

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 45 Session of 2019

INTRODUCED BY SNYDER, MULLERY, GOODMAN, NEILSON, READSHAW, HILL-
EVANS, BARRAR, MURT, KORTZ, CIRESI, CALTAGIRONE, McNEILL AND
DeLUCA, JANUARY 28, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 2019

AN ACT

1 Amending Title 61 (Prisons and Parole) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous provisions relating
3 to inmate confinement, providing for electronic stun guns.

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 § 5908. Electronic stun guns.

9 (a) Issuance.--The department shall issue an electronic stun
10 gun to a corrections officer who is employed by and on duty in a
11 State correctional institution.

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

13 (1) In order for a corrections officer to be eligible to
14 receive and carry an electronic stun gun under this section,
15 the corrections officer shall complete a training course in
16 accordance with department policy on the use of electronic
17 stun guns.

18 (2) A corrections officer who completes a training

1 course under paragraph (1) and subsequently transfers to
2 employment at a different State correctional institution
3 shall not be required to complete an additional training
4 course solely due to the transfer.

5 (3) A corrections officer who completes a training
6 course required under paragraph (1) shall do so during the
7 course of that officer's regular employment and shall be
8 compensated at the same rate that the officer would be
9 compensated for conducting the officer's regular duties.

10 (c) Use of electronic stun guns.--Corrections officers that
11 are issued electronic stun guns under subsection (a) may use the
12 electronic stun gun in accordance with department policy,
13 including:

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

17 (2) when an inmate is barricaded or armed and cannot be
18 approached without danger to staff and the inmate; or

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

23 (d) Definitions.--As used in this section, the following
24 words and phrases shall have the meanings given to them in this
25 subsection unless the context clearly indicates otherwise:

26 "Electronic stun gun." The term shall have the meaning given
27 to the term "electric or electronic incapacitation device" under
28 18 Pa.C.S. § 908.1(f) (relating to use or possession of electric
29 or electronic incapacitation device).

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