
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1982

Session of
1977

INTRODUCED BY 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

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 14, 1977

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.

16 (2) To reduce litigation and complaints concerning the
17 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 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, 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.

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

1 criminal acts shall require special approval of the
2 superintendent or warden.

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

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

14 Section 5. Privileged correspondence.

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

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

20 (2) Attorneys at law.

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

25 (c) Inspection.--Incoming privileged correspondence shall be
26 opened by an inmate in the presence of correctional
27 institutional personnel and checked for contraband if there is
28 reason to believe that the mail is not from whom it is purported
29 to be.

30 Section 6. Handling and distribution of mail.

1 (a) Outgoing mail.--Nonprivileged outgoing mail shall not be
2 read, censored or reproduced except as provided in section 7.

3 (b) Incoming mail.--

4 (1) All mail delivered to a correctional facility shall
5 be delivered to the resident within 24 hours after arrival.

6 (2) All privileged correspondence shall be delivered to
7 the resident unopened.

8 (3) All mail that is not considered privileged and is
9 suspected of containing contraband may be opened and examined
10 for contraband before delivery to a resident.

11 (4) All incoming mail that is not considered privileged
12 shall not be read or censored except as provided in this act.

13 Section 7. Security.

14 (a) Right to read.--The correctional institution may read
15 nonprivileged mail upon the written approval of the
16 superintendent or warden only if there is reason to believe that
17 the correspondence contains threatening, abusive, libelous, or
18 obscene material or information furthering a criminal plan or
19 containing criminal solicitation or contraband material.

20 (b) Retention of correspondence.--Upon the finding of mail
21 deemed to be a threat to security, the superintendent or warden
22 may return the correspondence to the inmate or retain it only
23 for the purpose of criminal investigation.

24 (c) Records.--A log shall be kept of instances where mail is
25 read by correctional staff and the inmate shall be notified
26 immediately unless such notification would impede the
27 investigation of criminal activity in which case the resident
28 shall be notified when the investigation is complete.

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

1 Section 8. Effective date.

2 This act shall take effect in 60 days.