

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2084 Session of 2015

INTRODUCED BY SNYDER, MAHONEY, READSHAW, O'BRIEN, BURNS, DRISCOLL, MASSER, YOUNGBLOOD, MILLARD, SACCONI, CAUSER, BOBACK, McNEILL, GIBBONS, WARD, SAYLOR, EVERETT, MULLERY, TOOHL, GOODMAN, DAVIS, NEUMAN, A. HARRIS, D. COSTA, B. MILLER, DeLUCA, HANNA, SAVAGE, MATZIE AND BARBIN, MAY 19, 2016

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 14, 2016

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous provisions, providing
3 for oleoresin capsicum spray.

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 § 5907. Oleoresin capsicum spray.

9 (a) Issuance.--The department shall issue, on a routine
10 basis, oleoresin capsicum spray to:

11 (1) Any officer or employee of the department who:

12 (i) is employed BY AND ON DUTY in a State <--

13 correctional institution that is not a minimum security <--

14 or low security State correctional institution; and

15 (ii) may respond to an emergency situation in a <--

16 State correctional institution.

1 (2) To additional officers and employees of a State
2 correctional institution as the department determines
3 appropriate, in accordance with this section.

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

5 (1) In order for an officer or employee of the
6 department, including a corrections officer, to be eligible
7 to receive and carry oleoresin capsicum spray under this
8 section, the officer or employee shall complete a training
9 course annually IN ACCORDANCE WITH DEPARTMENT POLICY on the <--
10 use of oleoresin capsicum spray.

11 (2) An officer or employee of the department who
12 completes a training course under paragraph (1) and
13 subsequently transfers to employment at a different State
14 correctional institution shall not be required to complete an
15 additional training course solely due the transfer.

16 (3) An officer or employee of the department who
17 completes a training course required under paragraph (1)
18 shall do so during the course of that officer's or employee's
19 regular employment and shall be compensated at the same rate
20 that the officer or employee would be compensated for
21 conducting the officer's or employee's regular duties.

22 (c) Use of oleoresin capsicum spray.--Officers and employees
23 of the department that are issued oleoresin capsicum spray under
24 subsection (a) may use the spray to reduce acts of violence: <--

25 ~~(1) committed by inmates against themselves, other~~
26 ~~inmates, inmate visitors and officers and employees of the~~
27 ~~department; or~~

28 ~~(2) committed by inmate visitors against themselves,~~
29 ~~inmates, other visitors and officers and employees of the~~
30 ~~department.~~ IN ACCORDANCE WITH DEPARTMENT POLICY, INCLUDING: <--

1 (1) IN ANY SITUATION WHERE VERBAL DIRECTION GIVEN TO
2 INMATES HAS FAILED AND STAFF MAY HAVE TO USE PHYSICAL FORCE
3 TO MAINTAIN OR REGAIN CONTROL;

4 (2) WHEN AN INMATE BARRICADES OR ARMS HIMSELF AND CANNOT
5 BE APPROACHED WITHOUT DANGER TO PERSONNEL AND THE INMATE; OR

6 (3) WHEN IT IS DETERMINED THAT A DELAY IN ESTABLISHING
7 CONTROL WOULD CONSTITUTE A HAZARD TO THE INMATE OR OTHER
8 INDIVIDUALS OR WOULD RESULT IN A DISTURBANCE OR PROPERTY
9 DAMAGE.

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