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 ___________________________ NO. ___

District

By ___________________________ NO. ___

District

By ___________________________ NO. ___

District

By ___________________________ 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

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.

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

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

§ 5908. Cavity search and inspection restrictions.--To the greatest extent possible:

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

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

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

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

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

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

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

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