

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2259 Session of
1995

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CORNELL, BARD, MILLER, ZIMMERMAN, LEH, MERRY AND EGOLF,
DECEMBER 12, 1995

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 12, 1995

AN ACT

1 Establishing the Private Sector Prison Industry Board and
2 providing for its powers and duties; providing for employment
3 of inmates by private industry and for subcontracts with
4 correctional agencies; establishing guidelines for inmate
5 compensation; providing for location of private sector prison
6 industry; and authorizing superintendents, wardens and other
7 officials in charge of correctional institutions to establish
8 inmate work force programs.

9 It is the intent of the General Assembly that joint ventures
10 between correctional facilities and private industry be
11 established so that inmates incarcerated in State and county
12 correctional facilities be productively engaged. Private
13 industry in this Commonwealth will become more competitive in
14 the marketplace while not displacing job opportunities for
15 civilian labor in the community. It is further the intent of the
16 General Assembly to structure the use and availability of such
17 inmate labor and regulate its use to assure that inmate labor
18 not be used to replace work opportunities for unemployed or
19 underemployed residents of this Commonwealth. The private sector

1 prison industry will not result in bargaining agreements for
2 civilian laborers. Inmates who volunteer and are deemed eligible
3 for these jobs will be better able to:

4 (1) Develop positive work habits that will assist them
5 in securing and holding gainful employment in the public and
6 private sectors subsequent to their release from
7 incarceration.

8 (2) Pay a reasonable portion of the room and board in a
9 correctional facility.

10 (3) Accept responsibility for the consequences of their
11 acts by compensating victims of crime through deductions from
12 their earnings.

13 (4) Provide financial assistance to their dependents,
14 thus strengthening and promoting family ties while reducing
15 the likelihood that their families may eventually have to
16 rely upon public assistance.

17 In enacting this legislation, it is also the intent of the
18 General Assembly to give inmates the opportunity to volunteer
19 their time for litter retrieval and collection along the public
20 roads of this Commonwealth and for other appropriate public
21 service work projects and to authorize superintendents, wardens
22 and other officials in charge of correctional facilities or
23 institutions to establish work forces composed of those inmates
24 who may safely perform the tasks assigned to them.

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

29 CHAPTER 1
30 PRELIMINARY PROVISIONS

1 Section 101. Short title.

2 This act shall be known and may be cited as the Inmate
3 Industry Law.

4 Section 102. Definitions.

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

8 "Board." The Private Sector Prison Industry Board
9 established in section 301.

10 "Certification." Written assurance by the Private Sector
11 Prison Industry Board that a private sector prison industry
12 meets statutory and guideline requirements established by the
13 Justice Assistance Act of 1984 (Public Law 98-473, 98 Stat. 2077
14 et seq.).

15 "Compensation board." The Crime Victim's Compensation Board.

16 "Correctional facility" or "correctional institution." Any
17 jail, prison or detention facility operated by the Commonwealth
18 or by a county or jointly by more than one county and used for
19 the detention and confinement of persons convicted and under
20 sentence for violations of the criminal laws of this
21 Commonwealth. For purposes of this act, the term shall also
22 include any motivational boot camp as defined in section 3 of
23 the act of December 19, 1990 (P.L.1391, No.215), known as the
24 Motivational Boot Camp Act. The term does not include any
25 correctional facility used for the detention and confinement of
26 juvenile offenders.

27 "County commissioners." Elected county commissioners, or the
28 equivalent governing body of any county, regardless of form of
29 government.

30 "Department." The Department of Corrections of the

1 Commonwealth.

2 "Inmate." An individual who has been convicted of an
3 indictable offense and is serving a sentence in a correctional
4 facility or institution.

5 "Municipality." A municipal corporation or quasi-municipal
6 corporation, including counties.

7 "Open market." Unrestricted stream of commerce within this
8 Commonwealth and outside the borders of this Commonwealth in
9 interstate commerce.

10 "Private business, private enterprise or nonprofit entity."
11 An individual, firm, partnership, corporation or other lawful
12 commercial enterprise or nonprofit organization which, under
13 this act, operates a private sector prison industry and employs
14 State or county inmates.

15 "Private sector prison industry." A private business,
16 private enterprise or nonprofit entity which produces goods or
17 services employing inmate labor in or on the property of a State
18 or county correctional facility.

19 "Program." The Private Sector Prison Industry Enhancement
20 Certification Program established by the Justice Assistance Act
21 of 1984 (Public Law 98-473, 98 Stat. 2077 et seq.).

22 "Public road." Any highway, road, way or place of whatever
23 nature adopted by the proper State, county or other municipal
24 authority for the use of the general public as a matter of right
25 for the purpose of vehicular traffic.

26 "Public service work project." A project undertaken or
27 carried out by the State or a municipality which shall include
28 repair, maintenance or cleanup work projects in any State or
29 local park, playground, recreational area or on any public road
30 or any other work project in a public facility which does not

1 supplant the jobs of existing workers.

2 "Secretary." The Secretary of Corrections of the
3 Commonwealth.

4 "Superintendent." The person in primary charge of a State
5 correctional facility.

6 "Surrounding community." An entire county or group of
7 counties with at least one core city, with the whole area
8 meeting criteria of certain metropolitan characteristics
9 established by the United States Bureau of the Census.

10 "Warden." The person in primary charge of the administration
11 and management of a county or multicounty correctional
12 institution.

13 "Work force." An inmate work force provided for under
14 section 507.

15 CHAPTER 3

16 PRIVATE SECTOR PRISON INDUSTRY BOARD

17 Section 301. Board established.

18 (a) Establishment.--There is hereby established a board to
19 be known as the Private Sector Prison Industry Board.

20 (b) Composition.--The board shall consist of 12 members as
21 follows:

22 (1) The Secretary of Corrections or his designee who
23 shall serve as chairman.

24 (2) The Secretary of Labor and Industry or his designee.

25 (3) One representative from organized labor appointed by
26 the Governor from a list submitted by the Statewide labor
27 organizations in this Commonwealth and one representative
28 from organized labor appointed by the President of the
29 Pennsylvania AFL-CIO.

30 (4) Two county commissioners nominated by the County

1 Commissioners Association of Pennsylvania and appointed by
2 the Governor.

3 (5) Two members of the Senate, one appointed by the
4 President pro tempore and one appointed by the Minority
5 Leader.

6 (6) Two members of the House of Representatives, one
7 appointed by the Speaker and one appointed by the Minority
8 Leader.

9 (7) One county jail warden as appointed by the Governor.

10 (8) One representative from the business community
11 appointed by the Governor from a list submitted by the
12 business community.

13 (c) Terms.--Terms for members shall be as follows:

14 (1) Four years for the members of the Senate and two
15 years for the members of the House of Representatives.

16 (2) Three years for one of the county commissioners and
17 one year for the other.

18 (3) Two years for the representative from the business
19 community.

20 (4) Two years for the county jail warden.

21 (5) Two years for the representatives from organized
22 labor.

23 (d) Reappointment.--Each member of the board may be eligible
24 for reappointment. Each member shall continue to serve after the
25 expiration of his term until a successor is appointed.

26 (e) Vacancies.--Vacancies shall be filled by the original
27 appointing authority for the remainder of the expired term. The
28 vacancies shall be filled within 90 days of the occurrence of
29 the vacancy.

30 (f) Meetings.--The board shall meet annually and upon the

1 request of the chairman or three or more members. All meetings
2 shall be open to the public in accordance with the act of July
3 3, 1986 (P.L.388, No.84), known as the Sunshine Act.

4 (g) Quorum.--For the transaction of general business of the
5 board, six members shall constitute a quorum. A vote of nine of
6 the members of the board shall be necessary for a private sector
7 prison industry application to be approved when an objection has
8 been filed pursuant to section 506. A majority vote of the
9 members present will be necessary for a private sector prison
10 industry application to be approved if no objection has been
11 filed pursuant to section 506. Each approval of a private sector
12 prison industry application shall be made by a vote at a duly
13 constituted meeting of the board.

14 (h) Compensation.--Members shall receive no compensation for
15 their services on the board, but shall be reimbursed by the
16 department for all reasonable and necessary expenses in
17 accordance with the rules of the Executive Board.

18 Section 302. Powers and duties of board.

19 The board shall have the powers and duties to:

20 (1) Apply to the United States Department of Justice for
21 certification of prospective private sector prison industries
22 in this Commonwealth.

23 (2) Act as an intermediary between any correctional
24 agency in this Commonwealth and the United States Department
25 of Justice in matters related to the certification of private
26 sector prison industries in this Commonwealth.

27 (3) Establish procedures for determining whether a
28 prospective private sector prison industry proposed by the
29 department or any county correctional agency complies with
30 the requirements of the program and other State law not

1 inconsistent with this act.

2 (4) Publish the application for inclusion or
3 continuation of the prospective private sector prison
4 industry in the Pennsylvania Bulletin within ten days of
5 receipt.

6 (5) Provide written notification to competing private
7 nonprison enterprises based upon the findings of the
8 Secretary of Commerce.

9 (6) Approve or disapprove a prospective private sector
10 prison industry for inclusion and/or continuation in the
11 program.

12 (7) Monitor all private sector prison industry to ensure
13 continuing compliance with rules and regulations promulgated
14 by the United States Department of Justice under the
15 provisions of this act and forward any complaints or notices
16 of violation of applicable State law to the appropriate
17 enforcement authority.

18 (8) Issue an annual report by January 31 of each
19 calendar year to the Governor, the Judiciary Committee of the
20 Senate and the Judiciary Committee of the House of
21 Representatives detailing the status of prison-based joint
22 ventures in this Commonwealth.

23 (9) Designate which services to be performed or articles
24 manufactured or assembled by inmates are conforming to the
25 program regulations and can be sold on the open market.

26 CHAPTER 5

27 PRISON INDUSTRY PROVISIONS

28 Section 501. Minimum requirements of private sector prison
29 industry.

30 (a) Requirements enumerated.--A private sector prison

1 industry shall not be certified unless the private business,
2 private enterprise or nonprofit organization can demonstrate
3 that:

4 (1) The private business, private enterprise or
5 nonprofit organization, the department or the governing
6 authority of the county correctional system, whichever is
7 applicable, consulted with local union central bodies and
8 with local businesses that may be affected by the private
9 sector prison industry, prior to the initiation of the
10 application for certification.

11 (2) The private business, private enterprise or
12 nonprofit entity has verified with the Department of Labor
13 and Industry that, if certified, the private sector prison
14 industry will not:

15 (i) demonstrably result in the displacement of
16 employees in the surrounding community;

17 (ii) be applied in skills, crafts or trades in which
18 there is a surplus of available gainful labor in the
19 locality; or

20 (iii) impair existing contracts for goods and
21 services. Further, a contract shall not be executed by or
22 with a private sector prison industry employer that will
23 permit the employment of inmates in the same job
24 classifications or similar work duties or assignments as
25 individuals who are on strike, as defined in the act of
26 June 1, 1937 (P.L.1168, No.294), known as the
27 Pennsylvania Labor Relations Act, or who are otherwise
28 involved in a labor dispute as that term is defined by
29 Federal or State law, including, but not limited to, a
30 lockout.

1 (b) Minimum provisions.--Any private sector prison industry
2 certified under this act shall provide for the following:

3 (1) That all inmate employment shall be voluntary.

4 (2) That all inmates shall be compensated by the private
5 business, private enterprise or nonprofit enterprise at a
6 rate which is comparable to wages, including, but not paid
7 for work of a similar nature in private industry in the
8 locality in which the project is located, as determined after
9 consultation with the Department of Labor and Industry. This
10 compensation shall include, but not be limited to, the cost
11 of 50% of employee medical benefits paid for work of a
12 similar nature in private industry in the locality in which
13 the project is located, which shall be paid into a fund for
14 inmate medical expenses, as determined after consultation
15 with the Department of Labor and Industry. In no
16 circumstances shall an inmate receive compensation which is
17 less than the minimum wage established by Federal or State
18 law unless such lesser compensation is consistent with
19 Federal and State laws. However, no inmate may qualify for
20 unemployment insurance payments while incarcerated.

21 (3) That all inmates shall have deducted from any
22 compensation received:

23 (i) Federal, State and local taxes.

24 (ii) Any court-ordered financial obligation,
25 including victim restitution, fines, etc.

26 (iii) A portion of the room and board in a
27 correctional facility as determined by the department or
28 the governing body of the county correctional agency.

29 (iv) An allocation for support of the inmate's
30 immediate family under statute or court order or under

1 any other financial obligation acknowledged in writing by
2 the inmate.

3 (v) A portion which is not less than 5% nor more
4 than 20% of gross wages to the compensation board. All
5 funds collected by the compensation board shall be used
6 to compensate crime victims in the manner provided by
7 law.

8 (vi) Any remaining amount shall be maintained by the
9 appropriate correctional authority in a fund in the
10 inmate's name. The amount remaining shall be returned to
11 the inmate at the time of release. The correctional
12 authority may, however, permit the inmate to draw a
13 portion of the money for other purposes deemed to be
14 appropriate by the correctional authority.

15 No other deductions shall be permitted unless otherwise
16 permitted pursuant to Federal or State law. Deductions shall
17 not in the aggregate exceed 80% of gross wages. Each inmate
18 so employed shall receive a written statement demonstrating
19 the actual amount of each deduction and the basis, and the
20 wages shall be paid to persons employed pursuant to this act
21 no less frequently than biweekly.

22 (4) The provision of benefits and compensation to inmate
23 workers for injuries sustained in the course of employment
24 provided for in this act subject to any limitations set forth
25 in the act of June 2, 1915 (P.L.736, No.338), known as the
26 Workers' Compensation Act.

27 (5) That no more than 75% of the total inmate population
28 at each individual State or county correctional facility
29 shall be available as a labor pool for all of the separate
30 private sector prison industries located within the

1 individual State or county correctional facility.

2 (6) That no more than 100 inmates shall be employed by
3 any individual private sector prison industry and that no
4 inmate shall be employed by more than one private sector
5 prison industry at the same time.

6 (c) Priorities.--When reviewing potential private sector
7 prison industry, the board shall consider the impact on the
8 employment of persons in the private business sector of this
9 Commonwealth and give priority consideration to establishing
10 joint ventures which will retain or reclaim jobs in this
11 Commonwealth, support emerging Commonwealth industries or create
12 jobs for a deficient labor market.

13 Section 502. Employment of inmates by private industry.

14 (a) Contract and supervision.--Upon the approval of the
15 board, the department or a county correctional facility, with
16 the approval of its governing board and the county
17 commissioners, may enter into contracts with a private business,
18 private enterprise or nonprofit entity to permit the employment
19 of inmates to perform designated work. The department shall
20 remain responsible for the custody of the department inmates
21 employed in a private sector prison industry; however, all
22 supervision of the inmate employee which is related to that
23 inmate's employment is the sole responsibility of the private
24 sector prison industry employer. The county facility shall
25 remain responsible for the custody of county inmates employed in
26 a private sector prison industry; however, all supervision of
27 the inmate employee which is related to that inmate's employment
28 is the sole responsibility of the private sector prison industry
29 employer. The contractual arrangement authorized by this act
30 shall not create any third-party rights in any inmate.

1 (b) Status of inmate.--For the purposes of this act, inmates
2 employed under section 501(a) shall be considered to be
3 employees of the private business, private enterprise or
4 nonprofit entity. No inmate compensated for participation in the
5 program shall be considered to be an employee of the
6 Commonwealth or the county nor shall they be afforded the rights
7 and privileges of Commonwealth or county employees.

8 (c) Certain rights preserved.--Nothing contained in this
9 section shall be deemed to restore, in whole or in part, the
10 civil rights of participating inmates; however, participating
11 inmates shall be afforded the protection of the Fair Labor
12 Standards Act of 1938 (52 Stat. 1060, 29 U.S.C. § 201 et seq.),
13 Title VII of the Civil Rights Act of 1964 (Public Law 88-352, 78
14 Stat. 241), the Age Discrimination Act of 1975 (Public Law 94-
15 135, 42 U.S.C. § 6101 et seq.), the Occupational Safety and
16 Health Act of 1970 (Public Law 91-596, 29 U.S.C. § 651 et seq.),
17 the Americans with Disabilities Act of 1990 (Public Law 101-336,
18 104 Stat. 327), the act of June 2, 1915 (P.L.736, No.338), known
19 as the Workers' Compensation Act, the act of October 27, 1955
20 (P.L.744, No.222), known as the Pennsylvania Human Relations
21 Act, the act of July 14, 1961 (P.L.637, No.329), known as the
22 Wage Payment and Collection Law, and the act of January 17, 1968
23 (P.L.11, No.5), known as The Minimum Wage Act of 1968, solely to
24 the extent that they apply to the private sector prison industry
25 employment relationship.

26 (d) Consent to deduction.--An inmate may participate in the
27 program established pursuant to this act only on a voluntary
28 basis and must consent, in advance, to the specific deductions
29 from gross wages, as set forth in section 501(b)(3).

30 Section 503. Disposition of inmate wages.

1 (a) Inmates within department.--All wages of department
2 inmates employed by a private sector prison industry shall be
3 delivered by the private sector prison industry employer
4 directly to the department and shall be subject to deductions as
5 determined by the department.

6 (b) Inmates within county correctional facilities.--All
7 wages of county inmates employed by a private sector prison
8 industry shall be delivered by the private sector prison
9 industry employer directly to the county correctional facility
10 wherein the inmate is incarcerated and shall be subject to
11 deductions as determined by the governing authority.

12 (c) Deductions.--Deductions taken from inmate wages as
13 specified in section 501(b)(3), which deductions shall not
14 exceed 80% of gross wages. Each inmate employed will receive a
15 detailed written statement demonstrating the actual amount of
16 each deduction and the basis therefore, and wages shall be paid
17 to the department or county correctional facility no less
18 frequently than biweekly for deposit into the inmate's
19 institutional account.

20 Section 504. Lease of prison property to private businesses,
21 private enterprise or nonprofit entity.

22 The department or the county commissioners may lease any
23 portion of the buildings or grounds of any correctional facility
24 to the private business, private enterprise or nonprofit entity
25 operating a private sector prison industry for a term not to
26 exceed 20 years.

27 Section 505. Competing enterprises.

28 The Secretary of Commerce shall make reasonable written
29 effort to locate competing private nonprison enterprises upon
30 publication of the application for inclusion or continuation of

1 the prospective private sector prison industry as a notice in
2 the Pennsylvania Bulletin. The findings of the secretary shall
3 be provided to the board.

4 Section 506. Filing of objections.

5 (a) Filing.--Any private nonprison enterprise that would
6 compete with a prospective private sector prison industry may
7 file objections with the board regarding the inclusion or
8 continuation of the prospective private sector prison industry
9 in the program. Objections are limited to the following
10 subjects: unfair competition and the dislocation of workers.

11 (b) Time.--Objections must be filed with the board no later
12 than 30 days after publication of the application for inclusion
13 or continuation of the proposed private sector prison industry
14 as a notice in the Pennsylvania Bulletin.

15 (c) Determination of board.--Upon receipt of an appropriate
16 objection the board shall hold a hearing. The decision of the
17 board on the objection shall constitute a determining factor in
18 the approval or disapproval of the prospective private sector
19 prison industry application.

20 Section 507. Inmate litter retrieval forces.

21 (a) Authorization.--The superintendent or warden of a
22 correctional facility or institution is hereby authorized to
23 establish an inmate work force. A work force established under
24 this section shall be used, at the discretion of the
25 superintendent or warden, to retrieve and collect litter along
26 the public roads or perform other public service work projects
27 that are deemed to be within the capabilities of the inmates.
28 The work force shall be composed of individuals sentenced to
29 serve terms of imprisonment in a correctional facility or
30 institution. The use of inmate labor for the purpose of litter

1 retrieval and collection or other public service work under this
2 section shall be solely voluntary on the part of the inmate and
3 shall in no way be compulsory or used as a form of punishment.

4 (b) Composition of force.--A correctional facility's or
5 institution's work force shall be composed of inmates who, in
6 the determination of the superintendent or warden, or the
7 superintendent's or warden's designee, may safely perform the
8 work. Any inmate assigned to work on a litter force shall, in
9 the judgment of the superintendent or warden making the
10 assignment, or a designee, be physically and medically able to
11 perform the work.

12 (c) Exceptions.--No work force may include any inmate whose
13 presence in the community would present a danger to public
14 safety or any inmate serving a sentence for a conviction of one
15 or more of the following provisions:

16 (1) 18 Pa.C.S. § 2501 (relating to criminal homicide).

17 (2) 18 Pa.C.S. § 2901 (relating to kidnapping).

18 (3) 18 Pa.C.S. § 3121 (relating to rape).

19 (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate
20 sexual intercourse).

21 (5) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating
22 to robbery).

23 (6) A person convicted of any other crime of violence or
24 who commits a crime while on a work release program or who is
25 deemed guilty of disqualifying misconduct within the
26 correctional institution or facility.

27 (d) Search requirement.--All inmates shall be subject to
28 current practice of search before and after taking part in the
29 daily work schedule. The inmate shall be subject to the current
30 practice of a urinalysis test if a controlled substance is found

1 on the inmate's person.

2 (e) Supervision of force.--While detailed to the work force,
3 inmates shall be under the general supervision and control of
4 the staff employees designated by the superintendent or warden
5 of the correctional facility or institution. The superintendent
6 or warden and the designated staff employees shall be
7 responsible for the transportation, guarding, feeding or
8 attention necessary for all inmates assigned to the work force.

9 (f) Immunity from civil liability.--Neither the Commonwealth
10 nor any political subdivision thereof nor other agencies nor,
11 except in cases of willful misconduct, the agents, employees or
12 representatives of any of them engaged in inmate litter
13 retrieval activities or other public service work, while
14 complying with or attempting to comply with this act or any rule
15 or regulation promulgated under this act, shall be liable for
16 the death of or injury to any inmate detailed to a litter force
17 or loss or damage to property as a result of any litter
18 retrieval and collection activity.

19 Section 508. Rules.

20 The superintendent or warden of a correctional facility or
21 institution establishing a work force in accordance with this
22 act shall:

23 (1) Adopt any rules necessary for the effective
24 implementation of a work force program. The rules shall
25 specify the hours of labor for inmates assigned to a work
26 force, rules for inmate conduct, deportment and good behavior
27 allowance, and for any violations or infraction of the rules.

28 (2) Coordinate with the Department of Transportation
29 maintenance offices and other executive department offices in
30 the respective counties and regions and the relevant county

1 and other municipal officials regarding proper deployment of
2 the work force, and implement all safety measures required of
3 State or county employees performing the work.

4 (3) Collaborate with the appropriate State, county and
5 other municipal officials to develop procedures for the
6 continued utilization of inmates for litter retrieval and
7 collection and other public service work projects.

8 Section 509. Request for work force required.

9 (a) General rule.--A work force shall be detailed only in
10 response to a prior written request made by the Secretary of
11 Transportation, the secretary of any other department or an
12 appropriate officer of a municipality.

13 (b) Scope of request and guidelines.--

14 (1) Except as provided for in paragraph (2), all
15 departments involved must establish Statewide guidelines
16 relative to the submission of requests for litter retrieval
17 and collection and other public service work projects.

18 (2) A request submitted to the Department of
19 Transportation shall be limited to a request for litter
20 retrieval. The department's Bureau of Maintenance and
21 Operation shall establish standardized Statewide guidelines
22 for use by county maintenance offices relative to submission
23 of requests, types of roads, seasons of the year, material
24 costs and litter disposal.

25 Section 510. Prohibition on use of work force.

26 A superintendent or warden, or a designee, may not detail a
27 correctional facility's or institution's work force to perform
28 litter retrieval and collection or other public service work
29 projects that would eliminate the jobs that are currently
30 performed by, or reduce the working hours of, individuals

1 employed by the Commonwealth or by a county or other
2 municipality.

3 CHAPTER 7

4 MISCELLANEOUS PROVISIONS

5 Section 701. Regulations.

6 The department shall promulgate the regulations necessary to
7 carry out this act.

8 Section 702. Administrative support.

9 The department shall provide the board with reasonable
10 administrative and clerical support services subject to the
11 availability of funds.

12 Section 703. Immunities not waived.

13 No provision of this act waives or impairs any sovereign,
14 governmental, qualified or other immunity from or defense
15 against suit available to the Commonwealth and its departments,
16 boards, officers, employees and agents or the political
17 subdivisions of this Commonwealth and their agencies, officers
18 and employees.

19 Section 704. Inmate civil actions.

20 No inmate may bring a civil action before any court,
21 independent commission or board of this Commonwealth against the
22 board, the Commonwealth or its agencies, officers or employees
23 or the political subdivisions of this Commonwealth and their
24 agencies, officers and employees based upon a contractual
25 arrangement authorized by this act.

26 Section 705. Use of inmate work force not to affect certain
27 employees.

28 State and county employers shall ensure continued employment
29 of any State or county employees displaced due to the relocation
30 of a service to any State or county correctional facility within

1 this Commonwealth for the purposes of convict labor. Salary and
2 benefits for such continued employment shall be equivalent or
3 greater than that of the position vacated due to the relocation
4 of the service to the correctional facility.

5 Section 706. Penalties.

6 In addition to any other penalties provided by law, any
7 private business, private enterprise or nonprofit entity which
8 is determined by the board after a hearing or a court of
9 competent jurisdiction to have violated any provision of this
10 act or the regulations promulgated under this act shall have its
11 certification immediately suspended pending a hearing. Any
12 private business, private enterprise or nonprofit entity whose
13 certification is revoked or suspended or terminated pursuant to
14 this section shall be liable to reimburse the Commonwealth or
15 the county, as appropriate, for all costs associated with the
16 restoration of the facility.

17 Section 707. Construction of act.

18 No provision of this act shall be construed as creating a
19 civil cause of action against the board, the Commonwealth or its
20 agencies, officers or employees or the political subdivisions of
21 this Commonwealth and their agencies, officers and employees.
22 Nothing in this act shall create an enforceable right in any
23 person to obtain or retain employment in private sector prison
24 industry. Nothing in this act shall require the department or
25 any county to propose or permit a private sector prison industry
26 within the correctional facility.

27 CHAPTER 13

28 REPEALS and EFFECTIVE DATE

29 Section 1301. Repeals.

30 All acts and parts of acts are repealed insofar as they are

1 inconsistent with this act. This act shall not, however, affect
2 or change the method or manner of inmate work assignments within
3 said prisons or the statutory authority to compel such labor on
4 behalf of the Commonwealth or any political subdivision thereof.

5 Section 1302. Effective date.

6 This act shall take effect in 90 days.