

Section 2. This act shall become effective immediately upon final enactment. When effective.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 523

AN ACT

Providing for the arrest and custody of persons closely pursued in this Commonwealth by peace officers of other states; and imposing certain duties in magistrates, aldermen, and justices of the peace, and the Secretary of the Commonwealth.

Section 1. Be it enacted, &c., That, as used in this act, the word "state" shall include the District of Columbia. District of
Columbia.

Section 2. Any peace officer of another state of the United States, who enters this Commonwealth in close pursuit and continues within this Commonwealth in such close pursuit, of a person, in order to arrest him, shall have the same authority to arrest and hold in custody such person on the ground that he has committed a crime, in such state, which is an indictable offense in Pennsylvania, as peace officers of this Commonwealth have to arrest and hold in custody a person on the ground that he has committed a crime in this Commonwealth.

Section 3. If an arrest is made in this Commonwealth by an officer of another state, in accordance with the provisions of section two of this act, he shall, without unnecessary delay, take the person arrested before a magistrate, alderman, or justice of the peace, who shall conduct a hearing for the sole purpose of determining if the arrest was in accordance with the provisions of section two of this act, and not of determining the guilt or innocence of the arrested person. If such magistrate, alderman, or justice of the peace determines that the arrest was in accordance with such section, he shall commit the person arrested to the custody of the officer making the arrest, who shall without unnecessary delay take him to the state from which he fled. If such magistrate, alderman, or justice of the peace determines that the arrest was unlawful, he shall discharge the person arrested. Hearing before
a magistrate, al-
derman or justice
of the peace.

Purpose.

Disposition.

Section 4. This act shall not be construed so as to make unlawful any arrest in this Commonwealth which would otherwise be lawful. Construction.

Section 5. Upon the taking effect of this act, it shall be the duty of the Secretary of the Commonwealth to certify a copy of this act to the executive department of each of the states of the United States. Certified copy to
executive depart-
ment of each
state.

For benefit of states having similar provision.

Section 6. This act shall apply only to peace officers of a state, or any political subdivision thereof, which by its laws has made similar provision for the arrest and custody of persons closely pursued within the territory thereof.

When effective.

Section 7. This act shall become effective immediately upon its final enactment.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE

No. 524

AN ACT

Providing that in all cases where writs of habeas corpus are granted, the judge may inquire into the facts of the case, including an examination into the record, proceedings, and evidence produced, against the person committed or detained, before the committing judge, officer, or magistrate; and making such records, proceedings, and evidence, available for inspection by the petitioner, or his counsel.

Habeas Corpus.

Section 1. Be it enacted, &c., That in all cases where writs of habeas corpus are granted, the judge granting the writ may inquire and examine into the facts of the case.

Examination of record by judge as to sufficiency.

Section 2. Such examination into the facts of the case shall include an examination by the judge into all the proceedings held and evidence produced before a judge, magistrate, justice of the peace, or other officer sitting as a committing judge or magistrate, and if such proceedings shall, after inquiry, be deemed to have been conducted not in accordance with law, or the evidence deemed insufficient, the prisoner shall be discharged.

Discharge.

Records available for inspection of the defendant.

Section 3. For the purposes of the inquiry, the records of all proceedings and testimony shall be available to the petitioner or his counsel for inspection in the court where the application is made, regardless of where the proceedings against the person detained are pending.

Constitutional provision.

Section 4. It is hereby declared to be in the legislative intent that if this act cannot take effect in its entirety because of the decision of any court holding unconstitutional any part hereof, the remaining provisions of the act shall be given full force and effect as completely as if the part held unconstitutional had not been included herein.

When effective.

Section 5. This act shall become effective immediately upon its final enactment.

APPROVED—The 1st day of July, A. D. 1937.

GEORGE H. EARLE