
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1296 Session of
2021

INTRODUCED BY MASSER, RIGBY, SCHLEGEL CULVER, MILLARD, HEFFLEY,
ZIMMERMAN, WHEELAND AND CIRESI, APRIL 27, 2021

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 27, 2021

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous provisions, providing
3 for county 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 § 5907.1. County oleoresin capsicum spray.

9 (a) County option.--A governing body of a county may adopt
10 an ordinance to authorize a county corrections officer or other
11 employee employed by the county at a county correctional
12 institution to carry and use oleoresin capsicum spray at a
13 county correctional institution under this section.

14 (b) Issuance.--If an ordinance has been adopted under
15 subsection (a), the chief administrator of the county
16 correctional institution shall issue, on a routine basis,
17 oleoresin capsicum spray to:

18 (1) Any officer or employee of the county who:

1 (i) is on duty in the county correctional
2 institution; and

3 (ii) may respond to an emergency situation.

4 (2) Additional officers and employees of the county as
5 the chief administrator determines appropriate, in accordance
6 with this section.

7 (c) Training.--The following shall apply:

8 (1) For an officer or employee to be eligible to receive
9 and carry oleoresin capsicum spray under this section, the
10 officer or employee shall complete a training course in
11 accordance with county policy on the use of oleoresin
12 capsicum spray.

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

19 (d) Use of oleoresin capsicum spray.--Officers and employees
20 that are issued oleoresin capsicum spray under subsection (b)
21 may use the spray in accordance with county policy, including:

22 (1) in any situation where verbal direction given to
23 inmates has failed and staff may have to use physical force
24 to maintain or regain control;

25 (2) when an inmate barricades or arms himself and cannot
26 be approached without danger to personnel and the inmate; or

27 (3) when a delay in establishing control would
28 constitute a hazard to the inmate or other individuals or
29 would result in a disturbance or property damage.

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