

No. 2016-174

AN ACT

HB 2084

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

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

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

§ 5907. Oleoresin capsicum spray.

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

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

(i) is employed by and on duty in a State correctional institution; and

(ii) may respond to an emergency situation.

(2) To additional officers and employees of a State correctional institution as the department determines appropriate, in accordance with this section.

(b) Training.—The following shall apply:

(1) In order for an officer or employee of the department, including a corrections officer, to be eligible to receive and carry oleoresin capsicum spray under this section, the officer or employee shall complete a training course in accordance with department policy on the use of oleoresin capsicum spray.

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

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

(c) Use of oleoresin capsicum spray.—Officers and employees of the department that are issued oleoresin capsicum spray under subsection (a) may use the spray in accordance with department policy, including:

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

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

(3) when it is determined that a delay in establishing control would constitute a hazard to the inmate or other individuals or would result in a disturbance or property damage.

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

APPROVED—The 21st day of November, A.D. 2016

TOM WOLF