

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 393 Session of
1994

INTRODUCED BY PICCOLA, RYAN, McGEEHAN, TRUE, PITTS, WOGAN,
DeLUCA, BIRMELIN, KELLER, D. W. SNYDER, COY, KREBS, DENT,
HERSHEY, MAITLAND, SAYLOR, E. Z. TAYLOR, SCHEETZ, CLYMER,
BUNT, WAUGH, NAILOR, GEIST, STEIL, YANDRISEVITS, FICHTER,
MARSICO, M. N. WRIGHT, NYCE, ROHRER, MILLER, PETTIT,
CHADWICK, B. SMITH, PLATTS, TULLI, FARGO, FARMER, SAURMAN,
S. H. SMITH, O'BRIEN, DRUCE, RUBLEY, KING, CLARK, MERRY,
GANNON, HASAY, TOMLINSON, ARGALL, EGOLF, STERN, SATHER,
GERLACH, CORNELL, RAYMOND, LYNCH, LEH AND ULIANA,
OCTOBER 3, 1994

ADOPTED, OCTOBER 3, 1994

A RESOLUTION

1 Urging the Department of Corrections to withdraw from a certain
2 settlement agreement.

3 WHEREAS, The case of Austin v. Pennsylvania Department of
4 Corrections was brought in the Federal district court; and

5 WHEREAS, Inmates of the State corrections system alleged
6 conditions of their confinement constituted cruel and unusual
7 punishment; and

8 WHEREAS, On August 10, 1994, it was made known that the
9 Department of Corrections agreed to settle the litigation with
10 the plaintiff and its counsel, the ACLU Foundation of

11 Pennsylvania and the National Prison Project of the ACLU; and

12 WHEREAS, Terms of that settlement include the payment of 1.4
13 million dollars to the ACLU for attorney fees, as well as
14 \$60,000 a year for three years in monitoring fees; and

1 WHEREAS, The General Assembly did not specifically
2 appropriate the moneys for the payment of attorney fees; and

3 WHEREAS, The terms of the settlement include a requirement
4 that the Department of Corrections hire nine full-time
5 paralegals to assist inmates confined to Restricted Housing
6 Units to file appeals and prepare lawsuits and two more to train
7 inmate law clerks; and

8 WHEREAS, The General Assembly did not specifically
9 appropriate the moneys for the hiring of those paralegals; and

10 WHEREAS, The members of the Judiciary Committees and
11 Appropriations Committees were not consulted before the
12 Department of Corrections agreed to settle the litigation with
13 the inmates and ACLU; therefore be it

14 RESOLVED, That the Department of Corrections should
15 immediately withdraw from the settlement agreement; and be it
16 further

17 RESOLVED, That a copy of this resolution be immediately
18 transmitted to the Secretary of Corrections.