
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2084 Session of
2015

INTRODUCED BY SNYDER, MAHONEY, READSHAW, O'BRIEN, BURNS,
DRISCOLL, MASSER, YOUNGBLOOD, MILLARD, SACCONI, CAUSER,
BOBACK, McNEILL, GIBBONS, WARD, SAYLOR, EVERETT, MULLERY,
TOOHIL, GOODMAN, DAVIS, NEUMAN, A. HARRIS, D. COSTA,
B. MILLER AND DeLUCA, MAY 19, 2016

REFERRED TO COMMITTEE ON JUDICIARY, MAY 19, 2016

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous provisions, providing
3 for oleoresin capsicum spray.

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

6 Section 1. Title 61 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 5907. Oleoresin capsicum spray.

9 (a) Issuance.--The department shall issue, on a routine
10 basis, oleoresin capsicum spray to:

11 (1) Any officer or employee of the department who:

12 (i) is employed in a State correctional institution
13 that is not a minimum-security or low-security State
14 correctional institution; and

15 (ii) may respond to an emergency situation in a
16 State correctional institution.

17 (2) To additional officers and employees of a State

1 correctional institution as the department determines
2 appropriate, in accordance with this section.

3 (b) Training.--The following shall apply:

4 (1) In order for an officer or employee of the
5 department, including a corrections officer, to be eligible
6 to receive and carry oleoresin capsicum spray under this
7 section, the officer or employee shall complete a training
8 course annually on the use of oleoresin capsicum spray.

9 (2) An officer or employee of the department who
10 completes a training course under paragraph (1) and
11 subsequently transfers to employment at a different State
12 correctional institution shall not be required to complete an
13 additional training course solely due the transfer.

14 (3) An officer or employee of the department who
15 completes a training course required under paragraph (1)
16 shall do so during the course of that officer's or employee's
17 regular employment and shall be compensated at the same rate
18 that the officer or employee would be compensated for
19 conducting the officer's or employee's regular duties.

20 (c) Use of oleoresin capsicum spray.--Officers and employees
21 of the department that are issued oleoresin capsicum spray under
22 subsection (a) may use the spray to reduce acts of violence:

23 (1) committed by inmates against themselves, other
24 inmates, inmate visitors and officers and employees of the
25 department; or

26 (2) committed by inmate visitors against themselves,
27 inmates, other visitors and officers and employees of the
28 department.

29 Section 2. This act shall take effect in 60 days.