
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 158

Session of
1985

INTRODUCED BY PRATT, LESCOVITZ, FEE, MORRIS, SALOOM, COLAFELLA
AND VEON, FEBRUARY 4, 1985

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 4, 1985

AN ACT

1 Providing for the licensing of privately operated penal
2 institutions by the Department of Corrections; and
3 authorizing the department to adopt standards and procedures
4 for licensing.

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

7 Section 1. Short title.

8 This act shall be known and may be cited as the Private
9 Prison Licensing Act.

10 Section 2. Definitions.

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

14 "Department." The Department of Corrections of the
15 Commonwealth.

16 "Private prison." A facility for the incarceration of
17 prisoners which is not owned and operated by the United States,
18 the Commonwealth, a county or other municipality. The term shall

1 not include any facility for the detention of juvenile offenders
2 operated under contract with the Department of Public Welfare.

3 Section 3. Operation and maintenance without license
4 prohibited.

5 No person shall maintain, operate or conduct a private
6 prison, as defined in this act, without having a license
7 therefor issued by the department.

8 Section 4. Fees.

9 Annual licenses shall be issued when the proper fee is
10 received by the department and all other conditions prescribed
11 by this act are met. The fees shall be:

12 For a private prison containing under 100 beds. \$ 300

13 For a private prison containing 100 beds but
14 not more than 299 beds..... 500

15 For a private prison containing 300 beds but
16 not more than 499 beds..... 750

17 For a private prison containing 500 or more
18 beds..... 1,000

19 Section 5. Issuance of license.

20 When, after investigation, the department is satisfied that
21 the applicant or applicants for a license are responsible
22 persons, that the place to be used as a private prison is
23 suitable for the purpose and is appropriately equipped and that
24 the applicant or applicants and the place to be used as a
25 private prison meet all the requirements of this act and of the
26 applicable statutes, ordinances and regulations, it shall issue
27 a license and shall keep a record of the investigation, the
28 application and the disposition.

29 Section 6. Provisional license.

30 When there has been substantial but not complete compliance

1 with all the applicable statutes, ordinances and regulations and
2 when the applicant has taken appropriate steps to correct
3 deficiencies, the department shall issue a provisional license
4 for a specified period of not more than six months which may be
5 renewed three times. Upon full compliance, a regular license
6 shall be issued immediately.

7 Section 7. Term and content of license.

8 All licenses issued by the department under this act shall
9 expire one year next following the day on which issued, shall be
10 on a form prescribed by the department, shall not be
11 transferable, shall be issued only for the premises and for the
12 private prison named in the application and shall specify the
13 maximum number of individuals who may be housed in the facility
14 at a time. The license shall be posted at all times in a
15 conspicuous place on the applicant's premises.

16 Section 8. Right to enter and inspect.

17 For the purpose of determining the suitability of the
18 applicants and of the premises or the continuing conformity of
19 the licensees to this act and to the applicable regulations of
20 the department, any authorized agent of the department shall
21 have the right to enter, visit and inspect any private prison
22 licensed or requiring a license under this act, shall have full
23 and free access to the records of the private prison and to
24 employees and residents and shall have full opportunity to
25 interview, inspect or examine those individuals. An authorized
26 agent of the department shall confer with the operators of
27 private prisons regarding the minimum standards of the
28 department, encourage the adoption of higher standards and
29 recommend methods of improving care and services.

30 Section 9. Records.

1 Every person licensed under this act to maintain, operate and
2 conduct a private prison shall keep the records and make the
3 reports that are required by the department.

4 Section 10. Regulations.

5 The department is hereby authorized and empowered to adopt
6 regulations establishing minimum standards for building,
7 equipment, operation, care, program and services and for the
8 issuance of licenses.

9 Section 11. Refusal to issue license; revocation; notice.

10 (a) Notice of violation.--Whenever the department, upon
11 inspection or investigation, learns of violations of this act or
12 of regulations adopted by the department pursuant to this act,
13 it shall give written notice of the violation to the offending
14 person. Notice shall require the offending person to take action
15 to bring the private prison into compliance with this act or
16 with the relevant regulations within a specified time.

17 (b) Reasons to refuse or revoke.--The department shall
18 refuse to issue a license or shall revoke a license for any of
19 the following reasons:

20 (1) Violation of or noncompliance with the provisions of
21 this act or regulations pursuant thereto.

22 (2) Fraud or deceit in obtaining or attempting to obtain
23 a license.

24 (3) Lending, borrowing or using the license of another,
25 or in any way knowingly aiding or abetting the improper
26 granting of a license.

27 (4) Gross incompetence, negligence or misconduct in
28 operating the facility.

29 (5) Mistreating or abusing individuals housed in the
30 facility.

1 (c) Notice of refusal or revocation.--Whenever the
2 department revokes or refuses to issue a license, it shall give
3 written notice thereof by certified mail. Such notice shall
4 specify the reason for the refusal or revocation.

5 Section 12. Violation; penalty.

6 A person who operates a private prison within this
7 Commonwealth without a license required by this act commits a
8 summary offense and shall, upon conviction, be sentenced to pay
9 a fine of not less than \$25 nor more than \$300, along with costs
10 of prosecution. In default of the payment of this fine, a person
11 convicted shall undergo imprisonment for not less than 10 days
12 nor more than 30 days. Each day of operating a private prison
13 without a license required by this act shall constitute a
14 separate offense.

15 Section 13. Effective date.

16 This act shall take effect in 180 days.