

No. 1992-142

AN ACT

HB 1623

Amending the act of July 11, 1923 (P.L.1044, No.425), entitled, as amended, "An act to authorize and provide for the transfer and retransfer of person or persons confined in any penitentiary, prison, workhouse, house of correction, or any other institution for adult prisoners, under sentence of law, convicted but awaiting sentence, awaiting trial, or confined for any other purpose to some other prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners," further providing for transfers; and repealing certain obsolete penal laws.

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

Section 1. Section 1 of the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law, amended July 10, 1969 (P.L.150, No.60), is amended to read:

Section 1. **[Be it enacted, &c., That the Deputy Commissioner for Treatment of the Bureau of Correction in the Department of Justice is hereby authorized and empowered and, upon petition being presented to him by the board of inspectors, if there be such board, otherwise the superintendent or official in charge of any penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, located within any county, or by the county commissioners of the county in which the institution is located, setting forth that the said penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, cannot, by reason of overcrowded condition or other existing conditions, furnish proper and sufficient accommodations for the care, custody, control, and safety of the inmates thereof, and that it is requested that a certain number of inmates, set forth in such petition, should be transferred therefrom, may make an order authorizing and directing the said board of inspectors, if there be such board, otherwise the superintendent or official in charge, to transfer to another prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners, such person or persons whom the board of inspectors, if there be such board, otherwise the superintendent or official in charge, shall specify and designate: Provided, however, That before any transfer is made as aforesaid the court of common pleas of the county wherein any such penitentiary, prison, workhouse, house of correction, or any other institution for adult prisoners is located, shall give its consent to such transfer. In the event of the overcrowded condition or other existing condition of such penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, be remedied, so that it shall again be able to furnish proper and sufficient accommodations for the care, custody, control, and safety of inmates thereof, the Deputy Commissioner is hereby authorized and empowered, upon petition being presented to him by the said board of inspectors, if**

there be such board, or by the superintendent or other official in charge, or by the county commissioners of the county in which the institution is located, to retransfer to said penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, any or all inmates heretofore transferred under the terms of this act.] *At the request of the county correctional administrator, the Secretary of Corrections or designee is hereby authorized and empowered to transfer inmates located in county prisons to the State correctional system for such reasons and upon such terms and conditions as the secretary may determine. The secretary or designee may transfer inmates in the State correctional system to the jurisdiction of a county correctional system upon such terms and conditions that the secretary or designee and the county correctional administrator determine to be in the best interests of the Commonwealth. Inmates located in a county prison may be transferred to another county prison upon such terms and conditions as the counties may determine. The Department of Corrections and county correctional facilities may contract with the Federal Government for the housing of Federal inmates in State and county correctional facilities.*

Section 2. The following acts and parts of acts are repealed:

Section 3 of the act of December 5, 1789 (2 Sm.L.513, Ch.1461), entitled "An act to provide for the custody of prisoners committed under the authority of the United States."

Act of April 4, 1807 (P.L.133, No.85), entitled "A further supplement to the Penal Laws of this state."

Act of March 3, 1814 (P.L.79, No.50), entitled "A supplement to the act entitled, 'An act to provide for the custody of prisoners committed under the authority of the United States.'"

Section 19 of the act of March 26, 1814 (P.L.216, No.122), entitled "An act for the relief of Insolvent debtors."

Act of March 10, 1817 (P.L.92, No.70), entitled "An act for the better regulation of cord wood and bark exposed to sale within the city and county of Philadelphia."

Act of March 23, 1826 (P.L.133, No.47), entitled "An act to incorporate the subscribers to the articles of association for the purpose of establishing and conducting an institution for the confinement and reformation of Youthful delinquents, under the title of the house of refuge."

Sections 7 and 8 of the act of March 30, 1831 (P.L.228, No.123), entitled "An act to provide for the erection of a new prison and a debtor's apartment within the city and county of Philadelphia, and for the sale of the county prison in Walnut-street, in said city."

Section 3 of the act of April 15, 1834 (P.L.473, No.215), entitled "Supplement to the act entitled 'An act relative to the eastern and western State penitentiaries, and to the Philadelphia county prisons.'"

Sections 6, 7 and 9 of the act of March 22, 1836 (P.L.173, No.55), entitled "An act making appropriations to the Eastern and Western Penitentiaries, and for other purposes."

Resolution 6 of the act of April 16, 1838 (P.L.689, No.19), entitled "Resolution relative to the State Library, and for other purposes."

Clause 24 of section 1 of the act of May 31, 1844 (P.L.582, No.377), entitled "An act to provide for the ordinary expenses of government, repair of the canals and railroads of the state, and other claims upon the commonwealth."

Section 1 of the act of February 27, 1847 (P.L.172, No.131), entitled "An act requiring the inspectors of prisons, sheriffs, prothonotaries and clerks of criminal courts and others, to make annual returns to the secretary of the commonwealth, and for other purposes."

Act of April 10, 1848 (P.L.428, No.312), entitled "A further supplement to the penal laws of this state."

Act of January 26, 1854 (P.L.12, No.10), entitled "A further supplement to an act, entitled 'An act to incorporate the subscribers to the articles of association, for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of 'The House of Refuge,'" passed the twenty-third day of March, one thousand eight hundred and twenty-six."

Act of April 21, 1855 (P.L.283, No.297), entitled "An act establishing Fees for Commitments to Houses of Refuge."

Act of May 14, 1857 (P.L.507, No.568), entitled "An act regulating the Fees of District Attorneys."

Act of April 16, 1866 (P.L.105, No.93), entitled "An act to authorize the inspectors and warden of any of the penitentiaries to permit the use of tobacco, by convicts, as a reward for good conduct."

Act of January 10, 1867 (P.L.1371, No.1286), entitled "A further supplement to an act, entitled 'An Act to incorporate the subscribers to the articles of association for the purpose of establishing and conducting an institution for the confinement and reformation of youthful delinquents, under the title of the House of Refuge,' passed March twenty-third, one thousand eight hundred and twenty-six."

Act of April 8, 1869 (P.L.18, No.18), entitled "An act authorizing the congregating of convicts in the Western Penitentiary for labor, learning and religious services."

Act of April 3, 1872 (P.L.772, No.726), entitled "A supplement to an act, entitled 'An Act to regulate the weight of anthracite coal delivered by retail coal dealers in the city of Philadelphia,' approved the twenty-seventh day of May, Anno Domini one thousand eight hundred and seventy-one."

Sections 1 and 2 of the act of April 5, 1872 (P.L.42, No.34), entitled "A supplement to an act, entitled 'An Act to create a board of public charities,' approved the twenty-fourth day of April, Anno Domini one thousand eight hundred and sixty-nine."

Act of April 29, 1874 (P.L.116, No.46), entitled "An act to provide for the imprisonment of persons where sentences shall be commuted by the governor."

Act of May 8, 1876 (P.L.136, No.105), entitled "An act regulating the sale of baled hay, et cetera, in this commonwealth."

Act of May 8, 1876 (P.L.149, No.124), entitled "An act authorizing the warden of the penitentiaries of the state to subscribe for and distribute papers or periodicals to the convicts."

Act of June 12, 1878 (P.L.181, No.222), entitled "An act relating to commitments by the courts of quarter sessions to county work-houses."

Act of June 11, 1879 (P.L.140, No.148), entitled "An act to permit all inmates of any institution supported in part or in whole by the state to choose such religious advisers as they may determine upon."

Sections 3 and 4 of the act of June 20, 1883 (P.L.125, No.110), entitled "An act to require a brand upon all goods, wares, merchandise or other article or thing made for sale by convict labor in any penitentiary, reformatory prison, school or other establishment in which convict labor is employed."

Act of May 19, 1887 (P.L.132, No.74), entitled "An act to enable managers of work-houses to purchase additional land for agricultural or other purposes."

Act of April 4, 1889 (P.L.23, No.22), entitled "An act authorizing county commissioners to offer and pay rewards for the detection, arrest and conviction of horse thieves."

Act of May 7, 1889 (P.L.103, No.109), entitled "An act for the identification of habitual criminals."

Act of May 13, 1889 (P.L.209, No.226), entitled "An act providing for the removal of houses of refuge and reformatories for juvenile delinquents, or departments thereof, from one county to another, and providing for the commitment to and judicial visitation of the same and the service of legal process thereon."

Act of May 20, 1891 (P.L.100, No.75), entitled "An act making eight hours as a days' labor in penal institutions under control of the State."

Act of June 8, 1891 (P.L.213, No.186), entitled "An act to prevent fraud in the sale of lard and providing penalties for the violation thereof."

Act of June 18, 1897 (P.L.170, No.141), entitled "An act limiting the number of inmates of State prisons, penitentiaries, State reformatories and other penal institutions within the State of Pennsylvania to be employed in manufacturing goods therein, and prohibiting the use of machinery in manufacturing said goods."

Act of February 17, 1899 (P.L.3, No.1), entitled "An act to fix, regulate and establish the fees to be charged and received by constables in this Commonwealth."

Act of April 28, 1899 (P.L.96, No.79), entitled "An act to protect the public health by prohibiting the sale of goods in second-hand bottles or jars, and providing punishment for the violation of the same."

Act of April 4, 1913 (P.L.44, No.36), entitled "An act authorizing the purchase of livestock and farming implements for the new Western Penitentiary in Centre County, and authorizing the board of inspectors of said penitentiary to charge the cost thereof against the several counties in the Western District."

Act of May 8, 1913 (P.L.166, No.115), entitled "An act authorizing the warden, superintendent, or person in charge of any penitentiary, jail, reformatory, workhouse, or other penal institution, to lodge female prisoners, temporarily, outside such institution at the time when such prisoners

may become mothers, and providing for the collection of expenses thereby incurred."

Act of July 7, 1913 (P.L.708, No.395), entitled "An act relating to the management of the Eastern State Penitentiary."

Sections 7, 8, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28 and 29 of the act of July 25, 1913 (P.L.1311, No.816), entitled "An act providing for the establishment of a State Industrial Home for Women; authorizing the purchase of a site, and the erection thereon and equipment of necessary buildings; providing for the commitment to said State Industrial Home for Women of females between the ages of sixteen and thirty years, convicted of, or pleading guilty to, the commission of any criminal offense; and providing for the government and management of said institution; and making an appropriation to carry out the purposes of this act."

Act of June 3, 1915 (P.L.787, No.347), entitled "An act to provide for utilizing rock and other minerals existing upon the land owned by the Commonwealth, used for the Western Penitentiary in Centre County, and affording occupation to the inmates thereof, by permitting the board of inspectors by the said inmates to mine, quarry, or dig such materials and make the same into such products and by such means as may be found desirable, and authorizing the use of said materials or products for the purposes of said penitentiary, and the sale of the surplus, if any, for the maintenance of said institution."

Act of March 24, 1921 (P.L.48, No.23), entitled, as amended, "An act providing for the transfer of convicts from the State penitentiaries and their imprisonment in the penitentiary to which transferred; imposing costs for such transfers upon the Commonwealth; imposing the cost of the maintenance of convicts so transferred upon the counties in which they were convicted; directing that certain notice of such transfer of a convict be given; and making appropriations."

Act of May 10, 1921 (P.L.433, No.208), entitled "An act for the segregation of certain classes of prisoners."

Act of May 23, 1923 (P.L.316, No.203), entitled "An act to provide for the welfare of all persons confined (whether such persons be tried or untried prisoners) in any penitentiary or county prison in this Commonwealth."

Sections 2, 3, 4, 5 and 6 of the act of July 11, 1923 (P.L.1044, No.425), referred to as the Prisoner Transfer Law.

Section 4 of the act of May 4, 1927 (P.L.761, No.399), entitled "An act providing for the preparation of plans and specifications and for the erection of the Eastern State Penitentiary on lands acquired therefor; imposing duties in connection therewith upon the Governor, the Board of Trustees of Eastern State Penitentiary, and the Department of Welfare; and making an appropriation."

Act of April 25, 1929 (P.L.694, No.297), entitled "An act providing for the payment monthly by the counties to the Department of Revenue of the expenses of keeping convicts in State penitentiaries."

Sections 1 and 2 of the act of March 26, 1931 (P.L.7, No.4), entitled "An act to cede jurisdiction to the United States over the tracts of lands and build-

ings occupied, or hereafter to be occupied, by the United States Northeastern Penitentiary, located in and adjacent to the Township of Kelly, County of Union."

Section 1 of the act of May 20, 1931 (P.L.138, No.99), entitled "An act permitting the sale of prison made goods, in counties of the first class, to such counties and to cities and school districts and to political subdivisions of such counties and to certain institutions therein; permitting contracts for such sales and purchases, without advertising or competitive bidding; permitting payment of compensation to inmates; and repealing inconsistent laws."

Act of June 21, 1937 (P.L.1944, No.376), entitled, as amended, "An act providing for the erection, construction and equipment of a new Pennsylvania Industrial School, to take the place of the present Pennsylvania Industrial School at Huntingdon; designating the manner of acquiring or setting aside of land for the erection and construction of the new school by The General State Authority; authorizing the Commonwealth to lease the new school and its grounds from The General State Authority upon its completion; providing that the cost of maintaining inmates therein be borne by the Commonwealth and the counties to the extent and in the manner provided by law in the case of inmates maintained in the Pennsylvania Industrial School at Huntingdon; creating the Board of Trustees of the Pennsylvania Industrial School; defining its powers and duties, and conferring powers, and imposing duties upon certain State departments, boards, commissions, and officers."

Act of July 29, 1953 (P.L.1433, No.409), entitled "An act creating two districts in the Commonwealth for the administration of the State penal and correctional institutions; and repealing certain acts or parts of acts."

Act of July 29, 1953 (P.L.1435, No.411), entitled "An act relating to the more effective treatment of persons convicted of crime or committed as defective delinquents; creating in the Department of Justice correctional diagnostic and classification centers; providing for the diagnosis and classification of persons sentenced or committed by the courts to a State institution; fixing the responsibility for costs of transportation and maintenance of such persons; prescribing duties of the courts and the powers and duties of the Department of Justice relative thereto; making civil and criminal laws applicable to penitentiaries and persons therein or responsible therefor applicable in the case of the said institutions."

Act of July 29, 1953 (P.L.1440, No.414), entitled "An act providing for the construction and equipping of the Pennsylvania Institution for Defective Delinquents; providing for the acquisition of land; providing for the reception, confinement, treatment, care, maintenance and control of inmates; imposing duties and conferring powers on the Department of Justice, Department of Property and Supplies and the General State Authority."

Section 3. This act shall take effect immediately.

APPROVED—The 14th day of December, A. D. 1992.

ROBERT P. CASEY