

prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners," as added by the act, approved the twenty-third day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 640), is hereby repealed.

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE

No. 408

AN ACT

To add sections nine hundred eleven, nine hundred twelve, nine hundred thirteen, nine hundred fourteen and nine hundred fifteen to the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employees in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employees of certain departments, boards and commissions shall be determined," by transferring certain powers of the Department of Welfare to the Department of Justice and imposing certain duties upon the Department of Justice.

"The Administrative Code of 1929."

Article IX, act of April 9, 1929, P. L. 177, as last amended by act of June 21, 1937, P. L. 1365 further amended by adding, immediately following section 910, sections 911, 912, 913, 914, and 915.

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

Section 1. Article nine of the act, approved the ninth day of April, one thousand nine hundred twenty-nine (Pamphlet Laws 177), entitled "An act providing for and reorganizing the conduct of the executive and administrative work of the Commonwealth by the Executive Department thereof and the administrative departments, boards, commissions, and officers thereof, including the boards of trustees of State Normal Schools, or Teachers Colleges; abolishing, creating, reorganizing or authorizing the reorganization of certain administrative departments, boards, and commissions; defining the powers and duties of the Governor and other executive and administrative officers, and of the several administrative departments, boards, commissions, and officers; fixing the salaries of the Governor, Lieutenant Governor, and

certain other executive and administrative officers; providing for the appointment of certain administrative officers, and of all deputies and other assistants and employes in certain departments, boards, and commissions; and prescribing the manner in which the number and compensation of the deputies and all other assistants and employes of certain departments, boards and commissions shall be determined," as last amended by the act, approved the twenty-first day of June, one thousand nine hundred thirty-seven (Pamphlet Laws 1865), is hereby further amended by adding, immediately following section nine hundred ten, new sections to read as follows:

*Section 911. The Department of Justice shall have the power and its duty shall be to supervise and control the Eastern State Penitentiary, Western State Penitentiary, State Penitentiary at Rockview, State Penitentiary at Graterford, State Penitentiary at Huntingdon, Pennsylvania Industrial School at Camp Hill, Cumberland County, Pennsylvania, and State Industrial Home for Women.*

Department of Justice to supervise and control certain named penal institutions.

*Section 912. Bureau of Correction.—There shall be a Bureau of Correction in the Department of Justice, in charge of a Commissioner of Correction appointed by the Attorney General with the approval of the Governor.*

*Section 913. Deputy Commissioner for Treatment.—The Commissioner of Correction shall appoint one (1) Deputy Commissioner for Treatment, who shall be in charge of and responsible for the administration of the Eastern Correctional Diagnostic and Classification Center and the Western Correctional Diagnostic and Classification Center. He shall have the sole responsibility for the transfer of persons from said diagnostic and classification centers to State institutions and the transfer of persons from one State institution to another. If for any reason he is unable to act or his office is vacated, his duty with regard to such transfers may be performed by the Commissioner of Correction or someone specifically delegated by the Commissioner of Correction.*

*Section 914. Personnel.—The Commissioner of Correction shall appoint such other deputies, wardens, superintendents, experts, professional, technical and skilled personnel as may be required for the proper administration of the penal and correctional institutions within the jurisdiction of the Department of Justice.*

*The officers in charge of State penal and correctional institutions, with the approval of the Commissioner of Correction, shall appoint, assign and dismiss the personnel of such institutions.*

*Section 915. Inmate Labor.—The Bureau of Correction shall have the power and its duty shall be:*

*(a) To establish, maintain and carry on industries in the State penal and correctional institutions under the jurisdiction of the Department of Justice as it may deem proper, in which industries all persons sentenced to, assigned to or transferred to such institutions, who are physically capable of such labor, may be employed at labor for not to exceed eight (8) hours each day, other than Sundays and public holidays. Such labor shall be for the purpose of doing printing or of manufacturing and producing supplies, or for the preparation and manufacture of building materials for the construction or repair of any State institution or in the work of such construction or repair, or for the planting of seed trees, or for the purpose of industrial training or instruction, or in the manufacture and production of crushed stone, brick, tile and culvert pipe or other material suitable for draining roads of the State or in preparation of road building and ballasting material.*

*(b) To determine the amount, kind and character of the machinery to be erected in each of the said penitentiaries, reformatories or other penal or correctional institutions in the Department of Justice and the industries to be carried on therein, having due regard to the location and convenience thereof with respect to other institutions to be supplied to the machinery therein and the number and character of inmates.*

*(c) To contract to sell or sell the articles manufactured or produced in the said industries carried on in the said penitentiaries, reformatories or other penal or correctional institutions, which cannot be used therein, to the Commonwealth or to any political subdivision thereof, or to any State, municipality, or county authority, created by or under any law of this Commonwealth, or to any State institution, or to any educational or charitable institution receiving aid from the Commonwealth, or to the Government of the United States or any department, bureau, commission, authority or agency thereof, or to any other State or political subdivision or authority thereof, or to any institution receiving aid from the Government of the United States or of any other state.*

*(d) To arrange for the employment of inmates of such institutions at such work or labor within or upon the grounds of such institutions as may be necessary for the maintenance of the institutions or the raising of food products therefor.*

*(e) To charge to each institution such rate per diem as may be paid by the department to such inmate hereunder for his services, for the work or labor of each in-*

*mate engaged in work or labor within or upon the grounds of such institution for the maintenance of the institution or the raising of food products therefor.*

*Also to collect from each such institution, for any manufactured supplies or products used by it, the same price per article used as it would receive upon the sale of such article in similar quantities to the Commonwealth or any other agency to which it is authorized to sell articles manufactured or produced by inmate labor. All amounts collected by the Department of Justice from such institutions hereunder shall be paid through the Department of Revenue into the Manufacturing Fund in the State Treasury and all such amounts shall be considered a part of such institutions' maintenance expense.*

*(f) To charge to each such institution, in like manner, for the labor of all inmates engaged in preparing materials for the construction of buildings or in doing construction work, such payments to be made by the institutions out of funds available for construction work. All moneys received hereunder shall be paid into the Manufacturing Fund through the Department of Revenue.*

*(g) Through the Department of Revenue, to pay into the Manufacturing Fund the proceeds of all sales of manufactured products made under this section and all moneys received for the labor of inmates in State forests or elsewhere than on the grounds of the institution. This clause shall not, however, apply to the sale of surplus food products or products of the soil as elsewhere in this act permitted.*

*(h) To pay out of the Manufacturing Fund all expenses necessary for the proper conduct of the work of the Department of Justice pertaining to the establishment, maintenance and carrying on of industries in the State penal and correctional institutions and the rehabilitation of the inmates thereof.*

*Estimates of the amounts to be expended from the Manufacturing Fund shall be submitted to the Governor, from time to time, for his approval or disapproval, as in the case of other appropriations, and it shall be unlawful for the Department of the Auditor General to honor any requisition for expenditures or moneys out of this appropriation in excess of the estimates approved by the Governor. Subject to this provision, the Department of the Auditor General shall, from time to time, draw warrants upon the Treasury Department for the amounts specified in such requisitions, not exceeding, however, the amount in the Manufacturing Fund at the time of the making of any such requisitions.*

*(i) To require that an account shall be kept, by the proper officers of each said penitentiary, reformatory*

*and other correctional institution, of the labor performed by inmates. In such account shall be shown, at the time each inmate is actually engaged in work, the rate of wage at which he is to be paid, which shall be regulated by the department. In no case shall the amount be less than ten cents for each day of labor actually performed. The rate of compensation shall be based both upon the pecuniary value of the work performed and also on the willingness, industry and good conduct of the inmate. All amounts payable to inmates hereunder shall be paid to the institution out of the Manufacturing Fund, to be disbursed or held by such institution in the manner following:*

*Three-fourths of the amount of wages payable to an inmate of such penitentiary, reformatory or other institution, or the entire amount if the inmate so wishes, shall constitute a fund for the relief of any person or persons dependent upon such inmate, and shall be paid, upon the order of the board of trustees of the penitentiary, reformatory or other institution in which the inmate is a prisoner, to the person or persons establishing such dependency to the satisfaction of such board, at such time or times as said board may order.*

*All sums credited to any inmate and not paid to a dependent or dependents shall be paid to the inmate on his discharge from the penitentiary, reformatory or other institution in which he was a prisoner: Provided, however, That subject to the rules and regulations of the board of trustees of the penitentiary, reformatory or other institution in which such inmate is a prisoner, the whole or any part of said sum may be paid to him during his imprisonment for his present needs, such rules and regulations to be subject to the approval of the department.*

*(j) To have and exercise supervision over the labor employed in the aforesaid industries and to make rules and regulations for carrying on such industries.*

*(k) To the extent to which the Bureau of Correction is unable to provide work for every physically able inmate of such institutions, to permit inmates to engage in such work or industries as the Bureau may approve and which they are able to provide from other sources, but all such work shall be performed, the products thereof sold, and the proceeds thereof disposed of, under the rules and regulations of the Bureau of Correction covering the same.*

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE