defraud his customers. This is why regulation of the entire liquor industry has been a staple of Commonwealth law since 1933. Regardless of who is permitted to sell liquor, where it might be sold, and the quantities available for sale, the single constant of this equation you are debating is that there is, and will continue to be a need for specialized enforcement of liquor laws.

Since 1987, that specialized law enforcement has been performed by the Pennsylvania State Police Bureau of Liquor Enforcement and specifically, the approximately 140 Liquor Enforcement Officers (LEO's) who make up its force in the field. These officers are responsible for the regulation of nearly 22,000 licensed establishments located in 9 Enforcement Districts throughout the Commonwealth. Liquor Enforcement Officers serve in both an armed uniformed capacity, carrying out various establishment inspections, and in an armed undercover capacity conducting investigations that range from liquor code violations to financial fraud to illegal gambling.

Liquor Enforcement Officers are graduates of Academy Instruction conducted by the Pennsylvania State Police and have the power and the **duty to arrest on view**, except in private homes, without a warrant, any person having unlawful possession of, or actually engaged in the unlawful sale, importation, manufacture, or transportation of liquor alcohol or malt or brewed beverages in violation of the provisions of the PA Liquor Code or other Commonwealth laws, including the Crimes Code (Title 18), Human Relations Act, Small Games of Chance Law, Controlled Substances Act, Malt Beverage Tax Law, Tax Code and Regulations and the Cigarette Tax Law. In addition, LEO's are authorized to arrest for violations taking place in their presence for:

- 18 Pa. C.S. § 3302 (relating to causing or risking catastrophe).
- 18 Pa. C.S. § 3304 (relating to criminal mischief).
- 18 Pa. C.S. § 4101 (relating to forgery).
- 18 Pa. C.S. § 5503 (relating to disorderly conduct).
- 18 Pa. C.S. § 5505 (relating to public drunkenness).
- 18 Pa. C.S. § 5512 (relating to lotteries, etc.).
- 18 Pa. C.S. § 5513 (relating to gambling devices, gambling, etc.).
- 18 Pa. C.S. § 5514 (relating to pool selling and bookmaking).

18 Pa. C.S. § 6307 (relating to misrepresentation of age to secure liquor or malt or brewed beverages).
18 Pa. C.S. § 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).
18 Pa. C.S. § 6309 (relating to representing that minor is of age).
18 Pa. C.S. § 6310.1 (relating to selling or furnishing liquor or malt or brewed beverages to minors).
18 Pa. C.S. § 6310.3 (relating to carrying a false identification card).
18 Pa. C.S. § 2701 (relating to simple assault).
18 Pa. C.S. § 2702 (relating to aggravated assault).
18 Pa. C.S. § 2705 (relating to recklessly endangering another person).
18 Pa. C.S. § 2706 (relating to terroristic threats).
18 Pa. C.S. § 2709 (relating to harassment and stalking).
18 Pa. C.S. § 5104 (relating to resisting arrest or other law enforcement).
18 Pa. C.S. § 5501 (relating to riot).

While specialized, a LEO's training and experience makes him or her the best law enforcement professional to continue to police the liquor industry in Pennsylvania. Continuing reliance upon Liquor Enforcement Officers for professional regulation of the industry makes sound fiscal sense as well. The annual entry level salary for a Liquor Enforcement Officer is significantly less than that of a starting Trooper.

Should any form of liquor reform result from your deliberations, the need for professional Liquor Law Enforcement will only become greater. An expanded licensee base could in turn require an expansion of the current compliment. However, the systems and structure necessary to accomplish such an expansion are already in place.

We take no position on the wisdom or need for liquor reform. That is a policy decision rightly entrusted to you as the representatives of the citizens of the Commonwealth. What we do advocate for is, that if the General Assembly does embark on this course, that it do so with the safety of the populace foremost in mind. It is to that safety that the men and women of the Pennsylvania Liquor Enforcement Association

dedicate their careers. We shall continue in our duties and any that you choose to add and together continue to enhance the quality of life for all Pennsylvanians.

On behalf of the men and women of law enforcement who make up the membership of the Pennsylvania Liquor Enforcement Association, I thank you for your continued support.

* * *