

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2711

Session of
1992

INTRODUCED BY STURLA, SCHULER, FAJT, HASAY, CARONE, KOSINSKI,
NYCE, TRICH, ARGALL, TIGUE, MELIO, LEVDANSKY, BATTISTO, NOYE,
SAURMAN, KRUSZEWSKI, LEE, GEIST, KASUNIC, LUCYK, NICKOL,
FLICK, WOZNIAK, HARLEY, TANGRETTI, BROUJOS, FREEMAN, COY,
SALOOM, BILLOW, KING, STETLER, STEELMAN AND McNALLY,
MAY 12, 1992

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 17, 1992

AN ACT

1 Authorizing superintendents, wardens and other officials in
2 charge of correctional institutions to establish inmate work
3 force programs.

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 Inmate Work
8 Force Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) Idleness of inmates confined to correctional
12 facilities of this Commonwealth makes it necessary and
13 desirable that useful projects be developed which will
14 provide inmates with the opportunity to volunteer their idle
15 time for useful work on public service projects. The use of
16 inmates for litter retrieval and collection on the public

1 roads of this Commonwealth and for other public service
2 projects will provide an outlet for the constructive use of
3 idle time and will further benefit the public and the
4 environment of this Commonwealth.

5 (2) In enacting this legislation, it is the intent of
6 the General Assembly to give inmates the opportunity to
7 volunteer their time for litter retrieval and collection
8 along the public roads of this Commonwealth and for other
9 appropriate public service work projects and to authorize
10 superintendents, wardens and other officials in charge of
11 correctional facilities or institutions to establish work
12 forces composed of those inmates who may safely perform the
13 tasks assigned to them.

14 Section 3. Definitions.

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

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

29 "Inmate." An individual who has been convicted of an
30 indictable offense and is serving a sentence in a correctional

1 facility or institution.

2 "Municipality." A municipal corporation or quasi-municipal
3 corporation, including counties.

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

8 ~~"Public service work projects." Work projects which include, <—~~
9 ~~but are not limited to, repair, maintenance or clean up work, in~~
10 ~~any State or local park, playground, recreational area, public~~
11 ~~building or office, or any other public facility used by the~~
12 ~~citizens of this Commonwealth.~~

13 "PUBLIC SERVICE WORK PROJECT." A PROJECT UNDERTAKEN OR <—
14 CARRIED OUT BY THE STATE OR A MUNICIPALITY WHICH SHALL INCLUDE
15 REPAIR, MAINTENANCE OR CLEANUP WORK PROJECTS IN ANY STATE OR
16 LOCAL PARK, PLAYGROUND, RECREATIONAL AREA OR ON ANY PUBLIC ROAD
17 OR ANY OTHER WORK PROJECT IN A PUBLIC FACILITY WHICH DOES NOT
18 SUPPLANT THE JOBS OF EXISTING WORKERS.

19 "Secretary." The Secretary of Corrections of the
20 Commonwealth.

21 "Superintendent." The person in primary charge of a State
22 correctional facility.

23 "Warden." The person in primary charge of the administration
24 and management of a county or multicounty correctional
25 institution.

26 "Work force." An inmate work force provided for under
27 section 4.

28 Section 4. Inmate litter retrieval forces.

29 (a) Authorization.--The superintendent or warden of a
30 correctional facility or institution is hereby authorized to

1 establish an inmate work force. A work force established under
2 this section shall be used, at the discretion of the
3 superintendent or warden, to retrieve and collect litter along
4 the public roads or perform other public service work projects
5 that are deemed to be within the capabilities of the inmates.
6 The work force shall be composed of individuals sentenced to
7 serve terms of imprisonment in a correctional facility or
8 institution. The use of inmate labor for the purpose of litter
9 retrieval and collection or other public service work under this
10 section shall be solely voluntary on the part of the inmate and
11 shall in no way be compulsory or used as a form of punishment.

12 (b) Composition of force.--A correctional facility's or
13 institution's work force shall be composed of inmates who, in
14 the determination of the superintendent or warden, or the
15 superintendent's or warden's designee, may safely perform the
16 work. Any inmate assigned to work on a litter force shall, in
17 the judgment of the superintendent or warden making the
18 assignment, or a designee, be physically and medically able to
19 perform such work.

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

24 (1) 18 Pa.C.S. § 2501 (relating to criminal homicide).

25 (2) 18 Pa.C.S. § 2901 (relating to kidnapping).

26 (3) 18 Pa.C.S. § 3121 (relating to rape).

27 (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate
28 sexual intercourse).

29 (5) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating
30 to robbery).

1 (6) A person convicted of any other crime of violence or
2 who commits a crime while on a work release program or who is
3 deemed guilty of disqualifying misconduct within the
4 correctional institution or facility.

5 (d) Search requirement.--All inmates shall be subject to
6 current practice of search before and after taking part in the
7 daily work schedule. The inmate shall be subject to the current
8 practice of a urinalysis test if a controlled substance is found
9 on the inmate's person.

10 (e) Supervision of force.--While detailed to the work force,
11 inmates shall be under the general supervision and control of
12 the staff employees designated by the superintendent or warden
13 of the correctional facility or institution. The superintendent
14 or warden and the designated staff employees shall be
15 responsible for the transportation, guarding, feeding or
16 attention necessary for all inmates assigned to the work force.

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

27 Section 5. Rules.

28 The superintendent or warden of a correctional facility or
29 institution establishing a work force in accordance with this
30 act shall:

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

6 (2) Coordinate with the Department of Transportation, <—
7 ~~Bureau of Maintenance and Operations~~ MAINTENANCE OFFICES IN <—
8 THE RESPECTIVE COUNTIES and the relevant county and other
9 municipal officials regarding proper deployment of the work
10 force, and implement all safety measures required of State or
11 county employees performing such work.

12 (3) Collaborate with the appropriate State, county and
13 other municipal officials to develop procedures for the
14 continued utilization of inmates for litter retrieval and
15 collection and other public service work projects.

16 Section 6. Request for work force required.

17 (A) GENERAL RULE.--A work force shall be detailed only in <—
18 response to a prior written request made by the Secretary of
19 Transportation or an appropriate officer of a municipality.

20 (B) SCOPE OF REQUEST AND GUIDELINES.--A REQUEST SUBMITTED TO <—
21 THE DEPARTMENT OF TRANSPORTATION SHALL BE LIMITED TO A REQUEST
22 FOR LITTER RETRIEVAL. THE DEPARTMENT'S BUREAU OF MAINTENANCE AND
23 OPERATION SHALL ESTABLISH STANDARDIZED STATEWIDE GUIDELINES FOR
24 USE BY COUNTY MAINTENANCE OFFICES RELATIVE TO SUBMISSION OF
25 REQUESTS, TYPES OF ROADS, SEASONS OF THE YEAR, MATERIAL COSTS
26 AND LITTER DISPOSAL.

27 Section 7. Prohibition on use of work force.

28 A superintendent or warden, or a designee, may not detail a
29 correctional facility's or institution's work force to perform
30 litter retrieval and collection or other public service work

1 projects that would eliminate the jobs that are currently
2 performed by, or reduce the working hours of, individuals
3 employed by the Commonwealth or by a county or other
4 municipality.

5 Section 8. Effective date.

6 This act shall take effect in 60 days.