

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1982

Session of
1977

INTRODUCED BY MESSRS. W. D. HUTCHINSON, RICHARDSON, MILLER,
RHODES, BROWN, KUKOVICH, WHITE, FISHER, WAGNER, SCIRICA,
HASKELL, WILLIAMS, PRATT, OLIVER, DONATUCCI, WIGGINS, COHEN,
MOEHLMANN, ITKIN AND BERSON, DECEMBER 14, 1977

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 13, 1978

AN ACT

1 Relating to the rights of inmates and officials as to inmate
2 mail in correctional institutions.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the "Resident
7 Mail Act."

8 Section 2. Legislative purpose.

9 This act shall be interpreted and construed as to effectuate
10 the following purposes:

11 (1) To guarantee the right of elected or appointed
12 Federal, State and local officials, judges and attorneys and
13 their staffs to communicate with inmates incarcerated in
14 State and county operated correctional institutions ~~and~~ <—
15 ~~prisons~~, AND REGIONAL CENTERS. <—

16 (2) To reduce litigation and complaints concerning the

rights and responsibilities of prisoners in their mail
correspondence with persons outside correctional facilities.

(3) Facilitate the maintenance of family ties and
reintegration into the community of incarcerated persons by
maximizing communication with family, friends, relatives and
other people concerned with the overall program of
individuals in correctional facilities.

Section 3. Definitions.

The following words and phrases when used in this act shall
have the meanings given them in this section unless the context
clearly indicates to the contrary:

"Correctional institution." Any State correctional
institution ~~or county prison~~ , COUNTY PRISON OR REGIONAL CENTER
used for the purpose of incarcerating persons awaiting trial or
convicted of a crime. <—

"Privileged mail." Correspondence addressed to or from
elected or appointed Federal, State ~~or local officials, their~~
~~staff assistants acting in the official capacity of the office,~~
OFFICIALS or any attorneys at law. <—

"Residents." Any persons awaiting trial or sentenced by a
court of this Commonwealth who is incarcerated in a State or
county operated correctional institution ~~or prison.~~ , PRISON OR
REGIONAL CENTER. <—

Section 4. General correspondence.

(a) Right to correspond.--All residents shall be permitted
to correspond with friends, family members, attorneys,
legitimate business contacts, members of the press and news
media, and public officials. ~~and their staff.~~ There shall be no
limit to the number of letters a resident can mail to persons
outside a correctional institution. <—

(b) Restrictions.--

(1) Correspondence with residents of other institutions, ex-residents, probationers or victims of the resident's criminal acts shall require special approval of the superintendent or warden.

~~(2) Manuscripts or correspondence with publishers and communication media may be examined by the superintendent, warden or his designated representative only if there is reason to believe the documents or correspondence contain obscene material, advertisements or "pen pal" solicitations. The documents may be rejected and returned to the resident with reasons for the rejection stated in writing.~~

~~(3)~~ (2) The Bureau of Corrections shall return to the resident any mail to persons who have stated in writing to the bureau that do not wish to receive mail from such resident.

Section 5. Privileged correspondence.

(a) General rule.--Residents shall be permitted to send and receive sealed letters to the following persons or organizations:

(1) Elected or appointed Federal, State or local officials. ~~or their staff assistants.~~

(2) Attorneys at law.

(b) Privacy.--~~Mail to these persons shall not be opened or censored.~~ Under no circumstances shall incoming or outgoing privileged mail be ~~subject to censoring or be~~ OPENED OR read by correctional institutional personnel.

(c) Inspection.--Incoming privileged correspondence shall be opened by correctional institutional personnel in the presence of the inmate ~~and checked for contraband if there is reason to~~

1 ~~believe that the mail is not from whom it is purported to be.~~ IF <—
2 THERE IS ANY REASONABLE SUSPICION THAT IT CONTAINS CONTRABAND.
3 Section 6. Handling and distribution of mail.
4 (a) Outgoing mail.--Nonprivileged outgoing mail INCLUDING <—
5 CORRESPONDENCE TO PUBLISHERS AND COMMUNICATIONS MEDIA shall not
6 be read, censored or reproduced except as provided in section 7.
7 (b) Incoming mail.--
8 (1) All mail delivered to a correctional ~~facility~~ <—
9 INSTITUTION shall be delivered to the resident within 48 <—
10 hours after arrival only if the inmate is physically within
11 the confines of the institution.
12 (2) All privileged correspondence shall be delivered to
13 the resident unopened.
14 (3) All mail that is not considered privileged and is
15 REASONABLY suspected of containing contraband may be opened <—
16 and examined for contraband before delivery to a resident.
17 (4) All incoming mail that is not considered privileged
18 shall not be read or censored except as provided in this act.
19 Section 7. Security.
20 (a) Right to read.--The correctional institution PERSONNEL <—
21 may read nonprivileged mail upon the written approval of the
22 superintendent or warden only if there is ~~reason to believe~~ ANY <—
23 REASONABLE SUSPICION that the correspondence contains
24 ~~threatening, abusive, libelous, or~~ obscene material or <—
25 information furthering a criminal plan or containing criminal
26 solicitation or contraband material.
27 (b) Retention of correspondence.--Upon the finding of mail
28 deemed to be a threat to security, the superintendent or warden
29 ~~may~~ SHALL return the correspondence to the inmate or retain it <—
30 only for the purpose of criminal investigation. THE INMATE MAY <—

1 CHALLENGE THE DECISION OF THE SUPERINTENDENT OR WARDEN AND
2 SECURE REVIEW BY THE COMMISSIONER OF CORRECTIONS OR THE COUNTY
3 PRISON BOARD, IF HE FEELS THE RETENTION OF THE CORRESPONDENCE IS
4 CONTRARY TO THE PROVISIONS OF THIS ACT.

5 (c) Records.--A log shall be kept of instances where mail is
6 read by correctional staff and the inmate shall be notified
7 immediately unless such notification would impede the
8 investigation of criminal activity in which case the resident
9 shall be notified when the investigation is complete.

10 (d) Violations.--An inmate who violates institutional mail
11 regulations shall not lose his basic correspondence privilege.

12 Section 8. Effective date.

13 This act shall take effect in 60 days.