

No. 175

AN ACT

SB 331

Providing for the establishment, operation and maintenance of detention facilities for certain persons by adjoining counties on approval by the Bureau of Correction.

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

Section 1. The county commissioners of any two or more adjoining counties may join in establishing, according to a plan, detention facilities for the confinement of persons awaiting trial or sentence on criminal charges, convicted on criminal charges, or not otherwise eligible for confinement in other jails.

Before establishing detention facilities, the counties shall submit their plan to the Bureau of Correction for approval. The Bureau of Correction may require, as a condition to approving any plan, that two or more adjoining counties join with another adjoining county to establish detention facilities.

Section 2. Whenever the commissioners of any two or more adjoining counties, shall decide and agree to construct such joint detention facilities, they shall acquire a suitable site for the same. Such site may be selected from suitable lands already held by any county of the district for county purposes, or from lands donated for such purposes, or any quantity of land within the respective districts. In the selection of a site, there shall be taken into consideration the objects and purposes of the institution. Title to such land shall be approved by the county solicitor of the county in which the land is located, or such other title guarantee corporation or attorney-at-law as may be designated by the commissioners of the counties, and shall be taken in the name of the county or counties comprising the district. The site, before purchase, shall be approved by the Bureau of Correction.

Section 3. After the selection and acquisition of such sites, the county commissioners of such counties may erect and construct suitable and necessary buildings thereon, repair any buildings already erected, and equip the same for use and occupancy.

Section 4. Such detention facilities shall be constructed by contract or contracts let by the county commissioners of such counties to the lowest responsible and best bidder, after due advertisement in at least one newspaper, published in each of the counties joining in the erection of such detention facilities, once a week for two consecutive weeks; and, when so constructed, the detention facilities shall be equipped by the county commissioners of such counties at the cost of the counties in the same manner as other county buildings are equipped.

Section 5. After such joint detention facilities have been erected and equipped and are ready for occupancy, president judges of the courts of common pleas of the counties joining in the construction of such detention facilities shall appoint an advisory board, to consist of three persons from each of such counties. The president judges of each of such counties shall appoint one member of said board to serve for one year, one to serve for two years, and one to serve for three years, or until their successors are appointed and qualified. All appointments at the expiration of any term shall be for a term of three years.

Section 6. The board shall meet at such times as it may deem necessary. The board shall visit and inspect and keep in close touch with the management and operation of said detention facilities and shall, from time to time, make such recommendations and suggestions to the county commissioners for changes or improvements in said management and operations as may be deemed advisable. It shall also make an annual report to the county commissioners concerning the management and operation of said detention facilities.

The county commissioners shall, at the expense of the counties, provide a meeting place for said board, and furnish all supplies and materials necessary to carry on its work.

The members of the board shall not receive any compensation for their services, but shall be allowed all actual and necessary expenses incurred in the discharge of their duties, which shall be paid by the counties as part of the cost of maintenance of such detention facilities.

Section 7. The county commissioners of such counties may, after consultation with the advisory board, employ a superintendent or matron, or both, and such other employes as may be necessary to conduct and manage properly such detention facilities, and shall fix their compensation. The duties of such officers shall be prescribed by the rules and regulations of such detention facilities. They shall hold their offices, respectively, during the pleasure of, and their compensation shall be fixed by, the appointing power.

Section 8. The county commissioners of such counties shall, before any prisoner may be admitted to this institution, after consulting with the advisory board, make general rules and regulations for the management of the detention facilities which rules and regulations shall be effective after they are approved by the Bureau of Correction.

Section 9. When, in any district formed by such counties, the arrangements are complete for the reception of inmates, transfer shall be made to the detention facilities of the district, of all persons who are subject to confinement as provided in this act.

Section 10. Every person committed to detention facilities under the provisions of this act unless disqualified by sickness or otherwise, shall be kept at some useful employment, such as may be suited to his or her age and capacity, and such as may tend to promote the best interest of the

inmate. If any person refuses to perform the work assigned to him or her, or is guilty of other acts of insubordination, the superintendent shall punish such person in such manner as the rules and regulations hereinbefore provided for may prescribe. The superintendent shall keep a record of, and report to the advisory board, all such offenses and punishments.

Section 11. The cost of transporting prisoners committed to the detention facilities shall be paid by the counties, respectively, from which the prisoners are committed. The sheriff of the county, for prisoners committed by the court, and constables for prisoners committed by magistrates, shall receive for such prisoners committed to the detention facilities no mileage or traveling expenses on writs, except the actual cost of transporting said prisoners so committed to the detention facilities, together with any other fees for their services now allowed by law.

Section 12. A detailed statement of the receipt and expenditures by any county constituting a part of said district for detention facilities erected under the provisions of this act shall be published by the county commissioners of each county, or by the controller in said county. Where such report is published by the controller, it shall be included in the annual statement of the fiscal affairs of such county.

Section 13. The original cost of the site and buildings of the detention facilities and the equipment thereof and all additions thereto, and all fixed overhead charges in conducting the institution, shall be paid by the counties constituting the districts in the ratio of their population according to the last preceding United States census.

The cost of the care and maintenance of the inmates in said districts shall be certified monthly to the counties from which inmates have been committed. Such cost shall be paid by the counties in proportion to the number of inmates committed from each county. All payments shall be on warrants of the county commissioners, countersigned by the county controller in counties where such office exists.

Section 14. The county commissioners of each county joining in establishing detention facilities as provided for in this act, may make appropriations or incur or increase the indebtedness of the county, in the manner now provided by law, to an amount sufficient to pay its proportionate part of the cost of acquiring a site and of erecting, constructing, and equipping the said detention facilities, by issuing coupon bonds at a rate of interest not exceeding seven per cent, and payable within thirty years from the date of issue. The county commissioners of such county shall levy an annual tax in an amount necessary to pay interest and sinking fund charges upon such bonds.

Section 15. All the property, real and personal, authorized to be held by virtue of this act, shall be exempt from taxation.

¹"offer" in original.

Section 16. This act shall take effect January 1, 1970.

APPROVED—The 22nd day of December, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 175.

A handwritten signature in cursive script, reading "Joseph P. Kelly II". The signature is written in dark ink and is positioned above the printed name of the Secretary of the Commonwealth.

Secretary of the Commonwealth.