AN ACT

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

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

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

§ 5907.1. County oleoresin capsicum spray.

(a) County option.--A governing body of a county may adopt an ordinance to authorize a county corrections officer or other employee employed by the county at a county correctional institution to carry and use oleoresin capsicum spray at a county correctional institution under this section.

(b) Issuance.--If an ordinance has been adopted under subsection (a), the chief administrator of the county correctional institution shall issue, on a routine basis, oleoresin capsicum spray to:

(1) Any officer or employee of the county who:
(i) is on duty in the county correctional institution; and

(ii) may respond to an emergency situation.

(2) Additional officers and employees of the county as the chief administrator determines appropriate, in accordance with this section.

(c) Training.--The following shall apply:

(1) For an officer or employee to be eligible to receive and carry oleoresin capsicum spray under this section, the officer or employee shall complete a training course in accordance with county policy on the use of oleoresin capsicum spray.

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

(d) Use of oleoresin capsicum spray.--Officers and employees that are issued oleoresin capsicum spray under subsection (b) may use the spray in accordance with county policy, including:

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

(2) when an inmate barricades or arms himself and cannot be approached without danger to personnel and the inmate; or

(3) when a delay in establishing control would constitute a hazard to the inmate or other individuals or would result in a disturbance or property damage.

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