

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 26, 1985

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MARCH 12, 1986

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 "SECRETARY." THE SECRETARY OF CORRECTIONS OF THE
6 COMMONWEALTH.

7 Section 3. Visitation.

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

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

25 (C) TEMPORARY DENIAL OF VISITATION FOR LOCAL FACILITIES.--IF
26 THE CORRECTIONAL OFFICIAL IN CHARGE OF A LOCAL CORRECTIONAL
27 FACILITY HAS PREVIOUSLY DETERMINED THAT AN EMERGENCY EXISTS AT
28 THE FACILITY, THE CORRECTIONAL OFFICIAL MAY, WITH THE APPROVAL
29 OF THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS FOR THE
30 DISTRICT WHERE THE FACILITY IS LOCATED, TEMPORARILY DENY ENTRY

1 TO AN OFFICIAL VISITOR. IF THIS TEMPORARY EXCLUSION EXCEEDS 72
2 HOURS, THE OFFICIAL VISITOR MAY APPLY TO COMMONWEALTH COURT FOR
3 A RULING UPON THE PRESIDENT JUDGE TO SHOW CAUSE WHY THE OFFICIAL
4 VISITOR SHOULD NOT BE PERMITTED ENTRY INTO THE CORRECTIONAL
5 FACILITY.

6 ~~(e)~~ (D) Interviews.--Official visitors shall have the right <—
7 to interview privately any prisoner or inmate confined in any
8 State or local correctional facility, and for that purpose to
9 enter the cell, room or apartment wherein any such person or
10 inmate shall be confined. However, if the superintendent or
11 person in charge of such facility at the time of such visit
12 shall be of the opinion that the entry into the cell would be
13 dangerous to the discipline of the facility, then the
14 superintendent or person in charge may conduct any inmate with
15 whom such official visitor may desire a private interview into
16 such other cell or room as he may designate and there permit the
17 private interview between the official visitor and such inmate
18 to take place.

19 ~~(d)~~ (E) Visitor subject to certain penal provisions.--An <—
20 official visitor shall be subject to the provisions of 18
21 Pa.C.S. §§ 5121 (relating to escape), 5122 (relating to weapons
22 or implements for escape) and 5123 (relating to contraband).

23 ~~(e)~~ (F) Decree of court.--If an official visitor violates <—
24 any of the provisions of this section, any superintendent,
25 warden or official in charge of a local or State correctional
26 facility may apply to any court of common pleas in the county
27 wherein the institution may be situated for a ruling upon the
28 visitor to show cause why he should not be deprived of his
29 official visiting status, and upon proof to the satisfaction of
30 the court, the court shall enter a decree against such official

1 visitor depriving him of all rights, privileges and functions of
2 official visitor.

3 Section 4. Employees of official visitor.

4 ~~Employees~~ ONE EMPLOYEE of an official visitor may accompany
5 the official visitor when visiting any prison, jail, State or
6 regional correctional institution and may be present during an
7 interview conducted by the official visitor.

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8 Section 5. Repeals.

9 All acts and parts of acts are repealed insofar as they are
10 inconsistent with this act.

11 Section 6. Effective date.

12 This act shall take effect in 60 days.