

**SENATE APPROPRIATIONS COMMITTEE  
FISCAL NOTE**

**BILL NO.** House Bill 2084

**PRINTER NO.** 3509

**AMOUNT**

No Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

May 19, 2016

**PRIME SPONSOR**

Representative Snyder

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 2084 amends Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes by adding a new Section related to issuance of oleoresin capsicum spray to certain employees of the Pennsylvania Department of Corrections (Department).

This legislation adds §5907 (relating to oleoresin capsicum spray), otherwise known as "pepper spray" or "OC spray." This new section states that the Department shall issue, on a routine basis, oleoresin capsicum spray to:

1. Any officer or employee of the Department who:
  - i. Is employed by and on duty in a State Correctional Institution; and
  - ii. May respond to an emergency situation.
2. To additional officers and employees of a State Correctional Institution as the Department determines appropriate.

Officers and employees of the Department shall complete a training course in accordance with Department policy on the use of oleoresin capsicum spray in order to be eligible to receive and carry oleoresin capsicum spray. Oleoresin capsicum spray issued to officers and employees of the Department may be used in accordance with Department policy, including the following situations:

1. In any situation where verbal direction given to inmates has failed and staff may have to use physical force to maintain or regain control;
2. When an inmate barricades or arms himself and cannot be approached without danger to personnel and the inmate; or
3. When it is determined that a delay in establishing control would constitute a hazard to the inmate or other individuals or would result in a disturbance or property damage.

This act shall take effect in 60 days.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

### **FISCAL IMPACT:**

According to the Department, each can of oleoresin capsicum spray costs approximately \$11.10 and holsters cost approximately \$7.00 each. To cover all staffing that would fall under the provisions of this legislation, the Department would be required to purchase 2,493 cans of spray and holsters. The overall cost to the Department, for materials, would be approximately \$45,123.00. The Department indicates that oleoresin capsicum spray training is currently part of the Department's training curriculum and updates, therefore there would be no additional costs anticipated for these purposes.

The Department indicates that the estimated costs mentioned above are capable of being absorbed within existing fiscal resources of the Department.