

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 732

Session of
1987

INTRODUCED BY RICHARDSON, R. C. WRIGHT, PRESTON, ACOSTA,
KUKOVICH, MICHLOVIC, TIGUE, O'DONNELL, KOSINSKI, ITKIN,
HAGARTY, DeWEESE, REBER, PISTELLA AND HUGHES, MARCH 4, 1987

AS AMENDED ON SECOND CONSIDERATION, IN SENATE,
NOVEMBER 29, 1988

AN ACT

1 ~~Providing for official visitation of prisons.~~ <—

2 AMENDING THE ACT OF OCTOBER 7, 1976 (P.L.1090, NO.218), ENTITLED <—

3 "AN ACT RELATING TO ABUSE OF ADULTS AND CHILDREN BY A PERSON
4 WHO RESIDES WITH THEM; AND PROVIDING FOR REMEDIES AND
5 PROCEDURES," FURTHER PROVIDING FOR THE GRANTING OF EMERGENCY
6 RELIEF.

7 The General Assembly of the Commonwealth of Pennsylvania

8 hereby enacts as follows:

9 ~~Section 1. Short title.~~ <—

10 ~~This act shall be known and may be cited as the Official~~

11 ~~Visitation of Prisons Act.~~

12 ~~Section 2. Definitions.~~

13 ~~The following words and phrases when used in this act shall~~
14 ~~have the meanings given to them in this section unless the~~
15 ~~context clearly indicates otherwise:~~

16 ~~"Official visitor." The Governor, Lieutenant Governor, the~~
17 ~~President pro tempore and members of the Senate, the Speaker and~~
18 ~~members of the House of Representatives, justices and judges of~~

~~the courts of record, the General Counsel, the Attorney General and his deputies, and authorized members of the Pennsylvania Prison Society who have been designated as official visitors, whose names shall be given to the correctional official in charge of the appropriate facility, in writing, together with the terms of their appointment under its corporate seal.~~

~~"Secretary." The Secretary of Corrections of the Commonwealth.~~

~~Section 3.— Visitation.~~

~~(a) Time. Any official visitor is hereby authorized to enter and visit any local or State correctional facility on any and every day, including Sundays, between the hours of 9 a.m. and 5 p.m. Visits at any other time shall be made only with the special permission of the correctional official in charge of the facility.~~

~~(b) Denial of entry. If the correctional official in charge of a State correctional facility is of the opinion that the visit would be dangerous to the discipline or welfare of the facility, or the safety of the visitor, the correctional official in charge of the facility may temporarily deny entry to any official visitor, if the secretary has previously declared that an emergency situation exists within the facility. If this temporary exclusion exceeds 72 hours, the official visitor may apply to Commonwealth Court for a ruling upon the secretary to show cause why the official visitor should not be permitted entry into the correctional facility.~~

~~(c) Temporary denial of visitation for local facilities. If the correctional official in charge of a local correctional facility has previously determined that an emergency exists at the facility, the correctional official may, with the approval~~

~~of the president judge of the court of common pleas for the district where the facility is located, temporarily deny entry to an official visitor. If this temporary exclusion exceeds 72 hours, the official visitor may apply to Commonwealth Court for a ruling upon the president judge to show cause why the official visitor should not be permitted entry into the correctional facility.~~

~~(d) Interviews. Official visitors shall have the right to interview privately any prisoners or inmates confined in any State or local correctional facility, and for that purpose to enter any cell, room or apartment wherein any prisoners or inmates are confined. However, if the superintendent or person in charge of the facility at the time of the visit is of the opinion that the entry into a cell would be dangerous to the discipline of the facility, then the superintendent or person in charge may conduct any inmates, with whom the official visitor may desire a private interview, into another cell or room as he may designate and there permit the private interview between the official visitor and the inmates to take place.~~

~~(e) Visitor subject to certain penal provisions. An official visitor shall be subject to the provisions of 18 Pa.C.S. § 5121 (relating to escape), 5122 (relating to weapons or implements for escape) or 5123 (relating to contraband).~~

~~(f) Decree of court. If an official visitor violates any provision of this section, any superintendent, warden or official in charge of a local or State correctional facility may apply to the court of common pleas in the county wherein the institution is located for a ruling upon the visitor to show cause why he or she should not be deprived of his or her official visitation status, and, upon proof to the satisfaction~~

1 ~~of the court, the court shall enter a decree against the~~
2 ~~official visitor depriving him or her of all rights, privileges~~
3 ~~and functions of official visitors.~~

4 ~~Section 4. Employees of official visitor.~~

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

9 ~~Section 5. Repeals.~~

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

12 ~~Section 6. Effective date.~~

13 ~~This act shall take effect in 60 days.~~

14 SECTION 1. SECTION 8(A) OF THE ACT OF OCTOBER 7, 1976
15 (P.L.1090, NO.218), KNOWN AS THE PROTECTION FROM ABUSE ACT,
16 AMENDED APRIL 20, 1988 (P.L.355, NO.56), IS AMENDED TO READ:

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17 SECTION 8. EMERGENCY RELIEF.--(A) WHEN:[, IN COUNTIES WITH
18 LESS THAN FOUR JUDGES, THE COURT IS UNAVAILABLE DURING THE
19 BUSINESS DAY BY REASON OF DUTIES OUTSIDE THE COUNTY, ILLNESS OR
20 VACATION, AND WHEN, IN COUNTIES WITH AT LEAST FOUR JUDGES, THE
21 COURT DEEMS ITSELF UNAVAILABLE FROM THE CLOSE OF BUSINESS AT THE
22 END OF EACH DAY TO THE RESUMPTION OF BUSINESS THE NEXT MORNING
23 OR FROM THE END OF THE BUSINESS WEEK TO THE BEGINNING OF THE
24 BUSINESS WEEK,]

25 (1) IN COUNTIES WITH LESS THAN FOUR JUDGES, THE COURT IS
26 UNAVAILABLE:

27 (I) FROM THE CLOSE OF BUSINESS AT THE END OF EACH DAY TO THE
28 RESUMPTION OF BUSINESS THE NEXT MORNING;

29 (II) FROM THE END OF THE BUSINESS WEEK TO THE BEGINNING OF
30 THE BUSINESS WEEK; OR

1 (III) DURING THE BUSINESS DAY BY REASON OF DUTIES OUTSIDE
2 THE COUNTY, ILLNESS OR VACATION; OR

3 (2) IN COUNTIES WITH AT LEAST FOUR JUDGES, THE COURT IS
4 UNAVAILABLE:

5 (I) FROM THE CLOSE OF BUSINESS AT THE END OF EACH DAY TO THE
6 RESUMPTION OF BUSINESS THE NEXT MORNING; OR

7 (II) FROM THE END OF THE BUSINESS WEEK TO THE BEGINNING OF
8 THE BUSINESS WEEK;

9 A PETITION MAY BE FILED BEFORE A DISTRICT JUSTICE, BAIL
10 COMMISSIONER OR PHILADELPHIA MUNICIPAL COURT JUDGE WHO MAY GRANT
11 RELIEF IN ACCORDANCE WITH SECTION 6(A)(1) AND (2) OR (1) AND (3)
12 IF THE DISTRICT JUSTICE, BAIL COMMISSIONER OR PHILADELPHIA
13 MUNICIPAL COURT JUDGE DEEMS IT NECESSARY TO PROTECT THE
14 PLAINTIFF OR MINOR CHILDREN FROM ABUSE, UPON GOOD CAUSE SHOWN IN
15 AN EX-PARTE PROCEEDING. IMMEDIATE AND PRESENT DANGER OF ABUSE TO
16 THE PLAINTIFF OR MINOR CHILDREN SHALL CONSTITUTE GOOD CAUSE FOR
17 PURPOSES OF THIS SECTION.

18 * * *

19 SECTION 2. THIS ACT SHALL TAKE EFFECT ~~IN 60 DAYS~~
20 IMMEDIATELY.

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