

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2711

Session of
1992

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 23, 1992

AN ACT

1 Authorizing SUPERINTENDENTS, wardens and other officials in <—
2 charge of correctional institutions to establish inmate
3 ~~litter retrieval and collection~~ WORK FORCE 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~~ WORK Force Act. <—

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

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

1 inmates for litter retrieval and collection on the public
2 roads of this Commonwealth AND FOR OTHER PUBLIC SERVICE <—
3 PROJECTS will provide an outlet for the constructive use of
4 idle time and will further benefit the public and the
5 environment ~~by enhancing the attractiveness and~~ <—
6 ~~beautification of this Commonwealth's public roads.~~ OF THIS <—
7 COMMONWEALTH.

8 (2) In enacting this legislation, it is the intent of
9 the General Assembly to give inmates the opportunity to
10 volunteer their time for litter retrieval and collection
11 along the public roads of this Commonwealth ~~and to authorize~~ <—
12 ~~wardens and other officials in charge of correctional~~
13 ~~institutions to establish litter retrieval and collection~~
14 ~~forces composed of those inmates who may safely perform~~
15 ~~litter retrieval and collection.~~ AND FOR OTHER APPROPRIATE <—
16 PUBLIC SERVICE WORK PROJECTS AND TO AUTHORIZE
17 SUPERINTENDENTS, WARDENS AND OTHER OFFICIALS IN CHARGE OF
18 CORRECTIONAL FACILITIES OR INSTITUTIONS TO ESTABLISH WORK
19 FORCES COMPOSED OF THOSE INMATES WHO MAY SAFELY PERFORM THE
20 TASKS ASSIGNED TO THEM.

21 Section 3. Definitions.

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

25 "Correctional FACILITY" OR "CORRECTIONAL institution." Any <—
26 jail, prison or detention facility operated by the Commonwealth
27 or by a county or jointly by more than one county and used for
28 the detention and confinement of persons convicted and under
29 sentence for violations of the criminal laws of this
30 Commonwealth. FOR PURPOSES OF THIS ACT, THE TERM SHALL ALSO <—

1 INCLUDE ANY MOTIVATIONAL BOOT CAMP AS DEFINED IN SECTION 3 OF
2 THE ACT OF DECEMBER 19, 1990 (P.L.1391, NO.215), KNOWN AS THE
3 MOTIVATIONAL BOOT CAMP ACT. The term does not include any
4 correctional facility used for the detention and confinement of
5 juvenile offenders.

6 "Inmate." An individual who has been convicted of an
7 indictable offense and is serving a sentence in a correctional
8 FACILITY OR institution. <—

9 ~~"Litter force." An inmate litter retrieval force as provided~~ <—
10 ~~under section 4.~~

11 "MUNICIPALITY." A MUNICIPAL CORPORATION OR QUASI-MUNICIPAL <—
12 CORPORATION, INCLUDING COUNTIES.

13 "Public road." Any highway, road, way or place of whatever
14 nature adopted by the proper State, county or other municipal
15 authority for the use of the general public as a matter of right
16 for the purpose of vehicular traffic.

17 "PUBLIC SERVICE WORK PROJECTS." WORK PROJECTS WHICH INCLUDE, <—
18 BUT ARE NOT LIMITED TO, REPAIR, MAINTENANCE OR CLEAN-UP WORK, IN
19 ANY STATE OR LOCAL PARK, PLAYGROUND, RECREATIONAL AREA, PUBLIC
20 BUILDING OR OFFICE, OR ANY OTHER PUBLIC FACILITY USED BY THE
21 CITIZENS OF THIS COMMONWEALTH.

22 "SECRETARY." THE SECRETARY OF CORRECTIONS OF THE
23 COMMONWEALTH.

24 "SUPERINTENDENT." THE PERSON IN PRIMARY CHARGE OF A STATE
25 CORRECTIONAL FACILITY.

26 "Warden." The person in primary charge of the administration
27 and management of a COUNTY OR MULTICOUNTY correctional <—
28 institution.

29 "WORK FORCE." AN INMATE WORK FORCE PROVIDED FOR UNDER <—
30 SECTION 4.

1 Section 4. Inmate litter retrieval forces.

2 (a) Authorization.--~~A warden of a correctional institution~~ <—
3 ~~is hereby authorized to establish an inmate litter retrieval and~~
4 ~~collection force. A litter~~ THE SUPERINTENDENT OR WARDEN OF A <—
5 CORRECTIONAL FACILITY OR INSTITUTION IS HEREBY AUTHORIZED TO
6 ESTABLISH AN INMATE WORK FORCE. A WORK force established under
7 this section shall be used, at the discretion of the
8 SUPERINTENDENT OR warden, to retrieve and collect litter along <—
9 the public roads ~~within the locality in which the correctional~~ <—
10 ~~institution is situated. The litter force~~ OR PERFORM OTHER <—
11 PUBLIC SERVICE WORK PROJECTS THAT ARE DEEMED TO BE WITHIN THE
12 CAPABILITIES OF THE INMATES. THE WORK FORCE shall be composed of
13 individuals sentenced to serve terms of imprisonment in a
14 correctional FACILITY OR institution. The use of inmate labor <—
15 for the purpose of litter retrieval and collection OR OTHER <—
16 PUBLIC SERVICE WORK under this section shall be solely voluntary
17 on the part of the inmate and shall in no way be compulsory or
18 used as a form of punishment.

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

1 (C) EXCEPTIONS.--NO WORK FORCE MAY INCLUDE ANY INMATE WHOSE <—
2 PRESENCE IN THE COMMUNITY WOULD PRESENT A DANGER TO PUBLIC
3 SAFETY OR ANY INMATE SERVING A SENTENCE FOR A CONVICTION OF ONE
4 OR MORE OF THE FOLLOWING PROVISIONS:

5 (1) 18 PA.C.S. § 2501 (RELATING TO CRIMINAL HOMICIDE).

6 (2) 18 PA.C.S. § 2901 (RELATING TO KIDNAPPING).

7 (3) 18 PA.C.S. § 3121 (RELATING TO RAPE).

8 (4) 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE
9 SEXUAL INTERCOURSE).

10 (5) 18 PA.C.S. § 3701(A)(1)(I), (II) OR (III) (RELATING
11 TO ROBBERY).

12 (6) A PERSON CONVICTED OF ANY OTHER CRIME OF VIOLENCE OR
13 WHO COMMITS A CRIME WHILE ON A WORK RELEASE PROGRAM OR WHO IS
14 DEEMED GUILTY OF DISQUALIFYING MISCONDUCT WITHIN THE
15 CORRECTIONAL INSTITUTION OR FACILITY.

16 (D) SEARCH REQUIREMENT.--ALL INMATES SHALL BE SUBJECT TO
17 CURRENT PRACTICE OF SEARCH BEFORE AND AFTER TAKING PART IN THE
18 DAILY WORK SCHEDULE. THE INMATE SHALL BE SUBJECT TO THE CURRENT
19 PRACTICE OF A URINALYSIS TEST IF A CONTROLLED SUBSTANCE IS FOUND
20 ON THE INMATE'S PERSON.

21 ~~(e)~~ (E) Supervision of force.--While detailed to the ~~litter~~ <—
22 WORK force, inmates shall be under the general supervision and <—
23 control of the ~~correctional officers designated by the warden of~~ <—
24 ~~the correctional institution. The warden and the designated~~
25 ~~correctional officers~~ STAFF EMPLOYEES DESIGNATED BY THE <—
26 SUPERINTENDENT OR WARDEN OF THE CORRECTIONAL FACILITY OR
27 INSTITUTION. THE SUPERINTENDENT OR WARDEN AND THE DESIGNATED
28 STAFF EMPLOYEES shall be responsible for the transportation,
29 guarding, feeding or attention necessary for all inmates
30 assigned to the ~~litter~~ WORK force. <—

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

11 Section 5. Rules.

12 The ~~warden of a correctional~~ SUPERINTENDENT OR WARDEN OF A <—
13 CORRECTIONAL FACILITY OR institution establishing a ~~litter force~~ <—
14 ~~for the purpose of litter retrieval and collection on public~~
15 ~~roads~~ WORK FORCE in accordance with this act shall: <—

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

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

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

1 (2) COORDINATE WITH THE DEPARTMENT OF TRANSPORTATION, <—
2 BUREAU OF MAINTENANCE AND OPERATIONS AND THE RELEVANT COUNTY
3 AND OTHER MUNICIPAL OFFICIALS REGARDING PROPER DEPLOYMENT OF
4 THE WORK FORCE, AND IMPLEMENT ALL SAFETY MEASURES REQUIRED OF
5 STATE OR COUNTY EMPLOYEES PERFORMING SUCH WORK.

6 ~~(4)~~ (3) Collaborate with the appropriate State, county <—
7 and other municipal officials to develop procedures for the
8 continued utilization of inmates for litter retrieval and
9 collection AND OTHER PUBLIC SERVICE WORK PROJECTS. <—

10 ~~Section 6. Prohibition on use of litter force.~~ <—

11 SECTION 6. REQUEST FOR WORK FORCE REQUIRED. <—

12 A WORK FORCE SHALL BE DETAILED ONLY IN RESPONSE TO A PRIOR
13 WRITTEN REQUEST MADE BY THE SECRETARY OF TRANSPORTATION OR AN
14 APPROPRIATE OFFICER OF A MUNICIPALITY.

15 SECTION 7. PROHIBITION ON USE OF WORK FORCE.

16 A ~~warden, or his~~ SUPERINTENDENT OR WARDEN, OR A designee, may <—
17 not detail a correctional ~~institution's litter~~ FACILITY'S OR <—
18 INSTITUTION'S WORK force to perform litter retrieval and
19 collection ~~activities~~ OR OTHER PUBLIC SERVICE WORK PROJECTS that <—
20 would eliminate the jobs that are currently performed by, OR <—
21 REDUCE THE WORKING HOURS OF, individuals employed by the
22 Commonwealth or by a county or other municipality.

23 Section 7 8. Effective date. <—

24 This act shall take effect in 60 days.