

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 57

Session of
1983

INTRODUCED BY HOLL, JANUARY 17, 1983

REFERRED TO STATE GOVERNMENT, JANUARY 17, 1983

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," limiting expenditures from
21 the Manufacturing Fund; removing an obsolete provision; and
22 making editorial changes.

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

25 Section 1. Section 915(a), (b), (e), (h) and (i) of the act
26 of April 9, 1929 (P.L.177, No.175), known as The Administrative
27 Code of 1929, added July 29, 1953 (P.L.1428, No.408), are

1 amended to read:

2 Section 915. Inmate Labor.--The Bureau of Correction shall
3 have the power and its duty shall be:

4 (a) To establish, maintain and carry on industries in the
5 State penal and correctional institutions under the jurisdiction
6 of the [Department of Justice] Office of General Counsel as it
7 may deem proper, in which industries all persons sentenced to,
8 assigned to or transferred to such institutions, who are
9 physically capable of such labor, may be employed at labor for
10 not to exceed eight (8) hours each day, other than Sundays and
11 public holidays. Such labor shall be for the purpose of doing
12 printing or of manufacturing and producing supplies, or for the
13 preparation and manufacture of building materials for the
14 construction or repair of any State institution or in the work
15 of such construction or repair, or for the planting of seed
16 trees, or for the purpose of industrial training or instruction,
17 or in the manufacture and production of crushed stone, brick,
18 tile and culvert pipe or other material suitable for draining
19 roads of the State or in preparation of road building and
20 ballasting material.

21 (b) To determine the amount, kind and character of the
22 machinery to be erected in each of the said penitentiaries,
23 reformatories or other penal or correctional institutions in the
24 [Department of Justice] Office of General Counsel and the
25 industries to be carried on therein, having due regard to the
26 location and convenience thereof with respect to other
27 institutions to be supplied to the machinery therein and the
28 number and character of inmates.

29 * * *

30 (e) To charge to each institution, such rate per diem as may

1 be paid by the [department] Office of General Counsel to such
2 inmate hereunder for his services, for the work or labor of each
3 inmate engaged in work or labor within or upon the grounds of
4 such institution for the maintenance of the institution or the
5 raising of food products therefor.

6 Also to collect from each such institution, for any
7 manufactured supplies or products used by it, the same price per
8 article used as it would receive upon the sale of such article
9 in similar quantities to the Commonwealth or any other agency to
10 which it is authorized to sell articles manufactured or produced
11 by inmate labor. All amounts collected by the [Department of
12 Justice] Office of General Counsel from such institutions
13 hereunder shall be paid through the Department of Revenue into
14 the Manufacturing Fund in the State Treasury and all such
15 amounts shall be considered a part of such institutions'
16 maintenance expense.

17 * * *

18 (h) To pay out of the Manufacturing Fund all expenses
19 necessary for the proper conduct of the work of the [Department
20 of Justice] Office of General Counsel pertaining to the
21 establishment, maintenance and carrying on of industries in the
22 State penal and correctional institutions [and the
23 rehabilitation of the inmates thereof]. Expenditures from the
24 Manufacturing Fund shall be limited to the cost of training
25 inmates to work in the industry, payment of wages to the inmates
26 for working in the industry and for the purchase of equipment
27 and material to carry on the industry.

28 Estimates of the amounts to be expended from the
29 Manufacturing Fund shall be submitted to the Governor, from time
30 to time, for his approval or disapproval, as in the case of

1 other appropriations[, and it shall be unlawful for the
2 Department of the Auditor General to honor any requisition for
3 expenditures or moneys out of this appropriation in excess of
4 the estimates approved by the Governor. Subject to this
5 provision, the Department of the Auditor General shall, from
6 time to time, draw warrants upon the Treasury Department for the
7 amounts specified in such requisitions, not exceeding, however,
8 the amount in the Manufacturing Fund at the time of the making
9 of any such requisitions].

10 (i) To require that an account shall be kept, by the proper
11 officers of each said penitentiary, reformatory and other
12 correctional institution, of the labor performed by inmates. In
13 such account shall be shown, at the time each inmate is actually
14 engaged in work, the rate of wage at which he is to be paid,
15 which shall be regulated by the [department] Office of General
16 Counsel. In no case shall the amount be less than ten cents for
17 each day of labor actually performed. The rate of compensation
18 shall be based both upon the pecuniary value of the work
19 performed and also on the willingness, industry and good conduct
20 of the inmate. All amounts payable to inmates hereunder shall be
21 paid to the institution out of the Manufacturing Fund, to be
22 disbursed or held by such institution in the manner following:

23 Three-fourths of the amount of wages payable to an inmate of
24 such penitentiary, reformatory or other institution, or the
25 entire amount if the inmate so wishes, shall constitute a fund
26 for the relief of any person or persons dependent upon such
27 inmate, and shall be paid, upon the order of the board of
28 trustees of the penitentiary, reformatory or other institution
29 in which the inmate is a prisoner, to the person or persons
30 establishing such dependency to the satisfaction of such board,

1 at such time or times as said board may order.

2 All sums credited to any inmate and not paid to a dependent
3 or dependents shall be paid to the inmate on his discharge from
4 the penitentiary, reformatory or other institution in which he
5 was a prisoner: Provided, however, That subject to the rules and
6 regulations of the board of trustees of the penitentiary,
7 reformatory or other institution in which such inmate is a
8 prisoner, the whole or any part of said sum may be paid to him
9 during his imprisonment for his present needs, such rules and
10 regulations to be subject to the approval of the [department]
11 Office of General Counsel.

12 * * *

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