

No. 1992-1

AN ACT

SB 303

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing immunity to program administrators and supervisors; and providing for Commonwealth indemnity to municipal corporations relating to inmate medical treatment.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

§ 8340. Immunity of program administrators and supervisors.

Any probation officer or agent of the Pennsylvania Board of Probation and Parole and any public service or charitable agency or organization or political subdivision, or any official or employee thereof, supervising or administering any restitution or community service program approved by the court of common pleas or the Pennsylvania Board of Probation and Parole shall be immune from any civil action for damages brought by or on behalf of any person involved in the program or damages caused by any person involved in the program. Nothing in this section shall be construed to limit or otherwise affect or preclude liability resulting from gross negligence or intentional misconduct or reckless misconduct.

§ 8527. Indemnity relating to inmate health care.

The Commonwealth shall indemnify against liability a municipal corporation for a claim against the municipal corporation arising from an act or omission of the municipal corporation, its officials, its employees or agents when participating in a program for the provision of medical treatment in a health care facility to inmates from a Commonwealth correctional facility pursuant to a program authorized by the Department of Corrections. This indemnification shall not extend to claims of medical malpractice against any person nor to claims against the health care facility, its employees or agents nor to claims against the municipal corporation that are the result of gross negligence, wanton and reckless acts or intentional misconduct by the municipal corporation, its officials, employees or agents.

Section 2. This act shall take effect immediately.

APPROVED—The 12th day of February, A. D. 1992.

ROBERT P. CASEY