

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2040 Session of
1984

INTRODUCED BY HAGARTY, NAHILL, BUNT, SAURMAN, CORNELL AND REBER,
APRIL 25, 1984

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 25, 1984

AN ACT

1 Amending the act of April 8, 1851 (P.L.388, No.242), entitled
2 "An act for the regulation and government of the Montgomery
3 County Prison, to incorporate the Catfish, Brady's Bend, and
4 Butler Plank Road Company, and in relation to the Easton
5 Water Company," changing the name of the Montgomery County
6 Prison.

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

9 Section 1. Sections 1, 5, 17, 19 and 22 of the act of April
10 8, 1851 (P.L.388, No.242), entitled "An act for the regulation
11 and government of the Montgomery County Prison, to incorporate
12 the Catfish, Brady's Bend, and Butler Plan Road company, and in
13 relation to the Easton Water Company," are amended to read:

14 Section 1. Be it enacted by the Senate and House of
15 Representatives of the Commonwealth of Pennsylvania in General
16 Assembly met, and it is hereby enacted by the authority of the
17 same, That the county prison now being erected by the
18 commissioners of Montgomery county, shall be called "The
19 Montgomery County [Prison] Correctional Facility," and shall be

1 managed by a board of six inspectors, citizens of said county to
2 be appointed as hereinafter provided, who shall serve without
3 compensation; a majority of whom shall constitute a quorum for
4 the transaction of any business. At the first session of the
5 Court of Quarter Sessions of said county, held after the passage
6 of this act, the said court shall appoint three reputable
7 taxable citizens of said county inspectors of said prison--one
8 to serve till the first day of April, eighteen hundred and
9 fifty-two--one to serve till the first day of April, eighteen
10 hundred and fifty-three, and one to serve till the first day of
11 April, eighteen hundred and fifty-four; and within thirty days
12 after the passage of this act, the board of county commissioners
13 of said county shall appoint three respectable taxable citizens
14 of said county--one to serve till the first day of April,
15 eighteen hundred and fifty-two--one to serve till the first day
16 of April, eighteen hundred and fifty-three, and one to serve
17 till the first day of April, eighteen hundred and fifty-four;
18 and in case the court shall omit to appoint said inspectors at
19 the time mentioned, the president of said court and one or more
20 of the associate judges may appoint the said inspectors in
21 vacation. And annually thereafter, the said court at the first
22 session in each year, and the said board of county commissioners
23 in the month of February in each year, shall each appoint one
24 inspector of said prison, who shall serve for three years from
25 the first day of April ensuing their appointment, and until a
26 successor shall be appointed. When a vacancy occurs in the board
27 of inspectors, the same shall be filled by the authority that
28 appointed the inspector whose place is to be filled, within
29 thirty days after receiving notice of such vacancy. And it shall
30 be the duty of the president of the board to give notice of

1 every such vacancy as soon as practicable after the same may
2 happen.

3 Section 5. That as soon as "The Montgomery County [Prison]
4 Correctional Facility" shall be completed and be prepared for
5 the reception of prisoners, to be determined as aforesaid, the
6 inspectors thereof appointed pursuant to this act shall take
7 charge of said prison, and thereupon issue their order to the
8 sheriff of said county (who is hereby authorized and directed to
9 execute the same), commanding the sheriff forthwith to deliver
10 all prisoners then in his charge in the present prison and in
11 the new prison, to the keeper thereof, who shall each be
12 confined in the cell or apartment assigned to him or her, and
13 therein undergo the sentence or term of the imprisonment imposed
14 on such prisoners, as nearly as may be practicable until the
15 term of imprisonment shall expire, or until such person be
16 otherwise legally discharged.

17 Section 17. That every person who shall after the completion
18 of the Montgomery County [Prison] Correctional Facility be
19 convicted in any court of criminal jurisdiction in said county
20 of any such crime or misdemeanor, shall be sentenced by the
21 proper court to undergo said punishment in said prison; and
22 every person who shall hereafter be convicted in Montgomery
23 county of any offense now punishable by imprisonment in the
24 county jail, shall be sentenced to undergo his or her
25 imprisonment in the Montgomery County [Prison] Correctional
26 Facility, and in such case the said court shall designate in
27 their sentence whether the said criminal shall be confined in
28 the debtors' or other apartments of said prison; and every such
29 person shall be kept in the present county jail until a
30 suitable, safe, and comfortable cell or apartment in the new

1 prison shall be prepared for their reception. And when the
2 county commissioners shall have prepared any suitable cell or
3 cells or apartments in the new prison now being built, and the
4 same shall be in a dry and healthy condition, fit for the
5 reception and accommodation of the prisoners convicted as last
6 aforesaid, and such as may heretofore have been sentenced to
7 imprisonment in the county jail, and other persons then confined
8 in the county jail, the said commissioners shall certify the
9 same to the inspectors of said prison appointed as aforesaid,
10 who shall forthwith cause all persons then confined in the
11 county jail to be removed therefrom to the cells and apartments
12 prepared for them as aforesaid, and shall cause said persons to
13 be kept and imprisoned in such cells and apartments until the
14 Montgomery County [Prison] Correctional Facility shall be
15 completed, and said inspectors shall take charge of the same
16 under the order of the court to be made as before provided. And
17 when the persons confined in the county jail shall have been
18 removed therefrom as aforesaid, the sheriff shall forthwith
19 vacate the present county jail.

20 Section 19. That from and after the passage of this act, no
21 inquest shall be held on the body of any person who may die
22 during his or her confinement in the Montgomery County [Prison]
23 Correctional Facility, unless the coroner of said county be
24 thereunto required by the inspectors of said prison, except in
25 cases of murder, suicide, manslaughter, or death caused by
26 casualties. And it shall be the duty of the attending physician
27 of said prison to certify to the inspectors thereof the name and
28 age of every person who may die in said prison, and the disease
29 or cause of death of each person, so far as he can ascertain the
30 same, which certificate the inspectors of said prison shall

1 cause to be entered in a book to be kept for that purpose, and
2 the original shall be delivered to the clerk of the Court of
3 Quarter Sessions of the county, to be filed in his office for
4 the inspection of all persons interested. And the inspectors of
5 said prison shall, unless when the friends of the deceased will
6 take charge of the body, have such dead person buried in the
7 county burial ground in the borough of Norristown.

8 Section 22. That the treasurer of said county of Montgomery
9 shall, in addition to his other duties, receive all moneys
10 belonging to the "The Montgomery County [Prison] Correctional
11 Facility," and shall disburse the same on orders drawn on him by
12 the board of inspectors of said prison. He shall keep a true
13 separate account of all moneys received and disbursed, which
14 account shall at all times be open for the inspection of the
15 inspectors, and each of them, and the commissioners of
16 Montgomery county. He shall once in each year state his accounts
17 and produce his vouchers, which, after examination by the
18 inspectors, shall by them be laid before the County Auditors for
19 settlement at the time and place where the auditors meet for the
20 purpose of settling the accounts of the commissioners and other
21 officers, and be acted and reported on as accounts of county
22 officers are by law authorized to be settled, and subject to the
23 same laws relative thereto, and be subject to like appeal,
24 issue, and judgment; which account when so settled the
25 inspectors shall cause to be published as the annual accounts of
26 the county commissioners and treasurer are published. The
27 treasurer shall give bond to the Commonwealth for the use of the
28 said county of Montgomery in such amount and with such security
29 as the judges of the Court of Quarter Sessions of said county
30 shall determine and approve, conditioned for the faithful

1 discharge of all duties enjoined on him by law; for a just
2 account of all moneys that may come into his hands in behalf of
3 said prison;--for the delivery to his successor in office of all
4 books, papers, and documents, and other things held in right of
5 his office for said prison, and for the payment by him of any
6 balance of money belonging to said prison remaining in his
7 hands. The said treasurer shall receive such compensation for
8 his services as shall be annually fixed by the inspectors, with
9 the approbation of the county commissioners and county auditors.
10 Section 2. This act shall take effect immediately.