

LEGISLATURE OF PENNSYLVANIA.

FILE OF THE HOUSE OF REPRESENTATIVES.

No. **1068** Session of
1919.

INTRODUCED BY MR. HESS, MARCH 24, 1919.

REFERRED TO COMMITTEE ON MANUFACTURES,
MARCH 25, 1919.

AN ACT

Summary

For the centralized regulation and supervision of penal correctional and reformatory institutions within this Commonwealth and of the labor of the inmates thereof Creating a Committee on Delinquency to be elected by the Board of Public Charities from its members with a Commissioner of Delinquency to be appointed by the Committee as its executive officer providing for the appointment of certain directors and of such other directors experts agents and employees as shall be necessary enumerating the powers and duties of the Committee providing for the transfer with the approval of the Courts of inmates from one institution to another requiring all institutions within the jurisdictions of the Committee to obey its rules and regulations make reports and give inmates an opportunity to work at useful employment providing for the payment of compensation to the inmates of certain institutions within the jurisdiction of the

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Committee abolishing the prison Labor Commission fixing penalties for disobedience of the provisions of this Act and making an appropriation

1 Section 1 *Be it enacted by the Senate and House of Repre-*
2 *sentatives of the Commonwealth of Pennsylvania in General Assembly*
3 *met and it is hereby enacted by the authority of the same That*
4 the Board of Public Charities shall appoint a standing
5 committee of five of its members to be known as the
6 Committee on Delinquency Such Committee shall be chosen
7 within thirty days after the approval of this act and
8 annually thereafter by a majority vote of all of the
9 members of the Board and at least one member of
10 such Committee shall be a woman Vacancies in the mem-
11 bership of the Committee shall be filled in like manner
12 Within thirty days after their selection the Committee shall
13 each year elect one of its members as chairman

14 The members of the Committee shall serve without
15 compensation but shall receive all of their travelling and
16 other necessary expenses incurred in the performance of
17 their official duties

18 Section 2 The Committee selected under the provisions
19 of this Act shall appoint a secretary who shall not be
20 member of the Committee or of the Board of Public
21 Charities The secretary shall be the executive officer of
22 the Committee and shall be known as the Commissioner
23 of Delinquency He shall be a person having expert know-
24 ledge respecting delinquency and the care and treatment
25 of delinquents and shall devote his entire time to the
26 duties of his office He shall be appointed for a term

1 of five years and shall receive a salary of seven thou-
2 sand five hundred dollars per annum The Committee shall
3 have the power to remove the Commissioner at any time
4 for inefficiency neglect of duty or misconduct in office and
5 shall whenever a vacancy occurs either by death resig-
6 nation or removal from office appoint a Commissioner to
7 fill the unexpired term

8 Section 3 Subject to the approval of the Committee
9 on Delinquency the Commissioner of Delinquency shall
10 appoint a medical director an educational director a direc-
11 tor of industries and such other directors experts agents
12 and employees for such terms and at such compensation
13 as shall be fixed by the Committee on Delinquency The
14 Commissioner with the approval of the Committee shall
15 have the power at any time to remove any director or
16 any expert agent or employee so appointed

17 Section 4 The Board of Commissioners of Public
18 Grounds and Buildings shall provide the Committee on
19 Delinquency with suitable rooms in the State Capitol and
20 elsewhere if necessary and shall upon requisition of the
21 Commissioner of Delinquency furnish for the Committee
22 such books stationary furniture and supplies as may be
23 needed to enable the Committee to properly perform its duties
24 The printing and binding necessary in connection with the
25 work of the Committee or for the preservation of books
26 documents and papers filed with the Committee shall be
27 done by the State Printer upon the order of the Super-
28 intendent of the Public Printing and Binding upon requi-
29 sition of the Commissioner of Delinquency

1 Section 5 The Committee on Delinquency shall have jur-
2 isdiction for the purposes of this act over all institutions
3 within this Commonwealth of a penal correctional or
4 reformatory character now existing or which may hereafter
5 be established including industrial farms workhouses and
6 reformatories and reformatory institutions for minors or
7 women whether managed by the Commonwealth or any
8 political subdivision thereof or otherwise Provided That this
9 act shall not be interpreted to deprive any warden super-
10 intendent or other officer or board of inspectors managers
11 or trustees of any such institution of the right to man-
12 age its affairs but every such institution shall make such
13 reports to the Committee on Delinquency as the Commit-
14 tee shall be authorized by this Act to require and shall
15 obey the rules and regulations established and follow the
16 recommendations made by the Committee as authorized by this act

17 Section 6 The Committee on Delinquency shall have
18 the power and its duty shall be

19 (a) To inspect and investigate the condition and man-
20 agement of all institutions within its jurisdiction and
21 inquire into all complaints against the same and report
22 thereon with recommendations of appropriate action to the
23 Board of Public Charities the Governor the General Assem-
24 bly or the courts as the circumstances may require

25 (b) To institute maintain and supervise a medical
26 service to accomplish the purposes enumerated in this Act

27 (c) To make recommendations to institutions within its
28 jurisdiction for the improvement of the sanitary and
29 hygienic conditions the medical and hospital equipment and

1 the medical service thereof

2 (d) To transfer inmates of institutions within its jur-
3 isdiction to other institutions owned managed or controlled
4 by the Commonwealth or any political sub-division thereof
5 or if suitable arrangements can be made to other insti-
6 tutions where such inmates may receive treatment more
7 suitable to their mental and physical condition Provided
8 That prior to the transfer from one institution to another
9 of any such inmate the consent of the Court which com-
10 mitted such inmate shall be procured And provided fur-
11 ther That the person or community responsible for the
12 maintenance of any beneficiary transferred from one insti-
13 tution to another shall be liable to pay to the institution
14 to which such beneficiary shall have been transferred the
15 cost of maintenance of such beneficiary at the rate of
16 the average per capita cost of maintenance in such insti-
17 tution

18 (e) To institute maintain and supervise in institutions
19 within its jurisdiction a system of correctional and re-
20 formatory education to accomplish the purposes enumerated
21 in this Act

22 (f) To institute maintain and supervise a system for
23 the employment of the inmates of institutions within its
24 jurisdiction as provided in this Act

25 (g) To prepare and submit to the Board of Public
26 Charities not later than the first day of December of
27 each even-numbered year a bi-ennial budget for the Commit-
28 tee and such of the institutions within its jurisdiction as

1 are wholly or partly supported by the Commonwealth Such
2 budget shall set forth the expenditures of the Committee
3 and such institutions during the preceding two years their
4 estimated financial needs for the succeeding two years and
5 such other information as the Committee shall deem ap-
6 propriate

7 To enable it to prepare such budget the Committee
8 shall have the power to require of institutions within its
9 jurisdiction and such institutions shall prepare and submit
10 such reports from time to time as the Committee shall
11 deem necessary but to the extent that reports shall be
12 required by the Committee for the purpose of preparing
13 such budget institutions within the jurisdiction of the
14 Committee shall not be required to report to the Board
15 of Public Charities and

16 (h) To make rules and regulations establishing a uni-
17 form system of accounting and bookkeeping in all institu-
18 tions within its jurisdiction

19 Section 7 The medical service which the Committee on
20 Delinquency is by this Act required to institute maintain
21 and supervise shall include

22 (a) The prompt and thorough examination of all of
23 the inmates of institutions within its jurisdiction with a
24 view to the proper diagnosis classification and treatment
25 of all such persons

26 (b) The prescription and maintenance of standards in
27 diagnosis and treatment in all institutions within its jur-
28 isdiction and the determination of the qualifications of those

1 selected as physicians psychiatrists stewards or nurses in
2 such institutions

3 (c) The furnishing of instructions in personal and
4 social hygiene to the inmates of all institutions within
5 its jurisdiction and of instruction in professional training
6 to such officials employees or inmates of such institutions
7 as may be called upon to serve as assistants nurses or
8 otherwise in the medical or hospital departments thereof

9 (d) The frequent inspection of the institutions within
10 its jurisdiction with respect to their sanitary and hygienic
11 condition the adequacy of their medical and hospital
12 equipment and the competency and efficiency of their medi-
13 cal service and

14 (e) The installation and supervision of a proper die-
15 tary adequate to the maintenance of the health efficiency
16 and morale of the inmates in all institutions within its
17 jurisdiction

18 Section 8 The system of correctional and reformatory
19 education which the Committee on Delinquency is by this
20 Act required to institute maintain and supervise shall include

21 (a) The prescription and maintenance of standards of
22 correctional and reformatory education in all institutions
23 within its jurisdiction and the determination of the quali-
24 fications of those selected as teachers and

25 (b) The education in elementary branches of illiterate
26 and undeveloped inmates of such institutions the instruction
27 of all inmates of such institutions in the principles
28 organization and practice of American government and the
29 furnishing of a thorough industrial training to any of

1 the inmates of such institutions for whom such training
2 shall be deemed useful and desirable

3 Section 9 With respect to the labor of the inmates
4 of any institutions within its jurisdiction to which persons
5 are committed for crime or delinquency the Committee on
6 Delinquency shall have the power and its duty shall be

7 (a) To require every such institution to afford to the
8 inmates thereof who are physically capable an opportunity
9 to perform useful labor in such institutions

10 (b) To determine what industries shall be established
11 in such institutions and to regulate and supervise the
12 installation of machinery and equipment therein

13 (c) To establish rules and regulations for the employ-
14 ment of inmates of such institutions at road-building quar-
15 rying or crushing stone agricultural work land reclamation
16 or forestry or other suitable work outside of such insti-
17 tution and

18 (d) To establish rules with regard to the number of
19 hours per day during which such inmates shall be em-
20 ployed Provided That except in agricultural work such
21 inmates shall not be employed for more than eight hours
22 in any one day

23 Section 10 With respect to the labor of inmates of
24 such of the institutions within its jurisdiction as are
25 owned or managed and controlled by the Commonwealth or
26 any political subdivision thereof the committee shall in ad-
27 dition to the powers and duties enumerated in the pre-
28 ceding section of this act have the power and is duty
29 shall be

1 (a) To maintain a manufacturing fund for the pur-
2 poses specified in this section. The original manufacturing
3 fund of the committee shall be the manufacturing fund
4 paid to the committee by the Prison Labor Commission
5 as provided in this act together with any and all sums
6 due and owing to such Commission and the unexpended
7 balance of any appropriation made for the use of such
8 commission. To such fund there shall be added from time
9 to time such amount or amounts as shall be appro-
10 priated by the General Assembly.

11 All receipts from the sale of the products manufac-
12 tured or produced by the labor of the inmates of any
13 such institution shall be credited to the manufacturing
14 fund and used for the purchase of machinery equipment
15 raw materials and supplies and for the payment of wages
16 to such inmates.

17 (b) To sell to the Commonwealth any political sub-
18 division thereof or any institution owned, managed or con-
19 trolled by the Commonwealth or any political subdivision
20 thereof at not more than the prevailing market price the
21 products of the labor of such inmates. Provided That in-
22 stitutions within the jurisdiction of the Committee owned
23 or managed and controlled by the Commonwealth or any
24 political subdivision thereof shall have the privilege of
25 selling directly such of their agricultural products as they
26 do not consume but every such institution selling agri-
27 cultural products shall account for any pay to such com-
28 mittee the proceeds of the sale of such products.

1 Any surplus of the products of the labor of such
2 inmates which cannot be sold to the Commonwealth any
3 political subdivision thereof or any institution owned or
4 managed and controlled by the Commonwealth or a poli-
5 tical subdivision thereof shall be sold in the open mar-
6 ket but any such product sold in the open market shall
7 not be sold for less than the prevailing market price

8 Should any institution desire to use the products of
9 the labor of its inmates other than agricultural products
10 it shall purchase the same from the Committee on Delin-
11 quency

12 (c) From time to time to fix the compensation of
13 such inmates for labor performed by them Provided That
14 the rate of compensation to such inmates shall be based
15 both upon the pecuniary value of the work performed
16 and on the willingness industry and good conduct of the
17 inmate performing the same

18 (d) To make rules and regulations governing the pay-
19 ment of compensation earned by such inmates Such rules
20 and regulations may provide for the payment of a part
21 of their compensation to inmates during their term of confinement to
22 be used for such purchases as such rules and regula-
23 tions shall permit They shall also provide for the bi-
24 monthly payment of such part of the compensation of
25 such inmates as the committee shall determine to the
26 dependents of such inmates and for the payment of the
27 unpaid balance of such compensation to such inmates at
28 the time of their discharge or at periodic intervals on
29 and after their discharge and

1 (e) To establish rules and regulations for the keeping
2 of records and accounts by all such institutions showing
3 the labor performed by the inmates thereof the value of
4 the product thereof and the wages paid to inmates or
5 their dependents or both

6 Section 11 All wages paid to the inmates of insti-
7 tutions within the jurisdiction of the committee on de-
8 linquency owned or managed and controlled by the Com-
9 monwealth or any political subdivision thereof shall be
10 paid out of the committee's manufacturing fund upon the
11 order of the warden superintendent or other proper officer
12 of the institution in or in connection with which the
13 labor shall have been performed

14 Section 12 The Prison Labor Commission created by
15 the act approved the first day of June one thousand
16 nine hundred and fifteen entitled "An act providing a
17 system of employment and compensation for the inmates
18 of the Eastern Penitentiary Western Penitentiary and the
19 Pennsylvania Industrial Reformatory at Huntingdon and for
20 such other correctional institutions as shall be hereafter
21 established by the Commonwealth and making an appro-
22 priation therefor" is hereby abolished and shall cease to
23 exist thirty days after the chairman of the committee on
24 delinquency shall have notified the Prison Labor Commission
25 in writing that the Committee on Delinquency has been
26 duly organized as provided in this act Within such period
27 of thirty days the Prison Labor Commission shall transfer
28 and set over to the Committee on Delinquency all books
29 papers and records and all moneys and evidences of debt

1 in its possession and the Auditor General is hereby au-
2 thorized and directed to draw a warrant on the State
3 Treasurer for the payment to the Committee on Delin-
4 quency of the unexpended balance of any appropriation
5 made for the use of the Prison Labor Commission

6 Section 13 For the purpose of inspecting any insti-
7 tution within the jurisdiction of the Committee on Delin-
8 quency such committee the Commissioner of Delinquency
9 and any director expert agent or employee deputized by
10 the Commissioner of Delinquency for the purpose shall
11 have free access to the grounds buildings and all books
12 papers and records of such institution and all persons
13 connected with any such institution are hereby directed
14 and required to give such information and to afford such
15 facilities for inspection as the person making such in-
16 spection may require Any officer or person connected with
17 such institution who shall refuse to admit the Committee
18 on Delinquency the Commissioner of Delinquency or any
19 director expert agent or employee deputized by him for
20 the purpose or who shall refuse to give any information
21 or furnish any facility necessary for the examination and
22 inspection of such institution shall be guilty of a mis-
23 demeanor and shall upon conviction in the proper court
24 be subject to a fine of one hundred dollars which sum
25 when so recovered shall be paid into the treasury of
26 the Commonwealth

27 Section 14 Should the warden superintendent or other
28 officer or officers or the board of inspectors managers or
29 trustees of any institution within the jurisdiction of the

1 Committee on Delinquency which is owned or managed and
2 controlled by the Commonwealth or any political subdivision
3 thereof fail to obey the rules and regulations established
4 or to make any report required by the Committee on
5 Delinquency under the authority of this act the Commit-
6 tee on Delinquency shall certify such fact to the Gov-
7 ernor or other officer or officers of this Commonwealth
8 or of the appropriate political subdivision thereof who
9 shall have appointed such warden, superintendent or other
10 officer or officers or board of inspectors managers and
11 trustees and any such warden superintendent officer or
12 member of a board of inspectors managers or trustees
13 shall be guilty of a misdemeanor and shall upon con-
14 viction in the proper court be subject to a fine of one
15 hundred dollars which sum when so recovered shall be
16 paid into the treasury of the Commonwealth

17 Should any institution within the jurisdiction of the
18 Committee on Delinquency which is not owned or managed
19 and controlled by the Commonwealth or any political sub-
20 division thereof fail to obey such rules and regulations
21 or make such report such institution shall not be en-
22 titled to receive any financial assistance from the Com-
23 monwealth and it shall be unlawful for the Auditor Gen-
24 eral after having received notice in writing from the
25 Committee on Delinquency that any such institution has
26 failed to obey such rules or regulations or to make
27 such report to issue a warrant for the payment of any
28 money appropriated to such institution so long as such

1 institution shall continue to refuse to obey such rules and
2 regulations or to make such report

3 Section 15 All salaries compensation and expenses pay-
4 able under this act except wages for labor performed
5 by inmates shall be paid by the State Treasurer on
6 the warrant of the Auditor General

7 Section 16 To carry out the purposes of this act
8 the sum of two hundred thousand dollars (\$200,000) or
9 such part thereof as shall be necessary is hereby ap-
10 propriated to the Committee on Delinquency

11 Section 17 All acts and parts of acts inconsistent
12 herewith are hereby repealed