

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 416 Session of
2003

INTRODUCED BY GREENLEAF, COSTA, LEMMOND, O'PAKE, RAFFERTY, ORIE,
LAVALLE, TARTAGLIONE, TOMLINSON, MUSTO, WAUGH, RHOADES, STACK
AND CORMAN, MARCH 10, 2003

REFERRED TO JUDICIARY, MARCH 10, 2003

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, defining "corrections officer"; and
3 further providing for use of force in law enforcement.

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

6 Section 1. Section 501 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended by adding a definition to read:
8 § 501. Definitions.

9 Subject to additional definitions contained in subsequent
10 provisions of this chapter which are applicable to specific
11 provisions of this chapter, the following words and phrases,
12 when used in this chapter shall have, unless the context clearly
13 indicates otherwise, the meanings given to them in this section:

14 * * *

15 "Corrections officer." A full-time employee assigned to the
16 Department of Corrections whose principal duty is the care,
17 custody and control of inmates of a penal or correctional
18 institution operated by the Department of Corrections.

1 * * *

2 Section 2. Section 508(c) of Title 18 is amended to read:

3 § 508. Use of force in law enforcement.

4 * * *

5 (c) Use of force [to prevent] regarding escape.--

6 (1) A peace officer, corrections officer or other person
7 who has an arrested or convicted person in his custody is
8 justified in the use of such force to prevent the escape of
9 the [arrested] person from custody as [he] the officer or
10 other person would be justified in using under subsection (a)
11 if [he] the officer or other person were arresting [such] the
12 person.

13 (2) A [guard or other] peace officer or corrections
14 officer is justified in the use of such force, including
15 deadly force, which [he] the officer believes to be necessary
16 to prevent the escape from a correctional institution of a
17 person whom the officer believes to be lawfully detained in
18 such institution under sentence for an offense or awaiting
19 trial or commitment for an offense.

20 (3) A corrections officer, during the first five hours
21 after the discovery of an escape, is justified in the use of
22 such force, which the officer believes to be necessary to
23 defend himself or another from bodily harm during the pursuit
24 of the escaped person within five miles of the correctional
25 institution. However, the officer is justified in using
26 deadly force only when the officer believes that such force
27 is necessary to prevent death or serious bodily injury to
28 himself or another, or when the officer believes that:

29 (i) such force is necessary to prevent the
30 apprehension from being defeated by resistance; and

1 (ii) the escaped person has been convicted of
2 committing or attempting to commit a forcible felony,
3 possesses a deadly weapon, or otherwise indicates that he
4 will endanger human life or inflict serious bodily injury
5 unless apprehended without delay.

6 * * *

7 Section 3. This act shall take effect in 60 days.