

Section 4. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 12th day of July, A. D. 1961.

DAVID L. LAWRENCE

No. 278

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by clarifying and redefining the crime of prison breach.

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

The Penal Code.

Section 1. Section 309, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended July 29, 1953 (P. L. 1445), is hereby amended to read as follows:

Section 309, act of June 24, 1939, P. L. 872, amended July 29, 1953, P. L. 1445, further amended.

Section 309. Prison Breach.—Any person undergoing imprisonment who breaks prison [and] *or* escapes, or shall break prison although no escape is actually made, is guilty of prison breach, a felony, and, on conviction thereof, shall be sentenced to undergo imprisonment, by separate and solitary confinement at labor, for a term not exceeding ten (10) years.

Said sentence shall commence from the expiration of the original sentence and any other sentences previously imposed which remained to be served at the time the offense of prison breach was committed.

If the offense of prison breach is committed while such person is undergoing imprisonment in any institution other than a State penal or correctional institution, the judges of the courts of oyer and terminer, general jail delivery and quarter sessions of the peace may sentence such prisoner to the proper penitentiary for the crime of prison breach, and add to said sentence for prison breach a further sentence to the said penitentiary for a period of time equal to the term or terms which remained to be *served at the time of the offense of prison breach on the original sentence and any other sentences previously imposed.

The word "imprisonment," as used in this section, means actual confinement in any penal or correctional institution located in this Commonwealth, or any restraint by lawful authority pursuant to a court order or after conviction of any crime.

Section 2. This act shall take effect immediately.

Act effective
immediately.

APPROVED—The 12th day of July, A. D. 1961.

DAVID L. LAWRENCE

* "sereved" in original.