

## LEHIGH COUNTY LAW LIBRARY PATHFINDER

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# **PRISON ROOM AND BOARD**

**Question:** Are prisons permitted to charge inmates room and board, or is it unconstitutional?

**To Research this Legal Topic Use Westlaw or Lexis to read and research:**

### **The Pennsylvania Case:**

- **Tillman v. Lebanon County Correctional Facility, 221 Federal Reporter 3d Series 410** (3rd Cir. (Pa.), May 10, 2000) (NO. 99-3656) in which the United States Court of Appeals, Third Circuit, upheld the statutory authority of the prison board to levy and collect fees for housing costs.
- Under Pennsylvania law, county correctional facility had statutory authority to implement program under which fees were levied against and collected from inmates to cover costs of their incarceration; county prison board had exclusive statutory authority regarding government and management of facility and authority to make such rules and regulations as might be deemed necessary, and funds obtained were placed in county's general fund out of which prison expenses were paid, in conformance with statute requiring that prison expenses be paid from county treasury. (61 P.S. §§ 408(a)(1), 409, 410. Since repealed and moved to **61 Pa. C.S.A. § 1731, et seq.**)
- The Court stated that the room and board program helps cover the cost of incarceration and teaches prisoners fiscal responsibility.

### **The Pennsylvania Statute establishing the county prison board:**

- **61 Pa.C.S.A. § 1731 Establishment**
  - (a) General rule.--
  - (1) In counties of the third, fourth and fifth class, the persons now holding the following offices and their successors in each county of the third, fourth or fifth class shall compose a board to be known as the board of inspectors of the jail or county prison...
- **To read the entire statute, please use Purdon's Pennsylvania Consolidated Statutes in book or on Westlaw or Lexis.**

**For more Information on the Constitutionality of Prison Reimbursement Requirements, you may want to read:**

- **American Law Reports**, Validity, construction, and application of state statute requiring inmate to reimburse government for expense of incarceration, **13 A.L.R. 5th 872**. Available on Westlaw only.
- **2 Rights of Prisoners § 8:1 et seq. (5th ed.)**, available on Westlaw.