

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1663 Session of  
1991

INTRODUCED BY DERMODY, VEON, McNALLY, PESCI, HARPER, FAIRCHILD,  
MELIO, CAPPABIANCA, STISH, OLASZ, GERLACH, PRESTON, TIGUE,  
HANNA, BELFANTI, SURRA, TRELLO, THOMAS, MARKOSEK, TOMLINSON,  
CLARK, ACOSTA, KASUNIC AND KRUSZEWSKI, JUNE 12, 1991

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, OCTOBER 7, 1991

## AN ACT

1 Amending the act of July 11, 1923 (P.L.1044, No.425), entitled,  
2 as amended, "An act to authorize and provide for the transfer  
3 and retransfer of person or persons confined in any  
4 penitentiary, prison, workhouse, house of correction, or any  
5 other institution for adult prisoners, under sentence of law,  
6 convicted but awaiting sentence, awaiting trial, or confined  
7 for any other purpose to some other prison, penitentiary,  
8 workhouse, house of correction, or other institution for  
9 adult prisoners," further providing for transfers.

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

12 Section 1. Section 1 of the act of July 11, 1923 (P.L.1044,  
13 No.425), referred to as the Prisoner Transfer Law, amended July  
14 10, 1969 (P.L.150, No.60), is amended to read:

15 Section 1. [Be it enacted, &c., That the Deputy Commissioner  
16 for Treatment of the Bureau of Correction in the Department of  
17 Justice is hereby authorized and empowered and, upon petition  
18 being presented to him by the board of inspectors, if there be  
19 such board, otherwise the superintendent or official in charge  
20 of any penitentiary, prison, workhouse, house of correction, or

1 other institution for adult prisoners, located within any  
2 county, or by the county commissioners of the county in which  
3 the institution is located, setting forth that the said  
4 penitentiary, prison, workhouse, house of correction, or other  
5 institution for adult prisoners, cannot, by reason of  
6 overcrowded condition or other existing conditions, furnish  
7 proper and sufficient accommodations for the care, custody,  
8 control, and safety of the inmates thereof, and that it is  
9 requested that a certain number of inmates, set forth in such  
10 petition, should be transferred therefrom, may make an order  
11 authorizing and directing the said board of inspectors, if there  
12 be such board, otherwise the superintendent or official in  
13 charge, to transfer to another prison, penitentiary, workhouse,  
14 house of correction, or other institution for adult prisoners,  
15 such person or persons whom the board of inspectors, if there be  
16 such board, otherwise the superintendent or official in charge,  
17 shall specify and designate: Provided, however, That before any  
18 transfer is made as aforesaid the court of common pleas of the  
19 county wherein any such penitentiary, prison, workhouse, house  
20 of correction, or any other institution for adult prisoners is  
21 located, shall give its consent to such transfer. In the event  
22 of the overcrowded condition or other existing condition of such  
23 penitentiary, prison, workhouse, house of correction, or other  
24 institution for adult prisoners, be remedied, so that it shall  
25 again be able to furnish proper and sufficient accommodations  
26 for the care, custody, control, and safety of inmates thereof,  
27 the Deputy Commissioner is hereby authorized and empowered, upon  
28 petition being presented to him by the said board of inspectors,  
29 if there be such board, or by the superintendent or other  
30 official in charge, or by the county commissioners of the county

1 in which the institution is located, to retransfer to said  
2 penitentiary, prison, workhouse, house of correction, or other  
3 institution for adult prisoners, any or all inmates heretofore  
4 transferred under the terms of this act.] At the request of the  
5 county correctional administrator the Secretary of Corrections  
6 or designee is hereby authorized and empowered to transfer  
7 inmates located in county prisons to the State correctional  
8 system for such reasons and upon such terms and conditions as  
9 the secretary may determine. The secretary or designee may  
10 transfer inmates in the State correctional system to the  
11 jurisdiction of a county correctional system upon such terms and  
12 conditions that the secretary or designee and the county  
13 CORRECTIONAL ADMINISTRATOR determine to be in the best interests <—  
14 of the Commonwealth. INMATES LOCATED IN A COUNTY PRISON MAY BE <—  
15 TRANSFERRED TO ANOTHER COUNTY PRISON UPON SUCH TERMS AND  
16 CONDITIONS AS THE COUNTIES MAY DETERMINE.

17 Section 2. This act shall take effect immediately.