

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 5

Session of
2007

INTRODUCED BY MARSICO, BAKER, BASTIAN, BENNINGHOFF, BRENNAN, CAPPELLI, CLYMER, DALLY, DENLINGER, EVERETT, FABRIZIO, FAIRCHILD, GIBBONS, HALUSKA, HARHAI, HARPER, HERSHEY, HICKERNELL, KENNEY, KIRKLAND, KOTIK, KULA, MAHONEY, MANN, MCGEEHAN, O'NEILL, RAPP, ROHRER, SABATINA, SCAVELLO, SCHRODER, SHAPIRO, SIPTROTH, SONNEY, STAIRS, THOMAS, TRUE, WANSACZ, WATSON AND YUDICHAK, JULY 6, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JULY 6, 2007

AN ACT

1 Amending the act of July 11, 1923 (P.L.1044, No.425), entitled,
2 as amended, "An act to authorize and provide for the transfer
3 and retransfer of person or persons confined in any
4 penitentiary, prison, workhouse, house of correction, or any
5 other institution for adult prisoners, under sentence of law,
6 convicted but awaiting sentence, awaiting trial, or confined
7 for any other purpose to some other prison, penitentiary,
8 workhouse, house of correction, or other institution for
9 adult prisoners," further providing for transfer of inmates.

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

12 Section 1. Section 1 of the act of July 11, 1923 (P.L.1044,
13 No.425), referred to as the Prisoner Transfer Law, amended
14 December 14, 1992 (P.L.887, No.142), is amended to read:

15 Section 1. (a) Transfers.--At the request of the county
16 correctional administrator, the Secretary of Corrections or
17 designee is hereby authorized and empowered to transfer inmates
18 located in county prisons to the State correctional system for
19 such reasons and upon such terms and conditions as the secretary

1 may determine. The secretary or designee may transfer inmates in
2 the State correctional system to the jurisdiction of a county
3 correctional system upon such terms and conditions that the
4 secretary or designee and the county correctional administrator
5 determine to be in the best interests of the Commonwealth.
6 Inmates located in a county prison may be transferred to another
7 county prison upon such terms and conditions as the counties may
8 determine. The Department of Corrections and county correctional
9 facilities may contract with the Federal Government for the
10 housing of Federal inmates in State and county correctional
11 facilities.

12 (b) Temporary transfers.--The following shall apply to
13 temporary transfers:

14 (1) The Department of Corrections shall temporarily
15 transfer an inmate confined in the State correctional system
16 to a State correctional institution determined by the
17 Department of Corrections to be of an appropriate security
18 level that is nearest to the location of the judicial
19 proceeding. The Department of Corrections shall have the
20 discretion to select an alternative and reasonably accessible
21 State correctional institution if bed space limitations in
22 the nearest State correctional institution prevent the
23 temporary transfer to that institution.

24 (2) The Department of Corrections shall not be required
25 to temporarily transfer any inmate under this subsection
26 unless all of the following apply:

27 (i) A court order has been entered directing the
28 presence of the inmate at a judicial proceeding.

29 (ii) The court has found that the inmate's presence
30 is required at the judicial proceeding.

1 (iii) The Constitution of the United States or the
2 Constitution of Pennsylvania do not permit the inmate's
3 testimony or participation in the proceeding to be
4 conducted by videoconferencing technology.

5 (3) The Department of Corrections shall establish
6 regulations for the implementation of this subsection in
7 accordance with all of the following:

8 (i) The regulations may require up to 14 days'
9 notice prior to the entry of a temporary transfer order.

10 (ii) The regulations may require return of an inmate
11 to the inmate's home correctional institution upon
12 completion of the judicial proceeding.

13 (iii) The regulations may require that an inmate be
14 removed from the State correctional institution by a
15 government official authorized by the court directing the
16 presence of the inmate for a judicial proceeding be
17 detained in the county prison if the inmate has been
18 temporarily transferred more than twice in the preceding
19 six months or the judicial proceeding is scheduled to
20 last more than one week.

21 (4) Pending implementation of the regulations required
22 under paragraph (3), the Department of Corrections shall
23 publish interim guidelines consistent with the provisions of
24 paragraph (3). The provisions of this section shall be in
25 full force and effect even if the Department of Corrections
26 has not yet published interim guidelines or implemented the
27 regulations required under this section.

28 (5) The Department of Corrections may presume that the
29 judicial proceedings have concluded when the inmate is
30 returned to the temporary correctional institution after a

1 judicial proceeding unless a court otherwise notifies the
2 Department of Corrections in the manner required by the
3 Department of Corrections.

4 (6) The Department of Corrections may require a county
5 to pay the reasonable cost of transportation between State
6 correctional facilities if a court of that county has
7 requested a temporary transfer under this section. The county
8 reimbursements for transportation costs shall be
9 automatically reappropriated to the Department of
10 Corrections. Nothing in this section shall prohibit the use
11 of alternative transportation methods authorized by law.

12 (7) This section shall not be construed to authorize a
13 court to designate a particular place of confinement or the
14 length of confinement in the temporary correctional
15 institution.

16 Section 2. This act shall take effect in 120 days.