

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 1557** Session of  
1985

INTRODUCED BY RICHARDSON, HAGARTY, DEAL, LINTON, FATTAH,  
WAMBACH, WOZNIAK, PRESTON, DAWIDA, MURPHY, MICHLOVIC,  
VAN HORNE, NAHILL, CORNELL, REBER, PICCOLA AND LASHINGER,  
JUNE 27, 1985

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 27, 1985

AN ACT

1 Providing for official visitation of prisons.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Official  
6 Visitation of Prisons Act.

7 Section 2. Definitions.

8 The following words and phrases when used in this act shall  
9 have the meanings given to them in this section unless the  
10 context clearly indicates otherwise:

11 "Official visitor." The Governor, the Lieutenant Governor,  
12 the President pro tempore and members of the Senate, the Speaker  
13 and members of the House of Representatives, the justices and  
14 judges of courts of record, the General Counsel, the Attorney  
15 General and his deputies, and authorized members of the  
16 Pennsylvania Prison Society who have been designated as official

1 visitors and whose names shall be given to the correctional  
2 official in charge of the appropriate facility, in writing,  
3 together with the terms of their appointment, under its  
4 corporate seal.

5 Section 3. Visitation.

6 (a) Time.--An official visitor is hereby authorized and  
7 empowered to enter and visit any local or State correctional  
8 facility on any and every day, including Sundays, between the  
9 hours of 9:00 a.m. and 5:00 p.m. Visits at any other time shall  
10 be made only with the special permission of the correctional  
11 official in charge of the facility.

12 (b) Denial of entry.--If the correctional official in charge  
13 of the facility shall be of the opinion that the visit would be  
14 dangerous to the discipline or welfare of the facility, or the  
15 safety of the visitor, the correctional official in charge of  
16 the facility may temporarily deny entry to any official visitor,  
17 if the commissioner has previously declared that an emergency  
18 situation exists within the facility. If this temporary  
19 exclusion exceeds 72 hours, the official visitor may apply to  
20 Commonwealth Court for a ruling upon the General Counsel to show  
21 cause why the official visitor should not be permitted entry  
22 into the correctional facility.

23 (c) Interviews.--Official visitors shall have the right to  
24 interview privately any prisoner or inmate confined in any State  
25 or local correctional facility, and for that purpose to enter  
26 the cell, room or apartment wherein any such person or inmate  
27 shall be confined. However, if the superintendent or person in  
28 charge of such facility at the time of such visit shall be of  
29 the opinion that the entry into the cell would be dangerous to  
30 the discipline of the facility, then the superintendent or

1 person in charge may conduct any inmate with whom such official  
2 visitor may desire a private interview into such other cell or  
3 room as he may designate and there permit the private interview  
4 between the official visitor and such inmate to take place.

5 (d) Visitor subject to certain penal provisions.--An  
6 official visitor shall be subject to the provisions of 18  
7 Pa.C.S. §§ 5121 (relating to escape), 5122 (relating to weapons  
8 or implements for escape) and 5123 (relating to contraband).

9 (e) Decree of court.--If an official visitor violates any of  
10 the provisions of this section, any superintendent, warden or  
11 official in charge of a local or State correctional facility may  
12 apply to any court of common pleas in the county wherein the  
13 institution may be situated for a ruling upon the visitor to  
14 show cause why he should not be deprived of his official  
15 visiting status, and upon proof to the satisfaction of the  
16 court, the court shall enter a decree against such official  
17 visitor depriving him of all rights, privileges and functions of  
18 official visitor.

19 Section 4. Employees of official visitor.

20 Employees of an official visitor may accompany the official  
21 visitor when visiting any prison, jail, State or regional  
22 correctional institution and may be present during an interview  
23 conducted by the official visitor.

24 Section 5. Repeals.

25 All acts and parts of acts are repealed insofar as they are  
26 inconsistent with this act.

27 Section 6. Effective date.

28 This act shall take effect in 60 days.