

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1065 Session of
1995

INTRODUCED BY PITTS, YOUNGBLOOD, FLICK, MELIO, TRELLO, STISH,
HERSHEY, CLARK, FLEAGLE, RUBLEY, DERMODY, HENNESSEY,
LAUGHLIN, MILLER AND E. Z. TAYLOR, MARCH 7, 1995

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, MARCH 7, 1995

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the third, fourth, fifth,
3 sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto,"
5 further providing for the offices and records of certain
6 county officials.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 405 of the act of August 9, 1955
10 (P.L.323, No.130), known as The County Code, amended October 17,
11 1974 (P.L.750, No.252), is amended to read:

12 Section 405. Location of Offices, Records and Papers.--(a)
13 [The] (1) Except as provided in clause (2), the commissioners,
14 auditors, controller, treasurer, sheriff, recorder of deeds,
15 prothonotary, clerk of courts of quarter sessions and oyer and
16 terminer, clerk of orphans' court, register of wills, recorder
17 of deeds and district attorney shall keep their respective
18 offices, and all public records and papers belonging thereto, at
19 the county seat, and in such buildings as may be erected or

1 appropriated for such purpose. The county commissioners shall
2 have the power to keep and maintain records and to contract with
3 persons, for storage, retrieval, and transmission of county
4 records within or outside the county except that no records
5 shall be stored outside the county seat without the approval of
6 the president judge and the officer in charge of the office to
7 which the records belong. Public records stored outside of the
8 county seat shall be made accessible to the general public at
9 the county seat by means of an electronic telecopying system or
10 facility which will permit the retrieval of the records or exact
11 copies thereof within three business days.

12 (2) Whenever the court of common pleas of any judicial
13 district sits in a municipality contiguous with the county seat
14 as provided in 42 Pa.C.S. § 913 (relating to seats of courts),
15 then additional offices of the district attorney, the
16 prothonotary, the clerk of courts and the clerk of the orphans'
17 court may be located in such municipality.

18 (3) County records used on a regular or frequent basis shall
19 remain in the county seat but may be moved to a designated
20 contiguous municipality when necessary for the functions of the
21 court of common pleas, any court officers or the district
22 attorney.

23 (b) The county commissioners shall furnish each of such
24 officers with an office in the county building, court house or
25 other building at the county seat or, when necessary, at a
26 municipality contiguous to the county seat.

27 (c) Any person failing or refusing to maintain his office
28 and to keep all public records and papers belonging thereto in
29 the buildings appropriated for such purpose in accordance with
30 the provisions of this section, shall be guilty of a

1 misdemeanor, and, upon conviction thereof, shall be sentenced to
2 undergo imprisonment until he complies with the provisions of
3 this section, or until sooner discharged by order of the court,
4 and to pay a fine not exceeding five hundred dollars (\$500), to
5 be paid to the use of the county.

6 Section 2. This act shall take effect in 60 days.