
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 623 Session of
1999

INTRODUCED BY SERAFINI, E. Z. TAYLOR, HUTCHINSON, McNAUGHTON,
HARHAI AND SEYFERT, FEBRUARY 22, 1999

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 22, 1999

AN ACT

1 Prohibiting individuals who are incarcerated from having access
2 to certain equipment and programs; providing for the
3 disposition of certain equipment; and imposing a penalty.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Prison Inmate
8 Training Reform Act.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Inmate." A person who is detained by a court of law and who
14 is incarcerated in any of the following:

15 (1) A State correctional facility.

16 (2) A county prison or jail or detention facility
17 maintained by a municipality.

18 (3) A temporary holding facility.

1 (4) A prerelease center or similar facility.

2 (5) A halfway house.

3 Section 3. Access to equipment prohibited.

4 An inmate shall not have access to or use of any of the
5 following types of equipment regardless of the sentence imposed
6 against the inmate or the reason for the inmate's detention:

7 (1) Free weights, commonly referred to as barbells or
8 dumbbells.

9 (2) Fixed machines that employ plates or tension bands
10 for weight resistance training.

11 (3) A device or apparatus designed to increase muscle
12 mass or strength or both muscle mass and strength.

13 (4) Any other device or apparatus, as determined by
14 personnel at the facility where the inmate is detained, that
15 would enable an inmate to enhance his physical strength and
16 thus pose an increased risk to personnel of the facility or
17 upon release, to law enforcement officers or potential crime
18 victims.

19 Section 4. Access to certain program prohibited.

20 An inmate shall not have access to or participate in any of
21 the following programs, whether the programs are supported by
22 Federal, State or local funds or are provided by inmates,
23 facility employees or volunteers or through donations:

24 (1) Boxing.

25 (2) Wrestling.

26 (3) Karate, judo or any other form of martial arts.

27 (4) Any other program, as determined by personnel at the
28 facility where the inmate is detained, that would enable an
29 inmate to enhance his physical strength or fighting skill or
30 both physical strength and fighting skill and thus pose an

1 increased risk to personnel of the facility, or upon release,
2 to law enforcement officers or potential crime victims.

3 Section 5. Removal of equipment and cessation of programs.

4 (a) Required action.--A facility that on the effective date
5 of this act makes the equipment described in section 3 or the
6 programs described in section 4 available to inmates or makes
7 both the equipment and programs available to inmates shall
8 remove the equipment and discontinue the programs within 30 days
9 of the effective date of this act.

10 (b) Disposition of equipment.--Equipment required to be
11 removed under subsection (a) shall be donated to the officers'
12 associations or similar organizations at the facility for use by
13 officers and staff at the facility. Equipment that is unwanted
14 or unneeded by an officers' association shall be offered,
15 through lottery, to law enforcement agencies in the area
16 surrounding the facility for use by law enforcement personnel.
17 The remaining equipment, if any, shall be offered, through
18 lottery, to emergency medical service and fire and rescue
19 service organizations for use by their personnel.

20 Section 6. Construction of act.

21 This act shall be construed to permit an inmate to engage in
22 physical activities that do not enable an inmate to enhance his
23 physical strength or fighting skill or both physical strength
24 and fighting skill and thus pose an increased risk to personnel
25 of the facility or upon release, to law enforcement officers or
26 potential crime victims. Nothing in this act shall prohibit the
27 following:

28 (1) Playing basketball.

29 (2) Jogging.

30 (3) Riding a stationary bicycle.

1 (4) Participating in calisthenics supervised by facility
2 staff.

3 (5) Engaging in similar activities that do not enhance
4 physical strength or fighting skill or both physical strength
5 and fighting skill.

6 Section 7. Penalty.

7 A civil penalty of \$10,000 shall be assessed against a
8 facility that fails to comply with section 5(a). The penalty may
9 be assessed for each day that a facility fails to comply with
10 section 5(a).

11 Section 8. Repeals.

12 All acts and parts of acts are repealed insofar as they are
13 inconsistent with this act.

14 Section 9. Effective date.

15 This act shall take effect immediately.