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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2711 Session of  
1992

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INTRODUCED BY STURLA, SCHULER, FAJT, HASAY, CARONE, KOSINSKI,  
NYCE, TRICH, ARGALL, TIGUE, MELIO, LEVDANSKY, BATTISTO, NOYE,  
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FLICK, WOZNIAK, HARLEY, TANGRETTI, BROUJOS, FREEMAN, COY,  
SALOOM, BILLOW, KING, STETLER AND STEELMAN, MAY 12, 1992

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REFERRED TO COMMITTEE ON JUDICIARY, MAY 12, 1992

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AN ACT

1 Authorizing wardens and other officials in charge of  
2 correctional institutions to establish inmate litter  
3 retrieval and collection programs.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Inmate Litter  
8 Retrieval Force Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) The enforced idleness of inmates confined to the  
12 several correctional institutions of this Commonwealth makes  
13 it necessary and desirable that useful projects be developed  
14 which will provide inmates with the opportunity to volunteer  
15 their idle time for useful work on public service projects.

16 The use of inmates for litter retrieval and collection on the  
17 public roads of this Commonwealth will provide an outlet for

1 the constructive use of idle time and will further benefit  
2 the public and the environment by enhancing the  
3 attractiveness and beautification of this Commonwealth's  
4 public roads.

5 (2) In enacting this legislation, it is the intent of  
6 the General Assembly to give inmates the opportunity to  
7 volunteer their time for litter retrieval and collection  
8 along the public roads of this Commonwealth and to authorize  
9 wardens and other officials in charge of correctional  
10 institutions to establish litter retrieval and collection  
11 forces composed of those inmates who may safely perform  
12 litter retrieval and collection.

### 13 Section 3. Definitions.

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

17 "Correctional institution." Any jail, prison or detention  
18 facility operated by the Commonwealth or by a county or jointly  
19 by more than one county and used for the detention and  
20 confinement of persons convicted and under sentence for  
21 violations of the criminal laws of this Commonwealth. The term  
22 does not include any correctional facility used for the  
23 detention and confinement of juvenile offenders.

24 "Inmate." An individual who has been convicted of an  
25 indictable offense and is serving a sentence in a correctional  
26 institution.

27 "Litter force." An inmate litter retrieval force as provided  
28 under section 4.

29 "Public road." Any highway, road, way or place of whatever  
30 nature adopted by the proper State, county or other municipal

1 authority for the use of the general public as a matter of right  
2 for the purpose of vehicular traffic.

3 "Warden." The person in primary charge of the administration  
4 and management of a correctional institution.

5 Section 4. Inmate litter retrieval forces.

6 (a) Authorization.--A warden of a correctional institution  
7 is hereby authorized to establish an inmate litter retrieval and  
8 collection force. A litter force established under this section  
9 shall be used, at the discretion of the warden, to retrieve and  
10 collect litter along the public roads within the locality in  
11 which the correctional institution is situated. The litter force  
12 shall be composed of individuals sentenced to serve terms of  
13 imprisonment in a correctional institution. The use of inmate  
14 labor for the purpose of litter retrieval and collection under  
15 this section shall be solely voluntary on the part of the inmate  
16 and shall in no way be compulsory or used as a form of  
17 punishment.

18 (b) Composition of force.--A correctional institution's  
19 litter force shall be composed of inmates who, in the  
20 determination of the warden, or the warden's designee, may  
21 safely perform the work. Any inmate assigned to work on a litter  
22 force shall, in the judgment of the warden making the  
23 assignment, or his designee, be physically and medically able to  
24 perform such work. No person convicted of a crime of violence or  
25 who commits a crime while on a work release program or is guilty  
26 of misconduct within the prison shall be assigned to perform  
27 work on a litter force.

28 (c) Supervision of force.--While detailed to the litter  
29 force, inmates shall be under the general supervision and  
30 control of the correctional officers designated by the warden of

1 the correctional institution. The warden and the designated  
2 correctional officers shall be responsible for the  
3 transportation, guarding, feeding or attention necessary for all  
4 inmates assigned to the litter force.

5 (d) Immunity from civil liability.--Neither the Commonwealth  
6 nor any political subdivision thereof nor other agencies nor,  
7 except in cases of willful misconduct, the agents, employees or  
8 representatives of any of them engaged in inmate litter  
9 retrieval activities, while complying with or attempting to  
10 comply with this act or any rule or regulation promulgated under  
11 this act, shall be liable for the death of or injury to any  
12 inmate detailed to a litter force or loss or damage to property  
13 as a result of any litter retrieval and collection activity.

14 Section 5. Rules.

15 The warden of a correctional institution establishing a  
16 litter force for the purpose of litter retrieval and collection  
17 on public roads in accordance with this act shall:

18 (1) Adopt any rules necessary for the effective  
19 implementation of a litter force program. The rules shall  
20 specify the hours of labor for inmates assigned to a litter  
21 force, rules for inmate conduct, deportment and good behavior  
22 allowance, and for any violations or infraction of the rules.

23 (2) Notify the Department of Transportation, Bureau of  
24 Maintenance and Operations, and the relevant county and other  
25 municipal officials responsible for public road maintenance  
26 of the correctional institution's litter force.

27 (3) Determine upon what public roads the litter force  
28 shall be detailed and notify the relevant State, county or  
29 other municipal officials and police officials of the public  
30 roads to which the correctional institution's litter force

1 shall be detailed.

2 (4) Collaborate with the appropriate State, county and  
3 other municipal officials to develop procedures for the  
4 continued utilization of inmates for litter retrieval and  
5 collection.

6 Section 6. Prohibition on use of litter force.

7 A warden, or his designee, may not detail a correctional  
8 institution's litter force to perform litter retrieval and  
9 collection activities that would eliminate the jobs that are  
10 currently performed by individuals employed by the Commonwealth  
11 or by a county or other municipality.

12 Section 7. Effective date.

13 This act shall take effect in 60 days.