

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2568 Session of
2018

INTRODUCED BY GOODMAN, SNYDER, HANNA, MULLERY, BOBACK,
CALTAGIRONE, D. COSTA, DeLUCA, DRISCOLL, HARKINS, KAVULICH,
MILLARD, MUSTIO, READSHAW, SCHLOSSBERG AND WARD,
JULY 23, 2018

REFERRED TO COMMITTEE ON JUDICIARY, JULY 23, 2018

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous provisions relating
3 to inmate confinement, providing for electronic stun guns.

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

6 Section 1. Title 61 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5908. Electronic stun guns.

9 (a) Issuance.--The department shall issue an electronic stun
10 gun to a corrections officer who is employed by and on duty in a
11 State correctional institution.

12 (b) Training.--The following shall apply:

13 (1) In order for a corrections officer to be eligible to
14 receive and carry an electronic stun gun under this section,
15 the corrections officer shall complete a training course in
16 accordance with department policy on the use of electronic
17 stun guns.

1 (2) A corrections officer who completes a training
2 course under paragraph (1) and subsequently transfers to
3 employment at a different State correctional institution
4 shall not be required to complete an additional training
5 course solely due to the transfer.

6 (3) A corrections officer who completes a training
7 course required under paragraph (1) shall do so during the
8 course of that officer's regular employment and shall be
9 compensated at the same rate that the officer would be
10 compensated for conducting the officer's regular duties.

11 (c) Use of electronic stun guns.--Corrections officers that
12 are issued electronic stun guns under subsection (a) may use the
13 electronic stun gun in accordance with department policy,
14 including:

15 (1) in any situation in which verbal direction given to
16 inmates has failed and staff may have to use physical force
17 to maintain or regain control;

18 (2) when an inmate is barricaded or armed and cannot be
19 approached without danger to staff and the inmate; or

20 (3) when it is determined that a delay in establishing
21 control would constitute a hazard to the inmate or other
22 individuals or would result in a disturbance or property
23 damage.

24 (d) Definitions.--As used in this section, the following
25 words and phrases shall have the meanings given to them in this
26 subsection unless the context clearly indicates otherwise:

27 "Electronic stun gun." The term shall have the meaning given
28 to the term "electric or electronic incapacitation device" under
29 18 Pa.C.S. § 908.1(f) (relating to use or possession of electric
30 or electronic incapacitation device).

1 Section 2. This act shall take effect in 60 days.