

**REGULATORY ANALYSIS FORM**

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INDEPENDENT REGULATORY  
REVIEW COMMISSION

(1) Agency: Department of Corrections

(2) I.D. Number (Governor's Office Use)

19-6

IRRC Numbers 2403

(3) Short Title

Administration, State Correctional Institutions and Facilities, Release and Prerelease Programs

(4) 37 Pa. Code §91.1, et seq.  
Part III. Agencies and Offices  
Subpart B. Department of Corrections  
Chapter 91 Administration, State Correctional  
Institutions and Facilities and Chapter 94  
Release and Prerelease Programs

(5) Agency Contacts & Telephone Numbers

Primary Contact: John S. Shaffer, Ph.D (717) 975-4868

Secondary Contact: Jill C. Fluck (717) 975-4860

(6) Type of Rulemaking (Check One)

- Proposed Rulemaking
- Final Order Adopting Regulation
- Final Order, Proposed Rulemaking Omitted

(7) Is a 120-Day Emergency Certification Attached?

- No.
- Yes: By the Attorney General
- Yes: By the Governor

(8) Briefly explain the regulation in clear and non-technical language.

The regulations govern the administration and operation of the state correctional institutions and facilities. The amendments will revise outdated material.

(9) State the statutory authority for the regulation and any relevant state or federal court decisions:

Section 506 of the Administrative Code of 1929 (71 P.S. §186).

(10) Is the regulation mandated by any federal or state law or court order, or federal regulation? If yes, cite the specific law, case or regulation, and any deadlines for action.

No.

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**(11) Explain the compelling public interest that justifies the regulation. What is the problem it addresses?**

The revisions will update outdated language to better inform the public of Department policies.

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**(12) State the public health, safety, environmental or general welfare risks associated with non-regulation.**

The Department believes that the revisions will enhance public understanding of Department procedures. Non-regulation would not derive that benefit.

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**(13) Describe who will benefit from the regulation. (Quantify the benefits as completely as possible and approximate the number of people who will benefit.)**

The general public will benefit by having a clear understanding of Department policy.

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**(14) Describe who will be adversely affected by the regulation. (Quantify the adverse effects as completely as possible and approximate the number of people who will be adversely affected.)**

The Department does not expect anyone to be adversely affected by the revisions.

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**(15) List the persons, groups or entities that will be required to comply with the regulation. (Approximate the number of people who will be required to comply).**

The general public seeking to contact state correctional inmates and state correctional inmates.

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**(16) Describe the communications with the input from the public in the development and drafting of the regulation. List the persons and/or groups who are involved, if applicable.**

The Department did not solicit input from the public in the development and drafting of the regulations.

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**(17) Provide a specific estimate of the costs and/or savings to the regulated community associated with compliance, including any legal, accounting or consulting procedures which may be required.**

The Department does not expect the revisions to have any significant fiscal impact on the regulated community. The only fiscal impact is the incremental increase in medical co-payments.

**(18) Provide a specific estimate of the costs and/or savings to local governments associated with compliance, including any legal, accounting or consulting procedures which may be required.**

The revisions do not require compliance by local governments; therefore, the Department does not expect the regulations to have any fiscal impact on them.

**(19) Provide a specific estimate of the costs and/or savings to state government associated with the implementation of the regulation, including any legal, accounting, or consulting procedures which may be required.**

There are no costs or savings associated with these revisions.

**(20) In the table below, provide an estimate of the fiscal savings and costs associated with implementation and compliance for the regulated community, local government, and state government for the current year and five subsequent years.**

None expected.

	CURRENT FY YEAR	FY + 1 YEAR	FY + 2 YEAR	FY + 3 YEAR	FY + 4 YEAR	FY + 5 YEAR
SAVINGS:	\$	\$	\$	\$	\$	\$
Regulated Community						
Local Government						
State Government						
Total Savings						
COSTS:						
Regulated Community						
Local Government						
State Government						
Total Costs						
REVENUE LOSSES:						
Regulated Community						
Local Government						
State Government						
Total Revenue Losses						

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**(20a) Explain how the cost estimates listed above were derived.**

Not applicable.

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**(20b) Provide the past three-year expenditure history for programs affected by the regulation.**

Not applicable.

PROGRAM	FY - 3	FY - 2	FY - 1	Current FY
	\$	\$	\$	\$

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**(21) Using the cost-benefit information provided above, explain how the benefits of the regulation outweigh the adverse effects and costs.**

The Department does not expect any adverse effects or costs.

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**(22) Describe the non-regulatory alternatives considered and the costs associated with those alternatives. Provide the reasons for their dismissal.**

The Department does not believe that non-regulatory alternatives exist to inform the public of its policies that have an affect on the public.

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**(23) Describe alternative regulatory schemes considered and the costs associated with those schemes. Provide the reasons for their dismissal.**

Not applicable.

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**(24) Are there any provisions that are more stringent than federal standards? If yes, identify the specific provisions and the compelling Pennsylvania interest that demands stronger regulation.**

No.

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**(25) How does this regulation compare with those of other states? Will the regulation put Pennsylvania at a competitive disadvantage with other states?**

The Department has not specifically compared these regulations with other states but the Department believes that there is no competitive disadvantage.

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**(26) Will the regulation affect existing or proposed regulations of the promulgating agency or other state agencies? If yes, explain and provide specific citations.**

No, except to the extent that these revisions amend existing regulations.

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**(27) Will any public hearings or informational meetings be scheduled? Please provide the dates, times, and locations, if available.**

No.

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**(28) Will the regulation change existing reporting, record keeping, or other paperwork requirements? Describe the changes and attach copies of forms or reports which will be required as a result of implementation, if available.**

No.

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**(29) Please list any special provisions which have been developed to meet the particular needs of affected groups or persons including, but not limited to, minorities, elderly, small businesses, and farmers.**

Not applicable.

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**(30) What is the anticipated effective date of the regulation; the date by which compliance with the regulation will be required; and the date by which any required permits, licenses or other approvals must be obtained?**

The Department anticipates that the revisions will become effective upon completion of the regulatory review process and publication in the Pennsylvania Bulletin. Compliance with the revisions will be required upon the effective date and such notice to inmates as is required by law.

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**(31) Provide the schedule for continual review of the regulation.**

The Department plans to review the regulations annually.

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FACE SHEET  
FOR FILING DOCUMENTS  
WITH THE LEGISLATIVE REFERENCE BUREAU

(Pursuant to Commonwealth Documents Law)

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REGULATORY  
REVIEW COMMISSION

#2403

DO NOT WRITE IN THIS SPACE

Copy below is hereby approved as to  
form and legality. Attorney General

\_\_\_\_\_  
(DEPUTY ATTORNEY GENERAL)

\_\_\_\_\_  
DATE OF APPROVAL

Check if applicable  
Copy not approved. Objections  
attached.

Copy below is hereby certified to be a true and correct copy  
of a document issued, prescribed or promulgated by:

Department of Corrections  
(AGENCY)

DOCUMENT/FISCAL NOTE NO. 19-6

DATE OF ADOPTION: \_\_\_\_\_

BY: \_\_\_\_\_

Jeffrey A. Beard, Ph.D

TITLE: \_\_\_\_\_

Secretary of Corrections  
(EXECUTIVE OFFICER, CHAIRMAN OR SECRETARY)

Copy below is hereby approved as to  
form and legality. Executive or Independ-  
ent Agencies.

BY: \_\_\_\_\_

\_\_\_\_\_  
DATE OF APPROVAL

(Deputy General Counsel)  
(Chief Counsel, Independent Agency)  
(Strike inapplicable title)

Check if applicable. No Attorney Gen-  
eral approval or objection within 30  
days after submission.

Final Rulemaking  
Department of Corrections  
37 PA. Code, Chs. 91, 93, 94  
Administration, State Correctional Institutions & Facilities  
And Release and Prerelease Programs

# FINAL RULEMAKING

## DEPARTMENT OF CORRECTIONS

[37 PA. CODE CHS. 91, 93 AND 94]

### **Administration, State Correctional Institutions and Facilities and Release and Prerelease Programs**

The Department of Corrections (Department) amends Chapters 91, 93 and 94 (relating to administration; State correctional institutions and facilities; and release and prerelease programs) to read as set forth in Annex A. The Department is acting under the authority of section 506 of The Administrative Code of 1929 (71 P. S. § 186). The rulemaking revises outdated material.

#### *Purpose*

The final-form rulemaking amends Chapter 91 to update the section on use of force and restraints. The final-form rulemaking amends Chapter 93 to revise the section on inmate correspondence to provide alternative procedures for privileged correspondence. The sections on inmate visiting privileges and religious activities are updated. The section on inmate discipline is revised to change the procedures for inmate hearings. The section on prison medical services is revised to clarify examination procedures and increase medical co-pay fees. The rulemaking amends Chapter 94 to clarify pre-release procedures.

#### *Summary of Comments and Responses on Proposed Rulemaking*

##### **1. Section 91.6. Use of force and restraints.**

IRRC commented as follows: Subsection (a)(2)(i) allows for the use of deadly force if an inmate attempts to "escape from a correctional facility or while in immediate pursuit of an inmate escaping from a correctional facility." The term "correctional facility" is not defined. The term "facility" is defined under § 91.6 as "An institution, motivational boot camp or community corrections center operated or contracted by the Department." The Department has indicated that this provision does not apply to an escape from a community corrections center. For clarity, the final-form regulation should define the term "correctional facility" and it should not include the term community corrections center. Alternatively, the defined term "facility" should be substituted for "correctional facility" and subsection (a)(2)(i) should be amended to specifically exempt community corrections centers.

**Response:** The Department agrees and has amended subsection (a)(2)(i) to specifically exempt community corrections centers.

IRRC commented as follows: Subsection (a)(2)(ii) allows the use of deadly force if an inmate who has been convicted of a forcible felony attempts to "escape from a work detail, transport or other approved temporary absence when deadly force is necessary to prevent the escape . . . ." The term "forcible felony" is not defined in regulation or statute. However, it is defined in Department Policy Statement No. DC ADM-201--Use of Force as "an offense involving the threat of physical force or violence against any individual." The Department should include this definition in the final-form regulation.

**Response:** The Department agrees and has added this definition in subsection (a)(2)(ii).

IRRC commented as follows: Subsection (c) establishes the procedures for the use of chemical munitions. It requires staff to follow procedures in Administrative Directives. The Department should include the name and form number of the applicable documents in the final-form regulation.

**Response:** The Department agrees and has added a reference to DC-ADM 201 Use of Force to this subsection.

The Pennsylvania Institutional Law Project commented that the proposed changes unnecessarily expand the type of situation in which force can be used to include failure to comply with rules and where other methods are ineffective. The proposed changes also expand the use of deadly force to include situations in which an inmate is attempting to escape from a facility.

**Response:** The changes are not an expansion of the existing regulations, which provide for use of force for legitimate penological objectives and for use of deadly force. Department staff has the legal authority to use a reasonable amount of force to bring about compliance with rules. The language in this regulation has been revised to further clarify when such force can be used. The authority to use deadly force to prevent an escape is clearly provided in statute 18 Pa.C.S. §508(c). The authority to use force to comply with rules is clearly provided in 18 Pa.C.S. §509(5)(i).

## **2. Section 93.2. Inmate correspondence.**

IRRC commented as follows: Subsection (f) relates to the rejection of correspondence. It states, in part, "The letter may be held for at least 7 business days after mailing of the notification to permit reasonable opportunity to protest the decision." The word "may" suggests that this provision is optional. The Department has indicated that they routinely hold letters for 7 business days. The final-form regulation should make this provision a requirement by changing the word "may" to "will."

**Response:** The Department agrees and has made the suggested change.

The Pennsylvania Institutional Law Project commented as follows: "There are situations that were considered legal mail and not subject to search outside the presence of the



inmate under the old rules that are not included in this new criteria and as such will now be inspected outside the inmate's presence."

**Response:** No change to definition of legal mail is being made at this time. This comment addresses prior amendments to these regulations.

### **3. Section 93.3. Inmate visiting privileges.**

IRRC commented that in subsection (a) relating to the approved list of visitors, the opening sentence is being amended to state "A list of approved visitors may contain at least 20 names or more if permitted by the Department." This change seems to require an inmate to have at least 20 visitors on the list. To avoid this confusion, the Department should retain the existing language that stated, in part, "A list of approved visitors may contain up to 20 names . . . ."

**Response:** The Department agrees and has made the suggested change.

IRRC commented that under the existing regulation, a child under 12 years of age may visit an inmate when accompanied by an adult. The proposed amendment would require a child under 18 years of age to be accompanied by a parent, legal guardian or county children/youth services agency staff. The Department's current policy statement and handbook are inconsistent with this provision in the proposed regulation.

IRRC further commented that section (VI)(A)(2)(f) of Department Policy Statement No. DC ADM-812--Inmate Visiting Privileges provides that an immediate family member approved by the parent or legal guardian may accompany a minor when visiting an inmate. In addition, section (VI)(C)(2) allows a minor to visit only when accompanied by a parent/legal guardian, county children/youth services agency staff or an adult approved by the parent/legal guardian.

IRRC also commented that the *Handbook for the Families and Friends of Pennsylvania Department of Corrections Prison Inmates* permits an adult on an inmate's approved visiting list to accompany a child visiting an inmate. The Department should explain the inconsistencies between the proposed regulation and the documents previously noted.

**Response:** The Department will retain the existing regulation language except to add that an adult that accompanies the child must be approved by the parent or legal guardian. The Department will ensure that both DC-ADM 812 and the *Handbook for the Families and Friends of Pennsylvania Department of Corrections Prison Inmates* are consistent with the regulation.

IRRC commented that the provision regarding the removal of visitors from an approved list is being amended by deleting the phrase "for good cause." The Department should retain this phrase, or explain the basis on which the facility manager will remove the name of a visitor.

**Response:** The Department agrees and will retain this language.

IRRC made the following comments about subsections (b), (c), and (j) relating to visitations by religious advisers, attorneys and media representatives. They all contain the phrase ". . . the total designated by the Department." The Department has indicated that they do not "designate" lists of visitors. Instead, they approve lists of visitors. These subsections should be amended to read ". . . the total approved by the Department."

**Response:** The Department agrees and has made the suggested changes.

IRRC made the following comments on subsection (h)(1) and (2) which provides that visiting days and hours will be "at the discretion of the facility manager." Representative Kathy Manderino, a member of the House Judiciary Committee, is concerned that this new language would make it more difficult for family members to visit inmates who are confined to facilities far from their homes. She suggests the Department establish minimum standards for all facilities that would allow reasonable access for family visits. We agree that visiting days and hours should reasonably accommodate family members.

**Response:** The Department agrees and has amended the proposed regulation to require that visiting days and hours reasonably accommodate family members.

#### **4. Section 93.6. Religious activities.**

IRRC and the Pennsylvania Council of Churches made the following comments on subsection (a) which is being amended to delete language which permits inmates to "possess approved religious items" and be granted "reasonable accommodation for dietary restrictions." The Department should explain the reason for deleting this language.

**Response:** The Department has withdrawn the amendments.

IRRC and the Pennsylvania Council of Churches made the following comments on subsection (b) which relates to religious advisers. The rulemaking is deleting a provision that allows qualified representatives of a faith from the outside community to hold regular services in the correctional facility if the facility contains a sufficient number of inmates of the same faith. This provision is being replaced with the following sentence: "Staff or volunteers will be permitted to hold services that are consistent with the security needs and orderly administration of the facility." The Department has indicated that qualified representatives who have received endorsement from their faith group will still be allowed to hold services. The final-form regulation should be amended to reflect this fact.

**Response:** The Department has amended the regulation to retain existing language and to clarify that qualified representatives, staff and volunteers may all hold services.

IRRC and the Pennsylvania Council of Churches made the following comments on subsection (c) in the existing regulation which specifies how requests for accommodations of faith will be handled. Why is this subsection being deleted?

**Response:** The subsection in question has been revised to state that accommodation requests will be processed according to DC-ADM 819 Religious Activities which sets for a process for reviewing such requests.

#### **5. Section 93.7. Telephone calls.**

IRRC commented on subsection (a) which references 18 Pa.C.S. Chapter 57 (relating to wiretapping and electronic surveillance). The Department has indicated that the applicable provision is 18 Pa.C.S. § 5704. The final-form regulation should be amended to include a reference to 18 Pa.C.S. § 5704.

**Response:** The Department agrees and has made the suggested change.

#### **6. Section 93.9. Inmate complaints.**

IRRC and the Pennsylvania Institutional Law Project made a comment on this section which has been amended to add that an inmate who submits a "frivolous" grievance may be subject to appropriate disciplinary procedures. The definition of "frivolous grievance" is in DC-ADM 804--Inmate Grievance System. The final-form regulation should include this definition. Also, the Department should reference DC-ADM 804, which explains who determines if a grievance is frivolous and when that determination is made.

**Response:** The Department agrees and has made the suggested change.

#### **7. Section 93.10. Inmate discipline.**

IRRC made a comment on subsection (a) which states, in part, that "Rules which define expectations and prohibitions for inmate behavior will be established by the Department and *made available* to the inmate population." (Emphasis added.) This sentence implies that rules will be established sometime in the future. However, the Department indicated that rules have been established and are contained in the *Department of Corrections Inmate Handbook (Handbook)*. The final-form regulation should include a reference to that document.

**Response:** The Department agrees and has made the suggested change.

IRRC noted that Representative Manderino has expressed concern over the insertion of the phrase "made available" which replaces the existing term "distributed." The concern is that since inmates will be held responsible for complying with the rules and may be disciplined for infractions, they should receive a complete copy of the rules. We agree.

Additionally, we note that the phrase "made available" or "available" appears in subsection (b)(2), as well as the following sections of the proposed regulation: the definition of "contraband" in § 91.1; § 93.2(e)(1); § 93.3(h)(6); and § 94.3(a)(1) and (6). The same concern applies to these sections. The final-form regulation should specify when the complete *Handbook* will be provided to inmates and how inmates will be informed of updates to the *Handbook* and other Department policy statements.

**Response:** The Department agrees and has added a definition of the inmate handbook to the definition section, which explains how it is updated. The language "made available" has been replaced with the word "disseminated."

IRRC and the Pennsylvania Institutional Law Project commented on subsection (b)(2) adding language pertaining to an "informal resolution process" for inmate misconduct charges. The Department should explain how this process will be implemented.

**Response:** The Department agrees and has added a reference to DC-ADM 801 and a brief description of the process.

IRRC and the Pennsylvania Institutional Law Project commented that under existing subsection (b)(5), written statements of a decision and the reasoning of the hearing body must be based on the "preponderance of the evidence." The Department is proposing to replace "preponderance of the evidence" with "some evidence." However, "some evidence" is not a legal standard for basing a finding of guilt. The Department should explain why it is not substituting another legal standard, such as "substantial evidence," on which a finding of guilt will be based.

**Response:** The Department has withdrawn this change.

#### **8. Section 93.12. Prison Medical Services Program.**

IRRC commented that subsection (d) lists medical services that will be provided to an inmate without charge. Subsection (d)(8) states that "Infirmarium care in a Department facility excluding organ transplantation." Based on discussion with Department staff, we understand that this provision was intended to address organ donation by an inmate. However, this procedure would not take place in a Department facility. Therefore, the exclusion listed in this subsection is unnecessary and should be deleted.

**Response:** The Department has withdrawn this change.

IRRC and the Pennsylvania Institutional Law Project along with two inmates made comments that under subsection (e), the fee for medical services is being increased from \$2 to \$3 with subsequent increases of an additional \$1 on July 1, 2005, and July 1, 2007. The Department should explain the basis for the fee increases.

**Response:** The basis for the fee increase is that the co-payment has not been adjusted since the implementation of the co-pay system despite the fact that costs for inmate health care are increasing significantly. The cost increased 16% from 2002 to 2004, from \$152,249,000 to \$176,913,000, or over \$24 million over a two-year period. The projected co-pay increase will result in an increase of only \$130,000 over a two-year period. Maintaining a fair co-payment in the face of increasing costs will continue to serve the intended purpose of eliminating unnecessary health care visits by inmates. This purpose would not be achieved if the co-pay remained stagnant in the face of increasing costs. This increase is also consistent with increases in individual co-payment amounts in the private and public sector employee health care contracts, although the increases for inmates are much smaller than those experienced by non-incarcerated individuals.

### **9. Section 94.3. Procedures for participating in prerelease programs.**

IRRC commented that subsection (a) establishes the criteria for eligibility for prerelease programs. Subsection (a)(1) is being amended to add that inmates sentenced to "other offenses as specified in State or Federal statutes or specified by the Department in the Commonwealth of Pennsylvania *Department of Corrections Inmate Handbook*" are not eligible. The final-form regulation should include references to the applicable State and Federal statutes.

**Response:** The Department has amended this section to delete the reference to applicable State and Federal statutes. Because these statutes will be referenced in the Department directive on prerelease, this language has been substituted with a reference to that policy, DC-ADM 805 Policy and Procedures for Obtaining Pre-release.

### **10. Section 94.5. Notification process.**

IRRC commented that subsection (b) establishes the procedures to be followed if a judge or court objects to the prerelease of an inmate. If the Department and the judge or court cannot reach an agreement, the Department will refer the matter to the Board for "a hearing." The existing regulation uses the word "arbitration." Why has "arbitration" been replaced with "a hearing"? Also, what does the arbitration process entail?

**Response:** The term arbitration has been replaced with the term hearing because that is the term used in the relevant statute: 16 Pa.C.S. §1052. A reference to this statute has been included so that the regulated community can be directed to further information about the Board of Pardon's Hearing process. Because that process is within the authority of the Board, not the Department, it is not for the Department's regulations to elaborate upon what the process entails.

#### *Fiscal Impact and Paperwork Requirements*

Since the Department currently operates the State prison system substantially in accordance with the final-form rulemaking, it does not expect the final-form rulemaking

to have a fiscal impact on, or to create new paperwork requirements for, the Commonwealth, its political subdivisions or the private sector.

*Effective Date*

The rulemaking shall be effective upon final-form publication in the *Pennsylvania Bulletin*.

*Sunset Date*

No sunset date has been assigned; however, every facet of the rulemaking will be continuously reviewed for effectiveness, clarity and whether they are serving the greater interests of citizens of this Commonwealth.

*Regulatory Review*

Under section 5(a) of the Regulatory Review Act (71 P. S. § 745.5(a)), on June 2, 2004, the Department submitted a copy of this proposed rulemaking and a copy of a Regulatory Analysis Form to the Independent Regulatory Review Commission (IRRC) and to the Chairpersons of the House and Senate Judiciary Committees. A copy of this material is available to the public upon request.

Under section 5(c) of the Regulatory Review Act, IRRC and the committees were provided with copies of comments received during the public comment period, as well as other documents when requested. In preparing the final-form rulemaking, the Department has considered all comments received.

Under section 5(g) of the Regulatory Review Act, IRRC conveyed its comments on the proposed rulemaking on August 11, 2004. The responses to all comments appear in the comment response document following this preamble.

Under section 5.1(j.2) of the Regulatory Review Act, the final form rulemaking was deemed approved by the House and Senate Judiciary Committees on \_\_\_\_\_. Under section 5.1(e) of the Regulatory Review Act, IRRC met on \_\_\_\_\_, and approved the final-form rulemaking.

*Contact Person*

Further information is available by contacting John S. Shaffer, Ph.D., Executive Deputy Secretary, 2520 Lisburn Road, P. O. Box 598, Camp Hill, PA 17001-0598.

*Findings*

The Department finds that:

(1) Public notice of intention to adopt the amendments adopted by this order has been given under sections 201 and 202 of the act of July 31, 1968 (P. L. 769, No. 240) (45 P. S. §§ 1201 and 1202) and the regulations promulgated thereunder, 1 Pa. Code §§ 7.1 and 7.2.

(2) A public comment period was provided as required by law and all comments received were considered.

(3) The modifications that were made to the final-form rulemaking in response to comments received do not enlarge the purpose of the proposed rulemaking published at 34 Pa. B. 3010.

(4) The modifications that were made to the final-form rulemaking in response to additional comments received do not enlarge the purpose of the proposed rulemaking published at 34 Pa.B. 3010.

(6) The adoption of the final-form rulemaking in the manner provided in this order is necessary and appropriate for the administration of the authorizing statute.

*Order*

The Department, acting under authority of the authorizing statute, orders that:

- (a) The regulations of the Department are amended to read as set forth in Annex A
- (b) The Secretary of the Department shall submit this order and Annex A to the Office of General Counsel and to the Office of Attorney General for review and approval as to legality and form, as required by law.
- (c) The Secretary of the Department shall certify this order and Annex A and deposit them with the Legislative Reference Bureau, as required by law.
- (d) This order shall take effect upon publication in the *Pennsylvania Bulletin*.

JEFFREY A. BEARD, Ph.D.,  
Secretary

ANNEX A  
TITLE 37. LAW  
PART III. AGENCIES AND OFFICES  
SUBPART B. DEPARTMENT OF CORRECTIONS  
CHAPTER 91 ADMINISTRATION,  
CHAPTER 93 STATE CORRECTIONAL INSTITUTIONS AND FACILITIES  
AND  
CHAPTER 94 RELEASE AND PRERELEASE PROGRAMS

§ 91.1. Definitions.

The following words and terms, when used in this subpart, have the following meanings, unless the context clearly indicates otherwise:

\* \* \* \* \*

*Community corrections center* - A minimum-security community-oriented facility operated or contracted by the Department for the purpose of facilitating special programs.

*Contraband* - Material listed as contraband in 18 Pa.C.S. §§ 5122 and 5123 (relating to weapons or implements for escape; and contraband), the Commonwealth of Pennsylvania

*Department of Corrections Inmate Handbook*, or any Department document that is

DISSEMINATED ~~made available~~ to inmates, such as material that an inmate is prohibited from possessing or material that an inmate is permitted to possess that has been altered or is being used for something other than its intended purpose.

\* \* \* \* \*

*DEPARTMENT OF CORRECTIONS INMATE HANDBOOK* – A DOCUMENT THAT IS TO



BE DISSEMINATED TO INMATES THAT CONTAINS ALL RULES THAT AN INMATE MUST FOLLOW TO AVOID DISCIPLINE. IT IS UPDATED THROUGH DISSEMINATION OF WRITTEN MATERIALS TO INMATES THAT DESCRIBE THE RULE CHANGE WHEN SUCH A CHANGE IS MADE, OR BY DISSEMINATION OF A REVISED HANDBOOK.

*Facility* - An institution, motivational boot camp or community corrections center operated or contracted by the Department.

§ 91.6. Use of force and restraints.

(a) Force and restraints will be used by corrections personnel only to accomplish legitimate [peneological] penological and law enforcement objectives.

(1) A staff member may not use any greater force against an inmate than is necessary to protect himself or others from bodily harm or to protect property from damage or destruction or to prevent a criminal act or to effect compliance with rules when other methods of control are ineffective.

(2) A staff member may only use deadly force against an inmate when such force is necessary to prevent death, serious bodily harm to himself or others, or to prevent [an escape] one or more of the following:

(i) An escape from a correctional facility OTHER THAN A COMMUNITY CORRECTIONS CENTER or while in immediate pursuit of an inmate escaping from a correctional facility OTHER THAN A COMMUNITY CORRECTIONS CENTER.

(ii) An escape from a work detail, transport or other approved temporary absence when deadly force is necessary to prevent the escape and the inmate has been convicted of a forcible felony AN OFFENSE INVOLVING THE THREAT OF PHYSICAL FORCE OR VIOLENCE AGAINST ANY INDIVIDUAL.

\* \* \* \* \*

(c) Use of [mace] chemical munitions will be closely controlled. Appropriate medical attention will be provided for any person involved in an incident where [mace was] chemical munitions were used. Staff will follow the procedures set forth in ~~Administrative Directives~~ DC-ADM 201 - USE OF FORCE as to the availability and storage, method of use, training, medical staff role, and reporting of the use of [mace] chemical munitions.

§ 93.2. Inmate correspondence.

\* \* \* \* \*

(b) *Restrictions.* The following restrictions apply:

(1) Correspondence with inmates of other facilities, former inmates, probationers or victims of the criminal acts of the inmate will not be permitted except upon [special] approval of the facility manager or his designee.

\* \* \* \* \*

(5) Mail addressed to an inmate organization will not be accepted unless the facility manager and Secretary [has] have approved the organization and it is addressed to the staff coordinator of the organization.

(c) *Incoming mail.* All mail sent to a facility will be opened and examined for contraband in the facility's mailroom or designated area except when permitted under paragraph (1).

(1) The Department may permit sealed mail to be opened in the presence of an inmate under the following conditions:

\* \* \* \* \*

(ii) An attorney may obtain a control number from the Department's Office of Chief Counsel if he wishes to have correspondence addressed to an inmate client opened in the presence of the inmate.

(A) An attorney must submit a written request for a control number to the Office of Chief Counsel. The request shall include the attorney's name, address, telephone and facsimile numbers, state attorney identification number and a verification subject to the penalties of 18 Pa. C.S. §4904 relating to unsworn falsification to authorities that all mail sent to inmates using the control number will contain only essential, confidential, attorney-client communication and will contain no contraband.

(B) The attorney shall place the control number on each envelope that the attorney wishes to have opened in an inmate's presence. The number is confidential. It shall only be placed on the outside of the envelope so that it can be obliterated before it is delivered to an inmate client.

(C) If a control number does not appear on the envelope, the mail will be treated as regular

mail and opened in the mailroom unless the procedures set forth in paragraph (i) were followed.

(D) The Department may change the control number for any reason upon notice to the attorney who requested it.

[ii] (iii) \* \* \*

(2) Contraband in the form of money orders, certified checks, cash or other negotiable instruments will be recorded indicating the nature of the receipt, the sender, the amount received and the date. Personal checks, unless certified, will be returned to the sender. The facility is not responsible for cash sent through the mails. Confiscated coins and currency will be deposited in the Inmate General Welfare Fund. Contraband not specifically addressed in this section will be returned to the sender or destroyed [at the inmate's option unless it is transferred to appropriate criminal justice agencies at the discretion of the mailroom or security staff].

\* \* \* \* \*

(e) *Scrutiny of correspondence.*

(1) The facility manager or a designee may read incoming or outgoing mail, except mail sealed in accordance with subsection (c)(1), when there is reason to believe that it may reveal or discuss illegal or unauthorized activity or for reasons set forth in any Department document that is DISSEMINATED available to inmates.

\* \* \* \* \*

(f) *Rejection of correspondence.* An item of correspondence which appears to violate subsection (b) may be rejected by facility mailroom staff. The inmate and the sender, in cases

when the inmate is not the sender, will be notified when the letter is rejected. The letter WILL may be held for at least 7 business days after mailing of the notification to permit reasonable opportunity to protest the decision. If the letter is rejected, it will be returned to the sender.

(g) *Incoming publications.*

(1) A[n incoming] publication review committee [(IPRC)] consisting of staff designated by and reporting to the facility manager or a designee shall determine whether an inmate may receive a publication.

\* \* \* \* \*

(6) An inmate may receive only one copy of any publication unless granted permission by the [IPRC] publication review committee.

\* \* \* \* \*

§ 93.3. Inmate visiting privileges.

(a) *Approved list of visitors.* A list of approved visitors may contain UP TO at least 20 names or more if permitted by the Department. Inmates who can show that they have more than [20 regular visitors] the number of visitors permitted by the Department may be permitted to add additional names to their approved lists. [Members of a family living at the same address may be counted as one name.] Except for members of an inmate's immediate family, a minor's name may be placed on the approved list only with permission of the minor's parents or guardian. Children under [12] 18 years of age may visit only when accompanied by an adult APPROVED BY HIS

PARENT OR LEGAL GUARDIAN and need not be placed separately on the official list a  
~~parent, legal guardian or county children/youth services agency staff~~. A person may not be on  
more than one inmate's visiting list except in cases when the person is part of the immediate  
family of more than one inmate, unless special permission is granted by the facility manager.  
Changes or additions to the approved list may be made in accordance with established  
procedures. The name of a visitor may be removed [FOR GOOD CAUSE] upon authorization by  
the facility manager.

(b) *Religious advisor*. Designation by an inmate of a religious advisor as defined in § 93.6  
(relating to religious activities) may be made at any time. The designation shall be in addition to  
the names on the approved list and will not be counted against the total [of 20] APPROVED  
~~designated~~ by the Department.

(c) *Attorneys*. An inmate may designate attorneys for whom the inmate desires visiting  
privileges at any time. The designation shall be in addition to the names on the approved list and  
will not be counted against the total [of 20] APPROVED ~~designated~~ by the Department.

\* \* \* \* \*

(g) *Initial [vists] visits*. The inmate's first visit after admission should be scheduled following  
the medical quarantine period and may be held in the presence of a staff caseworker.

(h) *Number, time and place of visits*. Inmates shall be permitted to have visits as often as the  
situation at the facility will allow.

(1) *Visiting days.* Visits may be permitted every day of the year at the discretion of the facility manager AND SHALL REASONABLY ACCOMMODATE FAMILY MEMBERS.

(2) *Visiting hours.* Morning and afternoon visiting hours will be maintained at the discretion of the facility manager. Evening visits may be maintained at the discretion of the facility manager. VISITING HOURS SHALL REASONABLY ACCOMMODATE FAMILY MEMBERS.

\* \* \* \* \*

(6) *Place.* Inmates in the general population will be permitted contact visits in a relaxed setting, under official supervision unless otherwise restricted as set forth in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook, or any Department document that is DISSEMINATED available to inmates.

\* \* \* \* \*

(j) *Media representatives.* Media representatives will have the same visiting privileges as visitors on an inmate's approved list of visitors as described in Department policy concerning inmate visitation. A media representative will not be in addition to the names on the approved list and will be counted against the total [of 20] APPROVED designated by the Department.

(1) [Upon request, media] Media representatives [will be provided with] may obtain a copy of the Department's policy regarding inmate visitation on the Department's website ([www.cor.state.pa.us](http://www.cor.state.pa.us)).

\* \* \* \* \*

§ 93.6. Religious activities.

(a) [*Policy.* It is the policy of the Department to permit each inmate to satisfy the needs of his religious life, consistent with the security needs and orderly administration of the facility. The Department will provide chapel facilities at each facility. ] {THE DEPARTMENT WILL ~~also PERMIT INMATES TO POSSESS APPROVED RELIGIOUS ITEMS AND MAKE REASONABLE ACCOMMODATIONS FOR DIETARY RESTRICTIONS.~~} The Department will provide chapel facilities at each facility and will permit inmates to request religious accommodations not already being permitted.

(b) *Religious advisors.*

(1) {~~IF THE FACILITY CONTAINS A SUFFICIENT NUMBER OF INMATES OF THE SAME FAITH, A QUALIFIED REPRESENTATIVE OF THAT FAITH FROM THE OUTSIDE COMMUNITY WILL BE APPOINTED AND APPROVED BY THE FACILITY MANAGER. QUALIFIED REPRESENTATIVE MEANS A PERSON FROM THE OUTSIDE COMMUNITY WHO HAS RECEIVED ENDORSEMENT FROM HIS FAITH GROUP AUTHORITY.~~} QUALIFIED REPRESENTATIVES, ~~staff or~~ AND volunteers will be permitted to hold services that are consistent with the security needs and orderly administration of the facility.

(2) Each inmate will be permitted to select a religious advisor from the outside community [who has received endorsement from the faith group authority] subject to security needs and



orderly administration of the facility. This person will be permitted to visit the inmate on an individual basis in accordance with general rules governing visitation.

(c) *Accommodation of faiths.* Requests for accommodation of faiths will be [handled] MADE ACCORDING TO DC-ADM 819 - RELIGIOUS ACTIVITIES WHICH PROVIDES A PROCESS FOR INMATES TO REQUEST ACCOMMODATIONS NOT ALREADY BEING PROVIDED AND FOR STAFF REVIEW OF SUCH REQUESTS. [as follows:

(1) Facility officials will secure written information from the outside faith group authority, including publications which describe the goals, beliefs and practices of the group.

(2) Information material will be forwarded to the Director of Chaplaincy Services for the Department for evaluation.]

§ 93.7. Telephone calls.

(a) Inmates in general population may make phone calls in accordance with 66 Pa.C.S. § 2907 (relating to state correctional institutions) and the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook. Phone calls, except confidential communications between attorneys and inmates, shall be subject to monitoring in accordance with 18 PA.C.S. §5704 ~~Chapter 57~~ (relating to wiretapping and electronic surveillance).

\* \* \* \* \*

§ 93.9. Inmate complaints.

(a) The Department will maintain an inmate grievance system which will permit any inmate to seek review of problems which the inmate experiences during the course of confinement. The system will provide for review and resolution of inmate grievances at the most decentralized level possible. It will also provide for review of the initial decision-making and for possible appeal to the Central Office of the Department. An inmate will not be disciplined for the good faith use of the grievance systems. However, an inmate who submits a grievance for review which is false, frivolous or malicious may be subject to appropriate disciplinary procedures. A FRIVOLOUS GRIEVANCE IS ONE IN WHICH THE ALLEGATIONS OR THE RELIEF SOUGHT LACK ANY ARGUABLE BASIS IN FACT AS SET FORTH IN DC-ADM 804 - INMATE GRIEVANCE SYSTEM, WHICH IS DISSEMINATED TO INMATES. ~~Copies of the directive governing grievance procedures will be made available to the inmates.~~

(b) Inmates may also pursue available remedies in State and Federal court.

§ 93.10. Inmate discipline.

(a) Rules which define expectations and prohibitions for inmate behavior will be established by the Department and DISSEMINATED [distributed] made available to the inmate population. There shall be two classes of misconduct charges, Class I and Class II.

(1) Inmates found guilty of Class I misconduct charges may be subjected to one or more of the following sanctions:

\* \* \* \* \*

(iii) Change of cell assignment, including placement in the restricted housing unit or restrictive confinement in a general population cell for a period not to exceed [6 months] 90 days for any one misconduct charge.

\* \* \* \* \*

(b) Written procedures which conform to established principles of law for inmate discipline including the following will be maintained by the Department and DISSEMINATED [distributed] made available to the inmate population:

\* \* \* \* \*

(2) Hearing before an impartial hearing [body] examiner or an informal resolution process for charges specified by the Department in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook, or any Department document that is DISSEMINATED made available to inmates. THE INFORMAL RESOLUTION PROCESS IS DESCRIBED IN DC-ADM 801 - INMATE DISCIPLINE. THE PROCESS GIVES INMATES THE OPTION TO MEET WITH STAFF TO RESOLVE A MISCONDUCT RATHER THAN PROCEED WITH A HEARING.

\* \* \* \* \*

(4) Assistance from an inmate or staff member at the hearing if the inmate is unable to collect and present evidence effectively.

(5) Written statement of the decision and reasoning of the hearing body, based upon the

PREPONDERANCE OF THE ~~some~~ evidence.

(6) Opportunities to appeal the misconduct decision [of the hearing body] in accordance with procedures in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook.

§ 93.12. Prison Medical Services Program.

\* \* \* \* \*

(b) The following words and phrases, when used in this section, have the following meanings unless the context clearly indicates otherwise:

*Health care professional* –

(i) Any physician, physician assistant, nurse, dentist, optometric professional or other person licensed to provide health care under the laws of the Commonwealth.

(ii) The term does not include a corrections health care administrator performing the administrative duties of that position.

\* \* \* \* \*

(c) The Department will charge a fee to an inmate for any of the following:

\* \* \* \* \*

(6) Medical service provided to an inmate to determine whether his physical condition is suitable for participation in a sport unless the medical service is provided as part of an inmate's [initial, annual or biennial] physical examination scheduled by the Department.

(d) The Department will not charge a fee to an inmate for any of the following:

\* \* \* \* \*

(4) [Annual and biennial physical] Physical and dental examination scheduled by the Department.

\* \* \* \* \*

(7) Medical treatment for a chronic or intermittent disease or illness.

(8) Infirmary care in a Department [of Corrections] facility ~~excluding organ transplantation.~~

(9) Hospitalization outside of a Department [of Corrections] facility.

(10) Long-term care to an inmate not in need of hospitalization, but whose needs are such that they can only be met on a long-term basis or through personal or skilled care [and who needs the care] because of age, illness, disease, injury, convalescence or physical or mental infirmity.

\* \* \* \* \*

(e) The fee for any medical service in subsection (c) is \$[2] 3, this amount will be increased to \$4 on July 1, 2005 and \$5 on July 1, 2007, except that an inmate is required to pay a fee equivalent to [two-thirds of] the total cost of medical services provided to another inmate as a result of the inmate's assaultive conduct.

(1) The fee will be assessed each time a medical service in subsection (c) is provided to an inmate, except when multiple services are performed at one visit at the discretion of the health care professional.

\* \* \* \* \*

(f) Payment for any medical service in subsection (c) shall be accomplished according to the following procedures:

\* \* \* \* \*

(2) An inmate who wishes to receive a medical service after being advised that a fee will be charged for the medical service, shall sign the authorization form acknowledging that his inmate account will be debited for the fee. [A nonemergency medical service will not be provided to an inmate who refuses to sign the authorization form after having been advised that a fee will be charged for the medical service.] An inmate who refuses to sign the authorization, who does not sign a refusal of treatment form, and who accepts medical treatment will receive the services and his account will be debited. An inmate will not be denied access to medical services because of an inability to pay the required fee. If an inmate lacks sufficient funds to pay a medical service fee, the inmate's account will be debited and the fee recouped as soon as sufficient funds are deposited in the inmate's account.

\* \* \* \* \*

(g) An inmate who has medical insurance shall pay for his own medical needs through that insurance by cooperating with the Department in submitting the proper paperwork to the insurance carrier.

\* \* \* \* \*

Subchapter C. MOTIVATIONAL BOOT CAMPS

§ 93.303. Selection committee.

\* \* \* \* \*

[(d) The superintendent of the State correctional institution in which a diagnostic and classification center is operated shall make the final decision as to inmate participation in a motivational boot camp.]

§ 93.307. Inmate discipline.

\* \* \* \* \*

(b) Serious rule infractions which constitute Class I misconducts listed in DC-ADM 801 - *Inmate [Disciplinary and Restricted Housing Procedures] Discipline* - may result in an inmate's expulsion from a motivational boot camp.

(c) Minor rule infractions which constitute Class II misconducts listed in the DC-ADM 801 - *Inmate [Disciplinary and Restricted Housing Procedures] Discipline* - will be dealt with according to a three-tiered approach

\* \* \* \* \*

#### Chapter 94. RELEASE AND PRERELEASE PROGRAMS

§ 94.2. Prerelease programs.

\* \* \* \* \*

(c) *Community corrections*

\* \* \* \* \*

(2) *Group home residency*. This is a program which complements community corrections center residency and consists of publicly or privately owned agencies approved by the Department for use by its residents. These residences provide specialized residential treatment, for example, drug and alcohol treatment, or additional bed resources and include 24-hour supervision, living quarters and special services for selected residents, and provisions

for continued jurisdiction by community corrections. An exception to this paragraph shall have prior approval by the Director, Community Corrections Division and final approval by the Secretary or a designee.

(3) *Community corrections furlough program.* This is a program which complements community corrections center residency and is permitted with the approval of the community corrections center [staff] director or contract coordinator. It is the authorized leave of an inmate from a community corrections center or group home for a period not to exceed 7 consecutive days for the purpose of furthering the inmate's reintegration into the community. The inmate is required to return to the center or group home at a designated time.

§ 94.3. Procedures for participation in prerelease programs.

(a) The criteria for eligibility for prerelease programs are as follows:

(1) Inmates who have been sentenced to death or life imprisonment or other offenses as specified in state and federal statutes or specified by the Department in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook, DC ADM 805 - POLICY AND PROCEDURES FOR OBTAINING PRE-RELEASE, or any Department document that is DISSEMINATED available to inmates are not eligible.

\* \* \* \* \*

(4) The inmate may have had no Class I misconduct and no more than one Class II misconduct during the 9 months prior to application, and have sustained no Class I



misconduct[s] and no more than one Class II misconduct from the time of application to the time of transfer.

\* \* \* \* \*

(6) The inmate's application shall be approved by the facility manager and by the Secretary or Regional Director of the Department or both if an inmate is serving a sentence for an offense specified in the Commonwealth of Pennsylvania Department of Corrections Inmate Handbook, or any Department document that is DISSEMINATED available to inmates that requires such approval.

\* \* \* \* \*

(9) The inmate shall execute a written [agreement which requires him] acknowledgement that he is required to abide by the rules and regulations of the prerelease program. In the case of community corrections placement, the written agreement shall be signed prior to transfer.

\* \* \* \* \*

§ 94.5. Notification process.

\* \* \* \* \*

(b) If the inmate has not finished his minimum sentence and an objection is received from the judge or court, if the judge is unavailable, within 30 days of his receipt of the proposed prerelease plan, representatives of the Department will contact the judge or court and if necessary arrange for a meeting to attempt to resolve the disagreement. If, within 20 days of the Department's receipt of the objections, the judge or court does not withdraw the objection and the Department does not withdraw its proposal for transfer, or the judge and the Department do not agree on an alternate proposal for transfer, the Department will refer the

matter to the Board for [arbitration] a hearing IN ACCORDANCE WITH 16 PA.C.S. §1052.

§ 94.6. Staff responsibilities.

\* \* \* \* \*

(b) It is the primary responsibility of the [classification and treatment manager] Corrections Classification Program Manager (CCPM) or other staff person designated by the Facility Manager to coordinate the staff evaluation and recommendation process.

(1) The [classification and treatment manager] CCPM or other staff person designated by the Facility Manager will chair a meeting of designated facility staff who shall make recommendations regarding prerelease programs. The inmate shall be present at this staff meeting for input.

(2) The staff's findings, recommendations and rationale shall be forwarded to the facility manager through both the Office of the Deputy Superintendent for [Treatment] Centralized Services and the Deputy Superintendent for [Operations] Facilities Management, with comments by both.

(c) It is the responsibility of the facility manager to give final approval or disapproval of recommendations regarding prerelease programs. The inmate will be advised by the [classification and treatment] unit manager, in the presence of the inmate's counselor, of the final decision and its rationale. The decision and rationale will be documented in the cumulative adjustment record.

(d) Letters to judges and district attorneys shall be signed by the facility manager or designee.

\* \* \* \* \*



COMMONWEALTH OF PENNSYLVANIA  
DEPARTMENT OF CORRECTIONS  
P. O. BOX 598  
CAMP HILL, PENNSYLVANIA 17001-0598

OFFICE OF THE  
SECRETARY OF CORRECTIONS

February 4, 2005

**VIA HAND DELIVERY**

Robert E. Nyce  
Executive Director  
Independent Regulatory Review Commission  
14<sup>th</sup> Floor, Harritown 2  
333 Market Street  
Harrisburg, PA 17101

**Re:** *Final Form to Department of Corrections Regulations on Administration, State Correctional Institutions and Facilities and Release and Prerelease Programs*

Dear Executive Director Nyce:


I am pleased to present for review and approval the Pennsylvania Department of Corrections' final form regulations on Administration, State Correctional Institutions and Release and Prerelease Programs. The regulations are promulgated under the Department's authority pursuant to section 506 of the Administrative Code of 1929 (71 P.S. §186).

The regulations amend Chapter 91 to update the section on the use of force and restraints. Chapter 93 is amended to revise the section on inmate correspondence to provide alternative procedures for privileged correspondence. The section on inmate visiting privileges and religious activities is updated. The section on inmate discipline is revised to change the procedures for inmate hearings. The section on prison medical services is revised to clarify examination procedures and increase medical co-pay fees. Chapter 94 is updated to clarify prerelease procedures.

A copy of this packet was sent today to Angus Love, the only person who submitted comments who requested information on the final form regulations. His address is Pennsylvania Institutional Law Project, 924 Cherry Street, Suite 532, Philadelphia, PA 19107.

I am available at your convenience to answer any questions or concerns that you may have regarding the regulations.

Sincerely,

  
Jeffrey A. Beard, Ph.D.  
Secretary of Corrections

JAB/JCF:klk

Enclosure

cc: David J. DeVries, Executive Deputy General Counsel  
Donna Cooper, Secretary of Planning and Policy  
Lois M. Hein, Director, Bureau of Legislative & Regulatory Analysis, Office of Budget  
John S. Shaffer, Ph.D., Executive Deputy Secretary  
Michael A. Farnan, Chief Counsel  
Greg Rowe, Senior Policy Manager, Governor's Policy Office  
John Coyne, Director, Office of Legislative Affairs  
Jill C. Fluck, Special Assistant to the Secretary  
Pamela Lubold, Legislative Specialist, Office of General Counsel  
Judy Bailets, Governor's Policy Office  
File

**TRANSMITTAL SHEET FOR REGULATIONS SUBJECT TO THE  
REGULATORY REVIEW ACT**

I.D. NUMBER: 19-6

SUBJECT: Administration, State Correctional Institutions and Facilities, Release and Prerelease Programs

AGENCY: DEPARTMENT OF CORRECTIONS

#2403

**TYPE OF REGULATION**

- Proposed Regulation
- X Final Regulation
- Final Regulation with Notice of Proposed Rulemaking Omitted
- 120-day Emergency Certification of the Attorney General
- 120-day Emergency Certification of the Governor
- Delivery of Tolled Regulation
  - a. With Revisions
  - b. Without Revisions

RECEIVED  
 2005 FEB -4 AM 9:54  
 INDEPENDENT REGULATORY  
 REVIEW COMMISSION

**FILING OF REGULATION**

DATE	SIGNATURE	DESIGNATION
2-4-05	<i>Maryanne Pelletier</i>	HOUSE COMMITTEE ON JUDICIARY
2-4-05	<i>Nicole Shaffer</i>	
2/4/05	<i>Denise Tatton</i>	SENATE COMMITTEE ON JUDICIARY
2/4/05	<i>AGRAY</i>	
2/4/05	<i>Joseph J. Hoff</i>	INDEPENDENT REGULATORY REVIEW COMMISSION
		ATTORNEY GENERAL (for Final Omitted only)
		LEGISLATIVE REFERENCE BUREAU (for Proposed only)

December 7, 2004