

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2319 Session of 1990

INTRODUCED BY BORTNER, MARCH 12, 1990

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, SEPTEMBER 24, 1990

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing civil immunity
3 for probation officers and employees of agencies conducting
4 restitution or community service programs.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § ~~8338~~ 8340. Civil immunity for probation officers and <—
10 employees of agencies conducting restitution or
11 community service programs.

12 (a) General rule.--A probation officer OR AGENT OF THE <—
13 PENNSYLVANIA BOARD OF PROBATION AND PAROLE and any public
14 service or charitable agency or organization or political
15 subdivision, or any employee thereof, supervising or
16 administering a restitution or community service program, or any
17 employee hiring and supervising persons pursuant to a
18 restitution program under this section shall be immune from any

1 civil action for damages brought by or on behalf of any person
2 admitted to the program.

3 (b) Application.--This section shall apply to all types of
4 restitution and community service programs that receive persons
5 who are placed on probation, are paroled, are placed in an
6 Accelerated Rehabilitative Disposition program or other pretrial
7 diversionary program, or are placed in any similar program
8 approved by the court for the disposition of defendants in
9 criminal cases.

10 (c) Construction.--Nothing in this section shall be
11 construed to limit or otherwise affect or preclude liability
12 resulting from gross negligence or intentional misconduct or
13 reckless, willful or wanton misconduct constituting gross
14 negligence.

15 (d) Political subdivision tort claims.--This section shall
16 not reduce or impair protections afforded by Subchapter C of
17 Chapter 85 (relating to actions against local parties).

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