

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2616 Session of
2000

INTRODUCED BY PIPPY, STEVENSON, COSTA, ORIE, HABAY, MAYERNIK,
FRANKEL, VAN HORNE, READSHAW, KAISER, DERMODY, SAINATO,
SHANER, TRELLO, MARKOSEK, MAHER, WALKO AND DeLUCA,
JUNE 7, 2000

REFERRED TO COMMITTEE ON URBAN AFFAIRS, JUNE 7, 2000

AN ACT

1 Amending the act of December 10, 1980 (P.L.1152, No.208),
2 entitled "An act establishing a county prison board for any
3 county of the second class and providing for the powers and
4 duties thereof," further providing for the name of the board,
5 for the short title, for definitions, for composition of the
6 board, for powers and duties of the board, for rules and
7 regulations, for the warden and employees and for contracts
8 and purchases.

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

11 Section 1. The title and sections 1, 2, 3, 4(a), 6 and 8 of
12 the act of December 10, 1980 (P.L.1152, No.208), known as the
13 Second Class County Prison Board Act, are amended to read:

14 AN ACT

15 Establishing a county [prison] jail oversight board for any
16 county of the second class and providing for the powers and
17 duties thereof.

18 Section 1. Short title.

19 This act shall be known and may be cited as the "Second Class
20 County [Prison] Jail Oversight Board Act."

1 Section 2. Definitions.

2 The following words and phrases when used in this act shall
3 have, unless the context clearly indicates otherwise, the
4 meanings given to them in this section:

5 "Board." The county [prison] jail oversight board of a
6 second class county.

7 Section 3. Establishment and composition.

8 (a) Establishment.--There is hereby established a county
9 [prison] jail oversight board in any county of the second class
10 which shall be named the " County [Prison]
11 Jail Oversight Board."

12 (b) Composition.--The board shall be composed of:

13 (1) The county [commissioners] chief executive.

14 (2) [Three] Two judges of the court of common pleas, one
15 of whom shall be the president judge, or his designee who
16 shall be a judge, and [two judges] one judge appointed by the
17 president judge.

18 (3) The county sheriff.

19 (4) The county controller.

20 (5) The [mayor of any city of the second class situate
21 within the county.] president of county council or his
22 designee.

23 (6) [Two] Three citizen members as provided in
24 subsection (c).

25 (c) Citizen members.--The [two] three citizen members shall
26 not be employees of the county or of the Commonwealth. They
27 shall serve for a term of three years, and shall be
28 representative of the broad segments of the county's population
29 and shall include persons whose background and experience
30 indicate that they are qualified to act in the interest of the

public. The citizen members shall be appointed by the [chairman of the county commissioners] county chief executive with the consent of county council.

Section 4. Powers and duties.

(a) General rule.--The board's administrative powers and duties shall include the operation and maintenance of the prison and all alternative housing facilities, the oversight of the health and safekeeping of inmates and the [employment] confirmation of the chief executive's selection of a warden.

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Section 6. Warden.

(a) [Appointment.--The board shall appoint a warden to serve at its pleasure and shall fix his salary.] Appointment and residency.--

(1) The chief executive shall appoint a warden subject to confirmation by the board. The warden shall serve at the pleasure of the chief executive who shall fix an appropriate salary.

(2) The warden shall be a resident of the county six months after the date of appointment.

(b) Employees.--Subject to [the board's] approval of the manager, the warden shall employ [such] deputies, assistants and other personnel required to adequately operate the prison.

(c) Annual report.--The warden shall submit an annual written report to the board which shall contain information on the population, conditions and practices in the prison, and other matters as specified by the board. The annual report shall be available for public inspection.

(d) Reporting responsibility.--The warden shall report to the county chief executive and to the board.

1 Section 8. Contracts and purchases.

2 [All expenditures, required for the maintenance and support
3 of the prisoners, the repairs and improvement of said prison,
4 shall be paid from the county treasury, by warrants, drawn in
5 the manner provided by law, on the regular appropriation for the
6 purpose. All contracts involving an expenditure exceeding \$100
7 shall be in writing and shall immediately after their execution
8 be filed with the controller of the county. No contracts shall
9 be made, nor the payment thereof be certified by the controller,
10 for over \$2,500, unless made with the lowest and best bidder
11 after due notice to be published by the controller, if he
12 approved the purpose of the proposals invited. All purchases of
13 materials and supplies shall be made through the purchasing
14 department of the county, and all bids shall be received by the
15 controller under seal and shall be opened in his presence by the
16 board and the contracts awarded thereof. The controller shall
17 keep a record of all such awards and shall certify no warrant
18 for contracts not made agreeable thereto.] All contracts and
19 purchases required for the maintenance and support of the
20 prisoners, repairs and improvements of the prison and materials
21 and supplies shall be conducted in accordance with the
22 applicable provisions of the county administrative code.

23 Section 2. The provisions of this act are nonseverable. If
24 any provision of this act or its application to any person or
25 circumstance is held invalid, the remaining provisions or
26 applications of this act are void.

27 Section 3. This act shall take effect in 60 days.