

LEGISLATIVE REFERENCE BUREAU

L.R.B. Form No. 4 (Rev. 1/11/17)

2019D04685MAB:CMD

No. _____

LEGISLATIVE REFERENCE BUREAU

AN ACT

Amending Title 61 (Prisons and Parole) of the Pennsylvania Consolidated Statutes, in miscellaneous provisions relating to inmate confinement, providing for cavity search and inspection restrictions.

INTRODUCED _____ **20**_____

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

By _____ **District NO.** _____

See next page for additional co-sponsors.

Prior Session _____

Referred to Committee on	
Date _____	20 _____
Reported _____	20 _____
As Committed-Amended	
Recommendation	

By Hon. _____	

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous provisions relating
3 to inmate confinement, providing for cavity search and
4 inspection restrictions.

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

7 Section 1. Title 61 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 5908. Cavity search and inspection restrictions.

10 (a) Cavity search and inspection restrictions.--To the
11 greatest extent possible:

12 (1) No correctional institution staff other than a
13 licensed health care professional shall conduct invasive body
14 cavity searches of pregnant incarcerated individuals or
15 detainees.

16 (2) A correctional institution shall limit inspections
17 by male correctional staff where incarcerated individuals or
18 detainees who identify as female are in a state of undress.

1 (b) Documentation requirement.--

2 (1) If correctional institution staff is required to
3 perform an invasive cavity search on a pregnant incarcerated
4 individual or detainee, or male correctional staff is
5 required to conduct an inspection on an incarcerated
6 individual or detainee who identifies as female when they are
7 in a state of undress, a written report shall be submitted to
8 the correctional institution within 72 hours following the
9 cavity search or inspection.

10 (2) The report under paragraph (1) shall:

11 (i) include the justification for performing the
12 cavity search or male staff inspection; and

13 (ii) note if any contraband was found on the
14 incarcerated individual or detainee.

15 (c) Construction.--Nothing in this section shall be
16 construed to limit the ability of correctional institution staff
17 to perform cavity searches or inspections on pregnant
18 incarcerated individuals, detainees or individuals that identify
19 as female.

20 Section 2. This act shall take effect in 60 days.