

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 312 Session of
2001

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JANUARY 31, 2001

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2001

AN ACT

1 Authorizing superintendents, wardens and other officials in
2 charge of correctional institutions to establish inmate work
3 force programs; and providing certain immunity from civil
4 liability.

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 Inmate Work
9 Force 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 "Correctional facility" or "correctional institution." Any
15 jail, prison or detention facility operated by the Commonwealth
16 or by a county or jointly by more than one county and used for
17 the detention and confinement of persons convicted and under

1 sentence for violations of the criminal laws of this
2 Commonwealth.

3 "Inmate." An individual who has been convicted of an
4 indictable offense and is serving a sentence in a correctional
5 facility or institution.

6 "Municipality." A municipal corporation or quasi-municipal
7 corporation, including counties.

8 "Public road." Any highway, road, roadway or place of
9 whatever nature adopted by the proper State, county or other
10 municipal authority for the use of the general public as a
11 matter of right for the purpose of vehicular traffic.

12 "Secretary." The Secretary of Corrections of the
13 Commonwealth.

14 "Superintendent." The person in primary charge of a State
15 correctional facility.

16 "Warden." The person in primary charge of the administration
17 and management of a county or multicounty correctional
18 institution.

19 "Work force." An inmate work force provided for under
20 section 3.

21 Section 3. Inmate work forces.

22 (a) Authorization.--The superintendent or warden of each
23 correctional facility or institution is hereby authorized and
24 directed to establish an inmate work force. A work force
25 established under this section shall be used to perform work on
26 public projects and public parks and on and along the public
27 roads within the capabilities of the inmates. The work force
28 shall be composed of individuals sentenced to serve terms of
29 imprisonment in a correctional facility or institution. The use
30 of inmate labor under this section shall be solely voluntary on

1 the part of the inmate and shall in no way be compulsory or used
2 as a form of punishment.

3 (b) Composition of force.--A correctional facility's or
4 institution's work force shall be composed of inmates who, in
5 the determination of the superintendent or warden, or the
6 superintendent's or warden's designee, may safely perform the
7 work. Any inmate assigned to a work force shall, in the judgment
8 of the superintendent or warden making the assignment, or a
9 designee, be physically and medically able to perform the work.

10 (c) Exceptions.--No work force may include any inmate whose
11 presence in the community would present a danger to public
12 safety or any inmate serving a sentence for a conviction of one
13 or more of the following provisions:

14 (1) 18 Pa.C.S. § 2501 (relating to criminal homicide).

15 (2) 18 Pa.C.S. § 2901 (relating to kidnapping).

16 (3) 18 Pa.C.S. § 3121 (relating to rape).

17 (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate
18 sexual intercourse).

19 (5) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating
20 to robbery).

21 (6) A person convicted of any other crime of violence or
22 who commits a crime while on a work release program or who is
23 deemed guilty of disqualifying misconduct within the
24 correctional institution or facility.

25 (d) Search requirement.--All inmates shall be subject to
26 current practice of search before and after taking part in the
27 daily work schedule. The inmate shall be subject to the current
28 practice of a urinalysis test if a controlled substance is found
29 on the inmate's person.

30 (e) Supervision of force.--While detailed to the work force,

1 inmates shall be under the general supervision and control of
2 the staff employees designated by the superintendent or warden
3 of the correctional facility or institution. The superintendent
4 or warden and the designated staff employees shall be
5 responsible for the transportation, guarding, feeding or
6 attention necessary for all inmates assigned to the work force.

7 (f) Immunity from civil liability.--Neither the Commonwealth
8 nor any political subdivision thereof nor other agencies nor,
9 except in cases of willful misconduct, the agents, employees or
10 representatives of any of them engaged in inmate work, while
11 complying with or attempting to comply with this act or any rule
12 or regulation promulgated under this act, shall be liable for
13 the death of or injury to any inmate detailed to a work force or
14 loss or damage to property as a result of any inmate work
15 activity.

16 Section 4. Rules.

17 The superintendent or warden of a correctional facility or
18 institution who establishes a work force in accordance with this
19 act shall:

20 (1) Adopt any rules necessary for the effective
21 implementation of a work force program. The rules shall
22 specify the hours of labor for inmates assigned to a work
23 force, rules for inmate conduct, deportment and good behavior
24 allowance, and for any violation or infraction of the rules.

25 (2) Coordinate with the Department of Transportation
26 maintenance offices in the respective counties and the
27 relevant county and other municipal officials regarding
28 proper deployment of the work force, and implement all safety
29 measures required of State or county employees performing the
30 work.

1 (3) Collaborate with the appropriate State, county and
2 other municipal officials to develop procedures for the
3 continued utilization of inmates for work projects.

4 Section 5. Request for work force required.

5 A work force shall be detailed only in response to a prior
6 written request made by the Secretary of Transportation or an
7 appropriate officer of a municipality.

8 Section 6. Effective date.

9 This act shall take effect in 60 days.