

No. 1986-19

AN ACT

HB 307

Imposing a moratorium on the operation of private prisons and creating a legislative task force to conduct an investigation of the feasibility of private prisons.

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

Section 1. Short title.

This act shall be known and may be cited as the Private Prison Moratorium and Study Act.

Section 2. Definitions.

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

“Department.” The Department of Corrections of the Commonwealth.

“Private contractor.” An individual, partnership, corporation or unincorporated association which contracts with the Commonwealth or a county of this Commonwealth to own or operate, or to provide security services to, a correctional facility.

“Private contractor for security services.” A private contractor which provides security services and security personnel serving in the capacity of correction officers in a correctional facility owned by the Commonwealth or a county of this Commonwealth.

“Private correctional facility.” A for-profit adult correctional facility owned or operated by a private contractor contracting with the Commonwealth or a county of this Commonwealth for the provision of correctional services. The term excludes private facilities certified, licensed or operated by the Department of Public Welfare or the Department of Health and pre-release centers under the act of July 16, 1968 (P.L.351, No.173), referred to as the Prison Pre-release Plan Law.

“Secretary.” The Secretary of Corrections of the Commonwealth.

Section 3. Moratorium.

(a) Prohibition.—On and after the effective date of this act, no private correctional facility shall be operated within this Commonwealth.

(b) End of moratorium.—The prohibition contained herein shall remain in effect until June 30, 1987.

(c) Exception.—Nothing in this section shall apply to private contractors for security services as defined in this act.

Section 4. Private Prison Task Force.

(a) Creation of task force.—A legislative task force, known as the Private Prison Task Force, shall be created within the Joint State Government Commission within 30 days of the effective date of this act. The Private Prison Task Force shall be made up of the following:

(1) Three members of the Senate appointed by the President pro tempore, two of whom shall be members of the majority party and one who shall be a member of the minority party. The President pro tempore shall designate one of the members as co-chairman.

(2) Three members of the House of Representatives appointed by the Speaker of the House of Representatives, two of whom shall be members of the majority party and one who shall be a member of the minority party. The Speaker shall designate one of the members as co-chairman.

(b) Task force review.—The Private Prison Task Force shall study and may conduct public hearings on the issue of private correctional facilities in Pennsylvania, including, but not limited to, the need for and potential impact of private prisons, State regulations, contract and licensing provisions, liability, security and other related issues.

(c) Task force report.—The Private Prison Task Force shall submit a report of its findings and recommendations to the General Assembly by March 31, 1987.

(d) Advisory committee.—The Private Prison Task Force may appoint an advisory committee to include, but not be limited to:

(1) The Attorney General, or his designee.

(2) The Secretary of Corrections, or his designee.

(3) The Secretary of Health, or his designee.

(4) A representative of the Pennsylvania Prison Society or other prisoners' rights organization.

(5) A representative of organized labor.

Section 5. Continued operation.

(a) General rule.—Nothing in this act shall prevent the continued operation of any private correctional facility which was in operation during 1985.

(b) Restrictions.—Incarceration in a private correctional facility shall be limited to the following:

(1) Inmates sentenced for summary offenses or offenses pursuant to 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).

(2) Prison inmates that are not Federal.

(3) Prison inmates that are not from a state other than Pennsylvania.

Section 6. Effective date.

This act shall take effect immediately.

APPROVED—The 21st day of March, A. D. 1986.

DICK THORNBURGH