

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 759 Session of 2011

INTRODUCED BY CREIGHTON, TOOHL, CALTAGIRONE, COX, DAY,
DENLINGER, GEIST, GEORGE, GIBBONS, GINGRICH, HICKERNELL,
MIRABITO, MYERS, M. O'BRIEN, TALLMAN, J. TAYLOR AND
VULAKOVICH, FEBRUARY 17, 2011

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, FEBRUARY 17, 2011

AN ACT

1 Providing for requirements for operation of private correctional
2 centers.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Private
7 Correctional Center Community Notification Act.

8 Section 2. Scope of act.

9 This act shall apply to all for-profit entities proposing to
10 open a facility designed to provide services and beds to inmates
11 who have been released from a Federal, State or county
12 correctional facility but who will complete their sentences in a
13 community setting. This act shall apply to such entities whether
14 the inmates have been sentenced to a Federal, State or county
15 correctional institution.

16 Section 3. Definitions.

17 The following words and phrases when used in this act shall

1 have the meanings given to them in this section unless the
2 context clearly indicates otherwise:

3 "Commences operations." The date on which a private
4 correctional center accepts its first inmate.

5 "Commonwealth party." As defined in 42 Pa.C.S. § 8501
6 (relating to definitions).

7 "Governing authority." The governing authority of the
8 municipality in which a private correctional center is proposed
9 to be operated.

10 "Inmate." An individual who has been sentenced to a Federal,
11 State or county correctional institution who will complete the
12 individual's sentence in a community setting.

13 "Local agency." As defined in 42 Pa.C.S. § 8501 (relating to
14 definitions).

15 "Private correctional center." A facility operated for
16 profit that provides services and beds to inmates.

17 "Provider." A corporation, partnership, limited liability
18 company, business trust, other association, estate, trust,
19 foundation or other entity or natural person that owns a private
20 correctional center. The term does not include a Commonwealth
21 party or local agency.

22 Section 4. Number of inmates.

23 Notwithstanding any provision of law to the contrary, a
24 private correctional center may not house more than two inmates
25 per 1,000 population of the municipality in which the center is
26 proposed to be operated.

27 Section 5. Notification to members of General Assembly.

28 (a) Notification.--Except as set forth in subsection (b), a
29 provider shall:

30 (1) Notify the members of the General Assembly

1 representing the districts in which a private correctional
2 center is proposed to be operated no later than 180 days
3 before the center commences operations.

4 (2) Provide a copy of a notification under paragraph (1)
5 to the governing authority.

6 (b) Exception.--A private correctional center that will
7 commence operations within 180 days of the effective date of
8 this section shall make the notification required under
9 subsection (a) (1) within ten days of the effective date of this
10 section.

11 Section 6. Public hearing.

12 (a) Requirement.--A provider shall conduct a public hearing
13 in the municipality in which the provider proposes to operate a
14 private correctional center no later than 120 days before the
15 center commences operations, except as set forth in subsection
16 (b). At the public hearing, the provider shall:

17 (1) Explain the operation of the private correctional
18 center, including the following:

19 (i) Services to be provided.

20 (ii) Type of inmates to be housed.

21 (iii) Number of inmates to be housed.

22 (iv) Security measures to be employed.

23 (v) Contact information for officials of the center
24 for use by the public in submitting additional comments
25 or future contact.

26 (2) Provide an opportunity for public comment.

27 (3) Provide for transcription of the comments of
28 individuals speaking at the public hearing, including the
29 provider and the public.

30 (b) Exception.--A private correctional center that will

1 commence operations within 120 days of the effective date of
2 this section shall conduct a public hearing under subsection (a)
3 within 30 days of the effective date of this section.

4 Section 7. Public notice of hearing.

5 (a) Notification required.--A provider shall provide notice
6 of the public hearing in a newspaper of general circulation on
7 at least two different dates prior to the date of the public
8 hearing.

9 (b) Contents of notice.--The notice shall provide
10 information regarding the purpose of the public hearing,
11 location and time of the public hearing and a telephone number
12 for individuals to call for additional information.

13 (c) Copy of notice.--The provider shall forward a copy of
14 the notice to the governing authority within 72 hours of
15 publication of the notice.

16 Section 8. Transcript.

17 (a) Copy of transcript.--A provider shall provide a copy of
18 the transcript of the public hearing held under section 6 to
19 members of the General Assembly representing the districts in
20 which the private correctional center is proposed to be operated
21 and to the governing authority.

22 (b) Time frame.--The transcript shall be provided to the
23 members of the General Assembly and the governing authority no
24 later than 72 hours after the transcript is made available to
25 the provider.

26 Section 9. Applicability.

27 This act shall apply to private correctional centers which
28 commence operations after the effective date of this act.

29 Section 10. Effective date.

30 This act shall take effect immediately.