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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 63

Session of  
1995

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INTRODUCED BY STURLA, PLATTS, COY, FAJT, GORDNER, YOUNGBLOOD,  
TIGUE, MILLER, M. N. WRIGHT, ARGALL, WAUGH, DRUCE, LEVDANSKY,  
M. COHEN, ROONEY, BATTISTO, ROBERTS, EGOLF, NAILOR, BAKER,  
KAISER, SANTONI, RUBLEY, PISTELLA, MIHALICH, JOSEPHS, BROWN,  
MANDERINO, HANNA, FAIRCHILD, LYNCH, STABACK, HALUSKA, STERN,  
ITKIN, CAPPABIANCA, WOZNIAK, CURRY, READSHAW, VANCE, MERRY,  
EVANS, SCHULER, STEELMAN AND CIVERA, JANUARY 19, 1995

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REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 19, 1995

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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 project." A project undertaken or  
9 carried out by the State or a municipality which shall include  
10 repair, maintenance or cleanup work projects in any State or  
11 local park, playground, recreational area or on any public road  
12 or any other work project in a public facility which does not  
13 supplant the jobs of existing workers.

14 "Secretary." The Secretary of Corrections of the  
15 Commonwealth.

16 "Superintendent." The person in primary charge of a State  
17 correctional facility.

18 "Warden." The person in primary charge of the administration  
19 and management of a county or multicounty correctional  
20 institution.

21 "Work force." An inmate work force provided for under  
22 section 4.

23 Section 4. Inmate litter retrieval forces.

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

1 The work force shall be composed of individuals sentenced to  
2 serve terms of imprisonment in a correctional facility or  
3 institution. The use of inmate labor for the purpose of litter  
4 retrieval and collection or other public service work under this  
5 section shall be solely voluntary on the part of the inmate and  
6 shall in no way be compulsory or used as a form of punishment.

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

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

19 (1) 18 Pa.C.S. § 2501 (relating to criminal homicide).

20 (2) 18 Pa.C.S. § 2901 (relating to kidnapping).

21 (3) 18 Pa.C.S. § 3121 (relating to rape).

22 (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate  
23 sexual intercourse).

24 (5) 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating  
25 to robbery).

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

30 (d) Search requirement.--All inmates shall be subject to

1 current practice of search before and after taking part in the  
2 daily work schedule. The inmate shall be subject to the current  
3 practice of a urinalysis test if a controlled substance is found  
4 on the inmate's person.

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

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

## 22 Section 5. Rules.

23 The superintendent or warden of a correctional facility or  
24 institution establishing a work force in accordance with this  
25 act shall:

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

1           (2) Coordinate with the Department of Transportation  
2 maintenance offices in the respective counties and the  
3 relevant county and other municipal officials regarding  
4 proper deployment of the work force, and implement all safety  
5 measures required of State or county employees performing the  
6 work.

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

11 Section 6. Request for work force required.

12       (a) General rule.--A work force shall be detailed only in  
13 response to a prior written request made by the Secretary of  
14 Transportation or an appropriate officer of a municipality.

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

22 Section 7. Prohibition on use of work force.

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

30 Section 8. Effective date.

1       This act shall take effect in 60 days.