

sentenced to pay a fine not exceeding five hundred dollars, and to undergo an imprisonment not exceeding six months.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 415

AN ACT

Providing for the making of compacts by the Commonwealth with other states for mutual helpfulness in relation to persons on probation or parole; and imposing certain powers and duties on the Governor and the Board of Pardons.

Relating to
persons on
probation.

Section 1. Be it enacted, &c., That the Governor of this Commonwealth is hereby authorized and directed to enter into a compact on behalf of this Commonwealth with any other state of the United States legally joining therein in the form substantially as follows:

“A COMPACT

“Entered into by and among the contracting states, signatories hereto, with the consent of the Congress of the United States of America granted by an act, entitled ‘An act granting the consent of Congress to any two or more states to enter into agreements or compacts for cooperative effort and mutual assistance in the prevention of crime and for other purposes.’

“The contracting states solemnly agree:

(1) That it shall be competent for the duly constituted judicial and administrative authorities of a state party to this compact (herein called ‘sending state’) to permit any person, convicted of an offense within such state and placed on probation or released on parole, to reside in any other state party to this compact (herein called ‘receiving state’) while on probation or parole, if—

(a) Such person is in fact a resident of or has his family residing within the receiving state and can obtain employment there.

(b) Though not a resident of the receiving state and not having his family residing there, the receiving state consents to such person being sent there.

Before granting such permission, opportunity shall be granted to the receiving state to investigate the home and prospective employment of such person.

A resident of the receiving state, within the meaning of this section, is one who has been an actual inhabitant of such state continuously for more than one year prior to his coming to the sending state, and has not resided within the sending state more than six continu-

ous months immediately preceding the commission of the offense for which he has been convicted.

(2) That each receiving state will assume the duties of visitation of, and supervision over, probationers or parolees of any sending state, and, in the exercise of those duties, will be governed by the same standards that prevail for its own probationers and parolees.

(3) That duly accredited officers of a sending state may at all times enter a receiving state, and there apprehend and retake any person on probation or parole. For that purpose, no formalities will be required other than establishing the authority of the officer and the identity of the person to be retaken. All legal requirements to obtain extradition of fugitives from justice are hereby expressly waived on the part of states party hereto as to such persons. The decision of the sending state to retake a person on probation or parole shall be conclusive upon and not reviewable within the receiving state: Provided, however, That, if at the time when a state seeks to retake a probationer or parolee, there should be pending against him within the receiving state any criminal charge, or he should be suspected of having committed within such state a criminal offense, he shall not be retaken without the consent of the receiving state until discharged from prosecution or from imprisonment for such offense.

(4) That the duly accredited officers of the sending state will be permitted to transport prisoners being retaken through any and all states parties to this compact without interference.

(5) That the governor of each state may designate an officer who, acting jointly with like officers of other contracting states, if and when appointed, shall promulgate such rules and regulations as may be deemed necessary to more effectively carry out the terms of this compact.

(6) That this compact shall become operative immediately upon its ratification by any state, as between it and any other state or states to* ratify. When ratified, it shall have the full force and effect of law within such state, the form of ratification to be in accordance with the laws of the ratifying state.

(7) That this compact shall continue in force and remain binding upon each ratifying state until renounced by it. The duties and obligations hereunder of a renouncing state shall continue as to parolees or probationers residing therein at the time of withdrawal until retaken or finally discharged by the sending state. Renunciation of this compact shall be by the same authority which† ratified it by sending six months' notice, in writing, of its intention to withdraw from the compact to the other states party hereto."

* "so" in the original.

† "withch" in the original.

Section 2. The Board of Pardons of the Department of Justice shall have the power, and shall be under the duty to promulgate such rules and regulations as may be deemed necessary to carry out the terms of a compact entered into by the Commonwealth pursuant to this act.

APPROVED—The 25th day of June, A. D. 1937.

GEORGE H. EARLE

No. 416

AN ACT

To amend sections one, two, four, five and seven of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand seventeen), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the law in reference thereto," by further regulating the attendance of such witnesses, and limiting the powers with respect thereto to judges learned in the law.

Sections 1,
2, 4, 5 and
7, act of July
15, 1935 (P. L.
1017), amended.

Section 1. Be it enacted, &c., That sections one, two, four, five and seven of the act, approved the fifteenth day of July, one thousand nine hundred and thirty-five (Pamphlet Laws, one thousand seventeen), entitled "An act relating to criminal procedure; providing for the securing of attendance of witnesses from without the State in criminal cases; and making uniform the laws in reference thereto," are hereby amended to read as follows:

Subpoenaing
witness in
Pennsylvania
to testify in
another state.

Section 1. Be it enacted, &c., That, Subpoenaing Witness in this State to Testify in Another State.—If a judge, *learned in the law*, of a court of record in any state, which by its laws has made provisions for commanding persons within that state to attend and testify in criminal prosecutions in this Commonwealth, certifies under the seal of such court that there is a criminal prosecution pending in such court, that a person being within this Commonwealth is a material witness in such prosecution, and that his presence will be required for a specified number of days, any judge, *learned in the law*, of a criminal court of record in the county in which such person is, upon presentation of such certificate, shall fix a time and place for hearing and shall notify the witness of such time and place.

Procedure
to be
followed.

Section 2. Hearing and Issuance of Subpoena.—If at the hearing, the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution in the other state, that the wit-