

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 14

Session of
1975

INTRODUCED BY SALVATORE, MCGINNIS, KATZ AND PERRI,
JANUARY 20, 1975

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 20, 1975

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," restricting the powers of
21 departments, boards and commissions relating to school pupils
22 and empowering the Commissioner of Correction to deputize
23 individuals to effect the return of any individual under the
24 control or supervision of the commissioner who escapes or
25 attempts to escape that control.

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

28 Section 1. The act of April 9, 1929 (P.L.177, No.175), known
29 as "The Administrative Code of 1929," is amended by adding a

1 section to read:

2 Section 529. Assignment of School Pupils.--No department,
3 board or commission shall have the power to order the assignment
4 of any pupil in kindergarten, elementary or secondary school to
5 any school other than the school nearest the pupil's home
6 without the consent of the pupil's parent or guardian except
7 that nothing in this section shall repeal any entrance
8 requirement of a school which has entrance requirements. Any
9 order issued by a department, board or commission heretofore
10 which has not yet been implemented, ordering assignment of any
11 pupil in kindergarten, elementary, or secondary school to any
12 school other than the school nearest the pupil's home shall be
13 null, void and unenforceable. All departments, boards and
14 commissions shall cease, desist and withdraw any and all actions
15 pending which are contrary to this section. No department, board
16 or commission shall enter into or continue any legal proceeding
17 dealing with the assignment of pupils to any elementary,
18 kindergarten, or secondary school other than the school nearest
19 the pupil's home.

20 Section 2. Section 914 of the act, added July 29, 1953
21 (P.L.1428, No.408), is amended to read:

22 Section 914. Personnel.--(a) The Commissioner of Correction
23 shall appoint such other deputies, wardens, superintendents,
24 experts, professional, technical and skilled personnel as may be
25 required for the proper administration of the penal and
26 correctional institutions within the jurisdiction of the
27 Department of Justice.

28 The officers in charge of State penal and correctional
29 institutions, with the approval of the Commissioner of
30 Correction, shall appoint, assign and dismiss the personnel of

1 such institutions.

2 (b) The Commissioner of Correction is hereby authorized and
3 empowered to deputize any person to act as an officer and agent
4 of this State in effecting the return of any person who has
5 escaped from the custody or supervision of the bureau or has
6 violated rules or regulations for pre-release prescribed by the
7 bureau. In matters relating to the return of such a person, any
8 person so deputized shall have all the powers of a police
9 officer of the State.

10 Any deputization pursuant to this subsection shall be in
11 writing and any person authorized to act as an agent of this
12 State pursuant thereto shall carry formal evidence of his
13 deputization and shall produce the same upon demand.

14 Section 3. This act shall take effect immediately.