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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 184**      Session of  
2001

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INTRODUCED BY O'PAKE, MELLOW, HELFRICK, COSTA, MUSTO, KUKOVICH,  
TARTAGLIONE, SCHWARTZ AND LOGAN, JANUARY 30, 2001

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REFERRED TO JUDICIARY, JANUARY 30, 2001

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AN ACT

1 Prohibiting the construction or operation of private prisons.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Private  
6 Prisons Act.

7 Section 2. Definitions.

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

11 "Department." The Department of Corrections of the  
12 Commonwealth.

13 "Private prison." A detention center, prison or similar  
14 correctional facility owned or operated other than by the  
15 Federal Government, the Commonwealth or a county of the  
16 Commonwealth. The term does not include private facilities  
17 certified, licensed or operated by the Department of Public

1 Welfare or the Department of Health, nor prerelease centers  
2 under the act of July 16, 1968 (P.L.351, No.173), referred to as  
3 the Prisoner Pre-release Plan Law.

4 Section 3. Restrictions on private prisons.

5 (a) Moratorium.--On and after the effective date of this  
6 section, no private prison shall be operated, and construction  
7 on private prisons shall cease within this Commonwealth.

8 (b) Termination of moratorium.--The moratorium against  
9 private prisons shall continue until such time, if any, as the  
10 Commonwealth has in place a process established by statute to  
11 approve or license the ownership and operation of private  
12 prisons by an appropriate Commonwealth department or agency.

13 (c) Permanent prohibition.--No private prison shall be  
14 operated or constructed after the establishment of a formal  
15 approval or licensing process except as expressly approved or  
16 licensed by the appropriate agency of the Commonwealth.

17 Section 4. Permits and approvals.

18 (a) Suspension of permits and approvals.--Upon the effective  
19 date of this section, all permits or similar approvals issued  
20 prior thereto for any private prison by any political  
21 subdivision of the Commonwealth shall be automatically suspended  
22 and without legal effect until such time, if any, as the prison  
23 is approved or licensed by the Commonwealth.

24 (b) Notice of plan required.--No private prison may be  
25 considered at any time for zoning, planning, housing or similar  
26 local code approval unless the applicant has provided notice of  
27 the application for such to the department at least 45 days  
28 prior thereto. A certification or other proof of such notice  
29 shall be attached to the application for the permit, license or  
30 other approval.

1 Section 5. Violations.

2 (a) Penalties.--Any person who violates section 3 shall be  
3 liable to a civil penalty of not less than \$25,000, nor more  
4 than 50% of the actual expenditures on the prison, whichever is  
5 greater, plus reasonable costs of prosecution. Any other  
6 violation of this act shall constitute a summary offense,  
7 punishable by a fine of up to \$500.

8 (b) Enforcement.--Violations shall be subject to enforcement  
9 by the district attorney of the county in which the offense  
10 occurs, subject to the provisions of the act of October 15, 1980  
11 (P.L.950, No.164), known as the Commonwealth Attorneys Act.

12 Section 6. Effective date.

13 This act shall take effect immediately.