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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 828**      Session of  
1997

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INTRODUCED BY MAYERNIK, LEVDANSKY, STRITTMATTER, TIGUE, BOSCOLA,  
CAWLEY, ARMSTRONG, TRAVAGLIO, HERSHEY, CIVERA, STABACK, HESS,  
STERN, BROWNE, BROWN, MARKOSEK, READSHAW, FARGO, FAIRCHILD  
AND B. SMITH, MARCH 12, 1997

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 12, 1997

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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. 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 "Correctional facility" or "correctional institution." Any  
14 jail, prison or detention facility operated by the Commonwealth  
15 or by a county or jointly by more than one county and used for  
16 the detention and confinement of persons convicted and under  
17 sentence for violations of the criminal laws of this

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 "Public road." Any highway, road, roadway or place of  
8 whatever nature adopted by the proper State, county or other  
9 municipal authority for the use of the general public as a  
10 matter of right for the purpose of vehicular traffic.

11 "Secretary." The Secretary of Corrections of the  
12 Commonwealth.

13 "Superintendent." The person in primary charge of a State  
14 correctional facility.

15 "Warden." The person in primary charge of the administration  
16 and management of a county or multicounty correctional  
17 institution.

18 "Work force." An inmate work force provided for under  
19 section 3.

20 Section 3. Inmate work forces.

21 (a) Authorization.--The superintendent or warden of each  
22 correctional facility or institution is hereby authorized and  
23 directed to establish an inmate work force. A work force  
24 established under this section shall be used to perform work on  
25 public projects and public parks and on and along the public  
26 roads within the capabilities of the inmates. The work force  
27 shall be composed of individuals sentenced to serve terms of  
28 imprisonment in a correctional facility or institution. The use  
29 of inmate labor under this section shall be solely voluntary on  
30 the part of the inmate and shall in no way be compulsory or used

1 as a form of punishment.

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

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

13 (1) 18 Pa.C.S. § 2501 (relating to criminal homicide).

14 (2) 18 Pa.C.S. § 2901 (relating to kidnapping).

15 (3) 18 Pa.C.S. § 3121 (relating to rape).

16 (4) 18 Pa.C.S. § 3123 (relating to involuntary deviate  
17 sexual intercourse).

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

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

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

29 (e) Supervision of force.--While detailed to the work force,  
30 inmates shall be under the general supervision and control of

1 the staff employees designated by the superintendent or warden  
2 of the correctional facility or institution. The superintendent  
3 or warden and the designated staff employees shall be  
4 responsible for the transportation, guarding, feeding or  
5 attention necessary for all inmates assigned to the work force.

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

15 Section 4. Rules.

16 The superintendent or warden of a correctional facility or  
17 institution who establishes a work force in accordance with this  
18 act shall:

19 (1) Adopt any rules necessary for the effective  
20 implementation of a work force program. The rules shall  
21 specify the hours of labor for inmates assigned to a work  
22 force, rules for inmate conduct, deportment and good behavior  
23 allowance, and for any violation or infraction of the rules.

24 (2) Coordinate with the Department of Transportation  
25 maintenance offices in the respective counties and the  
26 relevant county and other municipal officials regarding  
27 proper deployment of the work force, and implement all safety  
28 measures required of State or county employees performing the  
29 work.

30 (3) Collaborate with the appropriate State, county and

1 other municipal officials to develop procedures for the  
2 continued utilization of inmates for work projects.

3 Section 5. Request for work force required.

4 A work force shall be detailed only in response to a prior  
5 written request made by the Secretary of Transportation or an  
6 appropriate officer of a municipality.

7 Section 6. Effective date.

8 This act shall take effect in 60 days.