

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

SENATE BILL

No. 579

Session of  
1981

---

INTRODUCED BY FISHER, ZEMPRELLI, PECORA, HOWARD, GEKAS, O'PAKE,  
GREENLEAF, STREET, HOPPER, SNYDER, BELL AND KELLEY,  
MARCH 23, 1981

---

---

REFERRED TO JUDICIARY, MARCH 23, 1981

---

AN ACT

1 Establishing a Department of Corrections; providing for  
2 correctional facilities for inmates, for administration of  
3 correctional field services, for joint county detention  
4 facilities and for the powers of courts with respect to  
5 offenders, establishing the Pennsylvania Parole Commission  
6 and providing for its powers and duties and making repeals.

7 TABLE OF CONTENTS

8 Chapter 1. Preliminary Provisions

9 Section 101. Short title.

10 Section 102. Definitions.

11 Chapter 2. Organization of the Department

12 Section 201. Establishment of department.

13 Section 202. Secretary of Corrections.

14 Section 203. Powers and duties of the secretary.

15 Section 204. Deputy Secretary for Education.

16 Section 205. Personnel.

17 Section 206. Advisory committees.

18 Section 207. Annual reports.

19 Chapter 3. Powers and Duties of the Department

1       Section 301.   Departmental facilities, programs and  
2                               services.

3       Section 302.   Establishment of State correctional facilities.

4       Section 303.   Services and reports to municipalities.

5       Section 304.   Complaint procedure.

6 Chapter 4.   Inmates

7       Section 401.   Commitment and transfer.

8       Section 402.   Diagnostic centers and services.

9       Section 403.   Transfer of mentally ill and mentally  
10                               retarded inmates.

11       Section 404.   Programs for inmates.

12       Section 405.   Inmate labor and training.

13       Section 406.   Discipline.

14       Section 407.   Medical care.

15       Section 408.   Food protection and sanitation.

16       Section 409.   Illness of inmates.

17       Section 410.   Religious rights.

18       Section 411.   Personal visits.

19       Section 412.   Official visits.

20       Section 413.   Mail.

21       Section 414.   Discharge allowances.

22       Section 415.   Inmates General Welfare Board.

23 Chapter 5.   Administration of Correctional Field Services

24       Section 501.   Establishment of departmental offices.

25       Section 502.   Deputies.

26       Section 503.   Correctional field service staff.

27       Section 504.   Notification of parole violations.

28       Section 505.   Absconding from parole.

29       Section 506.   Expense of returning parole violators.

30       Section 507.   Supervision of out-of-state parolees and

1                               probationers.

2       Section 508.   Investigations for Board of Pardons.

3 Chapter 6.   Pennsylvania Parole Commission

4       Section 601.   Establishment of commission.

5       Section 602.   Members of the commission.

6       Section 603.   Chairman.

7       Section 604.   Official seal.

8       Section 605.   Salaries.

9       Section 606.   Political activities restricted.

10      Section 607.   Employees and offices.

11      Section 608.   Quorum.

12      Section 609.   Powers and duties.

13      Section 610.   Parole violators and recommitment.

14      Section 611.   Applicability.

15 Chapter 7.   Joint County Detention Facilities

16      Section 701.   Establishment of joint county detention

17                               facilities.

18      Section 702.   Advisory board.

19      Section 703.   Administration of facilities.

20      Section 704.   Employment of inmates.

21      Section 705.   Costs.

22      Section 706.   Property exempt from taxation.

23 Chapter 8.   Miscellaneous Provisions

24      Section 801.   Transfer of personnel, appropriations,

25                               records, etc.

26      Section 802.   Savings provisions.

27      Section 803.   Transfers.

28      Section 804.   Repeals.

29      Section 805.   Effective date.

30      The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 CHAPTER 1

3 PRELIMINARY PROVISIONS

4 Section 101. Short title.

5 This act shall be known and may be cited as the "Corrections  
6 Act."

7 Section 102. Definitions.

8 The following words and phrases as used in this act shall  
9 have the meanings given them in this section unless the context  
10 clearly indicates otherwise:

11 "Commission." The Pennsylvania Parole Commission.

12 "Community service center." A community based and oriented  
13 facility which may provide "live-in" accommodations for  
14 offenders:

15 (1) Who enroll in academic courses.

16 (2) Who participate in vocational training program.

17 (3) To utilize the resources of the community in meeting  
18 their personal and family needs.

19 (4) Who obtain employment.

20 (5) Who participate in whatever specialized programs  
21 exist in the community service center.

22 "Correctional field services." Any correctional program or  
23 facility that is community based including State parole and  
24 probation services, community service centers and all other  
25 types of prerelease programs.

26 "Days." Calendar days unless otherwise specified.

27 "Department." The Department of Corrections established by  
28 this act.

29 "Local correctional facility." Any jail, workhouse,  
30 correctional institution or facility, penitentiary or prison

1 operated by a county or other political subdivision.

2 "Parole." The conditional and revocable release of a  
3 committed person under the authority of the commission or the  
4 sentencing court.

5 "Parole services." Supervision, counselling, treatment and  
6 other programs to assist an individual placed on parole.

7 "Prerelease programs." Any program that allows an inmate to  
8 participate in a community service center, an educational or  
9 work release program, or a furlough, under the rules established  
10 pursuant to this act.

11 "Probation services." Supervision, counselling, treatment  
12 and other programs to assist an individual placed on probation  
13 by a sentencing court.

14 "Secretary." The Secretary of Corrections of the Department  
15 of Corrections.

16 "State correctional facility." Any correctional institution,  
17 regional correctional facility, community service center,  
18 community based parole center or other facility operated by the  
19 department for the custody, treatment, training, education and  
20 reintegration of offenders committed to the Department of  
21 Corrections.

22 "State correctional institution." The State correctional  
23 facilities known as the State Correctional Institution at  
24 Graterford, State Correctional Institution at Muncy, State  
25 Correctional Institution at Dallas, State Correctional  
26 Institution at Camp Hill, State Correctional Institution at  
27 Rockview, State Correctional Institution at Huntingdon and the  
28 State Correctional Institution at Pittsburgh and other such  
29 institutions as may be authorized by law.

30 "State regional correctional facility." An institution that

1 is operated on a regional basis for the custody, treatment,  
2 training, education and reintegration of offenders sentenced to  
3 confinement for a minimum term of six months or more and a  
4 maximum sentence of less than five years who have been committed  
5 to the Department of Corrections.

6 CHAPTER 2

7 ORGANIZATION OF THE DEPARTMENT

8 Section 201. Establishment of department.

9 An administrative department to be known as the Department of  
10 Corrections is hereby established. The provisions of the act of  
11 April 9, 1929 (P.L.177, No.175), known as "The Administrative  
12 Code of 1929," which apply generally to administrative  
13 departments shall also apply to the Department of Corrections.

14 Section 202. Secretary of Corrections.

15 (a) The department shall have as its chief administrative  
16 officer the Secretary of Corrections who shall, either  
17 personally, by deputy, or by the duly authorized agent or  
18 employee of the department, and subject at all times to the  
19 provisions of this act and of "The Administrative Code of 1929,"  
20 exercise the powers and perform the duties by law vested in and  
21 imposed upon the department.

22 (b) The Governor shall nominate and, by and with the advice  
23 and consent of a majority of all the members elected to the  
24 Senate, appoint the Secretary of Corrections.

25 (c) The salary of the secretary shall be \$51,500.

26 Section 203. Powers and duties of the secretary.

27 (a) The secretary shall administer the department in  
28 accordance with the provisions of this act and of "The  
29 Administrative Code of 1929."

30 (b) The secretary shall prescribe rules and regulations for

1 the operation of the department.

2 Section 204. Deputy Secretary for Education.

3 The Governor shall appoint an individual to be known as the  
4 Deputy Secretary for Education whose responsibilities shall  
5 include the planning, coordination and conduct of educational  
6 and vocational programs for both correctional personnel and  
7 inmates.

8 Section 205. Personnel.

9 (a) (1) The secretary shall appoint such personnel as are  
10 required to administer the provisions of this act. Such  
11 employees shall be appointed, suspended, discharged or  
12 otherwise disciplined in accordance with the provisions of  
13 "The Administrative Code of 1929" and of the act of August 5,  
14 1941 (P.L.752, No.286), known as the "Civil Service Act." All  
15 positions in the department shall be deemed to be included in  
16 the list of positions set forth in section 3(d) of the "Civil  
17 Service Act" and the provisions and benefits of that act  
18 shall be applicable to the employees of, and the positions  
19 in, the department.

20 (2) All employees of the department who have  
21 satisfactorily completed a period of employment equivalent to  
22 the probation period for like positions already listed in  
23 classified service prior to the enactment of this act, shall  
24 be provided all benefits and seniority which would have  
25 accrued to their position and years of service as if their  
26 positions were included in classified service from the onset  
27 of their employment.

28 (b) The secretary, in accordance with "The Administrative  
29 Code of 1929," and the State Civil Service Commission, shall  
30 establish minimum qualifications and standards for positions in

1 the department and shall provide initial and ongoing training  
2 for all employees who have responsibility for the supervision of  
3 offenders.

4 (c) To assist the department in fulfilling its  
5 responsibilities, the secretary shall have the authority to  
6 accept donations, uncompensated and voluntary services. Such  
7 volunteers may be reimbursed for travel expenses at the same  
8 rates as State employees.

9 Section 206. Advisory committees.

10 (a) An advisory committee on local probation and parole is  
11 hereby created to assist the department. Its composition and  
12 duties shall be as follows:

13 (1) It shall consist of nine members to be appointed by  
14 the Governor, with the advice and consent of a majority of  
15 the members elected to the Senate. At least two members shall  
16 be members of the General Assembly, at least two shall be  
17 judges of the courts of record of this Commonwealth, and at  
18 least one shall be a county commissioner, one shall be a  
19 chief county probation officer and one shall be an ex-  
20 offender who has successfully completed supervision. The  
21 remaining members shall be selected from the general public,  
22 however, no more than two members of the advisory committee  
23 shall be appointed from the same county of the Commonwealth.

24 (2) The initial members of the committee shall be  
25 appointed for terms as follows: two members for terms of one  
26 year; two for terms of two years; two for terms of three  
27 years and three for terms of four years. The terms of members  
28 thereafter appointed, except to fill a vacancy, shall be for  
29 four years and until their successors have been appointed and  
30 qualified. However, the terms of members of the committee who



1 are appointed by virtue of holding office as a member of the  
2 General Assembly, as a judge or as a county commissioner,  
3 shall continue only as long as such person remains in that  
4 office.

5 (3) The Governor shall designate one of the members of  
6 the committee to serve as its chairman. Each member of the  
7 committee shall be paid all accountable and necessary travel  
8 expenses incurred by the member in the performance of  
9 committee duties. The committee shall meet at the call of the  
10 chairman or at the call of the secretary.

11 (4) The committee shall aid the chairman in formulating  
12 and reviewing standards for probation and parole personnel  
13 and services in the counties by the department.

14 (b) An advisory committee on local correctional facilities  
15 is hereby created to assist the department. The composition of  
16 the committee and its duties shall be as follows:

17 (1) It shall consist of nine members to be appointed by  
18 the Governor with the advice and consent of a majority of the  
19 members elected to the Senate. At least two members shall be  
20 members of the General Assembly, at least two shall be judges  
21 of the courts of record of this Commonwealth, and at least  
22 one shall be a county commissioner, one shall be a warden of  
23 a local correctional facility and one shall be an ex-offender  
24 who was incarcerated for a period of time in a local  
25 correctional facility and who has successfully completed his  
26 or her sentence. The remaining members shall be selected from  
27 the general public; however, no more than two members of the  
28 committee shall be appointed from the same county of the  
29 Commonwealth.

30 (2) The terms of the committee members and the selection

1 of a chairman and reimbursement for certain expenses shall be  
2 as provided in subsection (a)(2) and (3).

3 (3) The committee shall aid the secretary in  
4 establishing minimum standards for local correctional  
5 facilities as provided in section 303.

6 (c) The secretary shall establish an advisory committee for  
7 education which will be chaired by the Secretary of Education.

8 (d) The secretary may establish any other such advisory  
9 committees as may be deemed necessary to assist the department  
10 in fulfilling its responsibilities under this act. Members of  
11 advisory committees shall receive no compensation but may  
12 receive reimbursement for reasonable expenses incurred when  
13 actually engaged in their official duties as directed by the  
14 secretary.

15 Section 207. Annual reports.

16 (a) The secretary shall transmit annually to the Governor,  
17 the General Assembly, the judges of the courts of common pleas,  
18 the Pennsylvania Commission on Sentencing and the Pennsylvania  
19 Parole Commission a report on the department. The report shall  
20 contain:

21 (1) A description and evaluation of the programs,  
22 services and facilities of the department.

23 (2) Any recommendation or proposal for the alteration,  
24 expansion, addition or discontinuance of programs, services  
25 or facilities.

26 (3) Any recommendation for statutory change necessary to  
27 improve programs, services or facilities.

28 (4) Any other information required by law, requested by  
29 the Governor or determined to be useful by the secretary.

30 (b) The report shall be a matter of public record and shall

1 be made available to the public at cost or at no charge, at the  
2 secretary's discretion.

3 CHAPTER 3

4 POWERS AND DUTIES OF THE DEPARTMENT

5 Section 301. Departmental facilities, programs and services.

6 (a) The department shall have the power and its duty shall  
7 be to maintain, supervise and administer the following  
8 facilities, programs and services:

9 (1) All State correctional facilities for the care,  
10 custody and correction of persons lawfully committed,  
11 sentenced or transferred to the department.

12 (2) Parole services for any person:

13 (i) Committed by a criminal court and released on  
14 parole by the commission.

15 (ii) When so directed by special order of the  
16 sentencing court as a special parole case if there is a:

17 (A) felony conviction where the offender is  
18 subject to a period of supervision of not less than  
19 six months; or

20 (B) misdemeanor conviction where the offender  
21 has a prior felony conviction and is subject to a  
22 period of supervision of not less than six months; or

23 (C) felony or misdemeanor conviction where the  
24 offender is currently under supervision of the  
25 department.

26 (3) The department shall accept supervision  
27 responsibility for persons placed on probation when so  
28 directed by a court wherein the person is currently under the  
29 jurisdiction of the department.

30 (4) In compliance with the Federal Interstate Compact

1 Laws, to supervise persons paroled or placed on probation by  
2 other states now residing in this Commonwealth, where such  
3 other states agree to perform similar services for the  
4 department.

5 (5) Services and assistance including the establishment  
6 of standards for local correctional facilities to  
7 municipalities operating local correctional facilities as set  
8 forth in section 303.

9 (6) Establishment of programs of research, collection of  
10 statistics and planning, including evaluation of the  
11 performance of various functions of the department and the  
12 effectiveness of the programs for offenders.

13 (7) To make presentence investigations and reports of  
14 persons convicted of a felony or a misdemeanor where the  
15 offender has a prior felony conviction when requested to do  
16 so by the court.

17 (8) To oversee and establish rules in the manner  
18 provided by law for the promulgation of regulations of  
19 prerelease and prerelease programs as set forth in section  
20 803.

21 (9) To collect copies of presentence investigations and  
22 reports where necessary.

23 (10) Provide the commission with such information as it  
24 requests in the performance of its duties and services.

25 (11) To establish Statewide standards for local  
26 probation and parole as provided in section 303.

27 (12) To administer the existing grant-in-aid program to  
28 county courts for the improvement of local probation and  
29 parole services.

30 (13) With the approval of the secretary to receive and

1 take custody of persons transferred or committed to the  
2 department under the authority of the United States when  
3 appropriate facilities are available and to receive  
4 reimbursement for such services.

5 (b) The department shall have free and ready access to all  
6 probation and parole records of the counties of this  
7 Commonwealth.

8 Section 302. Establishment of State correctional facilities.

9 (a) The department shall have the power and its duty shall  
10 be to establish, with the approval of the Governor, such State  
11 correctional facilities as it may deem necessary to carry out  
12 the provisions of this act. However, the department may only  
13 establish or construct such additional State correctional  
14 institutions and State regional correctional facilities as are  
15 approved by the Governor and are provided by law.

16 (b) The department, with the approval of the Governor and  
17 the governing body of the county involved, may acquire by  
18 purchase or lease any county workhouse or jail or other suitable  
19 existing facility for use as a State correctional facility.

20 (c) The department, with the approval of the Governor, may  
21 select for acquisition by purchase or lease, by the Department  
22 of General Services, tracts of land or other real property  
23 suitable for the construction of or use by the department as  
24 State correctional facilities.

25 (d) The secretary in determining that a new State  
26 correctional facility is needed shall, prior to making such  
27 recommendation to the Governor, complete a planning program,  
28 including but not limited to, the following:

29 (1) An account of the type, purpose, maximum capacity of  
30 the facility, the need for the facility including reasons why

1 a less secure facility or alternative will not satisfy the  
2 needs of the department, the type of person to be housed in  
3 the facility, and the anticipated construction and  
4 operational costs for a five-year period. In doing this, the  
5 department will be guided by generally recognized standards  
6 of appropriate national professional groups.

7 (2) A report on the security of the facility which  
8 addresses the extent of supervision to be provided or  
9 necessary, the type of person who will be placed there and  
10 the extent of involvement the department has taken or will  
11 take to involve the community in development of the facility  
12 and its program prior to its opening.

13 (e) In establishing the size of any new State correctional  
14 institution or State regional correctional institution, the  
15 department will be guided by generally recognized standards of  
16 appropriate national professional groups. The department shall  
17 not establish a new State correctional institution that confines  
18 more than one person per cell nor shall it establish a community  
19 service center with a maximum capacity for over 30 persons.

20 Section 303. Services and reports to municipalities.

21 The department shall have the power and its duty shall be to  
22 provide the following services and assistance to municipalities  
23 operating local correctional facilities:

24 (1) The department shall after public hearings establish  
25 minimum standards for local correctional facilities including  
26 standards for physical facilities, standards for correctional  
27 programs of treatment, education and reintegration of  
28 inmates, standards for staff development and training and  
29 other matters necessary to the operation of such facilities.

30 (2) At least once annually, the department shall inspect

1 local correctional facilities and shall classify them in  
2 accordance with standards established pursuant to paragraph  
3 (1) as eligible to receive prisoners sentenced to maximum  
4 terms of six months or more, but less than five years. The  
5 department shall conduct such other inspections and  
6 investigations of such facilities as it deems necessary.

7 (3) The department shall report to appropriate public  
8 officials the results of its inspections of local  
9 correctional facilities. The department shall make available  
10 for public inspection all inspection reports after all  
11 appropriate parties have had a reasonable time to review the  
12 reports, but in no case later than 90 days from the  
13 submission of the inspection report to the appropriate public  
14 officials. Names and identifying information of all prisoners  
15 shall be deleted from all reports available for public  
16 inspection. The department shall have the power and its duty  
17 shall be to enforce the standards established pursuant to  
18 paragraph (1) by appropriate legal action in the Commonwealth  
19 Court or in the court of common pleas for the county in which  
20 the local correctional facility is located. The court shall  
21 have jurisdiction to enter an appropriate order requiring  
22 that the standards be met if the department establishes to  
23 the court's satisfaction that they are reasonable.

24 (4) (i) Upon petition being presented to the department  
25 by the official in charge of any local correctional  
26 facility, and upon a showing of good cause therefor, the  
27 secretary may transfer persons lawfully detained in a  
28 local correctional facility to a State correctional  
29 facility. However, before any transfer is made, the court  
30 of common pleas of the county wherein the local

1       correctional facility is located shall give its consent  
2       to such transfer.

3       (ii) Upon petition being presented to the secretary  
4       by the official in charge of any local correctional  
5       facility, and upon a showing of good cause therefor, the  
6       secretary may retransfer persons transferred to a State  
7       correctional facility from a local correctional facility  
8       pursuant to this paragraph. Such petition shall set forth  
9       the names of the persons whom the official in charge of  
10      any local correctional facility deems advisable to  
11      transfer or retransfer, together with:

12           (A) in the case of persons committed, the date  
13           of their commitment, and the term for which they were  
14           sentenced; or

15           (B) in the case of persons convicted but  
16           awaiting sentence, the date of conviction; or

17           (C) in case of persons in custody while awaiting  
18           trial, the fact that they are so held; or

19           (D) in case of persons otherwise confined, the  
20           reason for their confinement, and shall further set  
21           forth the reasons for which authority is desired to  
22           transfer or retransfer the persons therein named.

23      (iii) The cost of transferring, retransferring and  
24      maintaining inmates transferred to State correctional  
25      facilities pursuant to this paragraph shall be borne by  
26      the county or other municipality making such request. The  
27      department shall establish by regulation the daily cost  
28      of such maintenance and shall specify the manner and time  
29      of reimbursement to the Commonwealth by the county or  
30      other unit of local government. The department may



1 establish by regulation costs for special or  
2 extraordinary services which shall be borne by the  
3 county.

4 (iv) Such person or persons as may be so transferred  
5 or retransferred shall be subject to the same term of  
6 imprisonment as that imposed upon them at the time of  
7 sentence under law.

8 (v) It shall be the duty of the warden or keeper of  
9 the State or local correctional facility to which a  
10 prisoner is transferred or retransferred immediately,  
11 upon such transfer or retransfer, to give notice, in  
12 writing, of the transfer or retransfer, to the governing  
13 body of the county in which the prisoner was sentenced or  
14 convicted or is being held, and to the clerk of the court  
15 which sentenced or convicted the prisoner, or in which  
16 the trial of the prisoner is pending, or which directed  
17 the person be held, who shall file and enter the same of  
18 record, and to the commission when the prisoner is  
19 subject to commission authority.

20 (5) (i) The department shall have the power and its  
21 duty shall be to establish minimum standards for  
22 presentence investigations, supervision of probationers  
23 and parolees, qualifications for probation and parole  
24 personnel, minimum salaries and the quality of probation  
25 and parole service.

26 (ii) The standards for the qualifications of  
27 probation and parole personnel shall only apply to  
28 probation and parole personnel appointed after the date  
29 the standards are established. Should any probation or  
30 parole personnel appointed prior to the date the

standards were established fail to meet the standards,  
the court, having jurisdiction of such personnel, may  
request the department to establish inservice training  
for such personnel in accordance with the standards.

(iii) The department shall provide inservice  
training for personnel of county probation offices when  
requested by the court.

(6) It shall be the duty of the inspectors, sheriffs or  
other persons having charge of any local correctional  
facility to transmit to the department on or before February  
1 of each year a full statement in detail of the condition of  
such local correctional facility and the inmates thereof  
during the year ending on the previous December and such  
other information as shall be specified by the department by  
regulation.

#### Section 304. Complaint procedure.

The department shall establish a complaint procedure for all  
persons confined in State correctional facilities or under the  
department's supervision. The department shall provide:

(1) for an advisory role for employees and inmates of  
State correctional facilities in the formulation,  
implementation and operation of the procedure;

(2) for the filing of individual and collective  
complaints;

(3) specific maximum time limits for written replies to  
complaints with reasons thereto at each decision level within  
the system;

(4) for priority processing of complaints which are of  
an emergency nature, including matters in which delay would  
subject the complainant to substantial risk of personal

1 injury or other damages;

2 (5) for safeguards to avoid reprisals against any  
3 complainant or participant in the resolution of a grievance;  
4 and

5 (6) for the independent review of the disposition of  
6 complaints including alleged reprisals, by the General  
7 Counsel of the Commonwealth or his designee. The General  
8 Counsel or his designee shall make public an annual report  
9 concerning the exercise of his functions under this section.

#### 10 CHAPTER 4

#### 11 INMATES

12 Section 401. Commitment and transfer.

13 (a) The department shall accept custody of every person  
14 committed, sentenced or transferred to the department in  
15 accordance with law.

16 (b) All persons sentenced to total or partial confinement  
17 for:

18 (1) Maximum terms of five or more years shall be  
19 committed to the department for confinement.

20 (2) Maximum terms of two years or more but less than  
21 five years may be committed to the department for confinement  
22 or may be committed to a county prison within the  
23 jurisdiction of the court.

24 (3) Maximum terms of less than two years shall be  
25 committed to a local correctional facility within the  
26 jurisdiction of the court. Persons sentenced to confinement  
27 for a minimum term of six months or more and a maximum of  
28 less than five years may be committed to a State regional  
29 correctional facility when such facilities are available.

30 (c) The secretary shall have complete authority to transfer,

1 after initial assignment, any person lawfully confined in any  
2 State correctional facility to any other State correctional  
3 facility subject to the limitations contained in section 803.  
4 Section 402. Diagnostic centers and services.

5 (a) The department shall provide diagnostic centers to make  
6 an expeditious examination of the physical and psychological  
7 condition of persons committed to its care.

8 (b) Every person sentenced after the effective date of this  
9 act by any court in this Commonwealth to a State correctional  
10 facility shall be sent to and received by the diagnostic center  
11 designated by the secretary, in his discretion, as proper for  
12 persons sentenced from that judicial district. Such diagnostic  
13 services shall be completed as soon as possible and in no case  
14 longer than 60 working days excluding Saturdays, Sundays and  
15 holidays after admission. However, the provisions of this  
16 subsection shall not apply to those persons condemned to death.

17 (c) Every person delivered to and received by any diagnostic  
18 center in accordance with this act shall be therein confined,  
19 diagnosed and classified by the department for incarceration or  
20 care in the State correctional facility deemed by the department  
21 to be appropriate, subject to the limitations contained in  
22 section 803. Such person shall be assigned to such State  
23 correctional facility for service of sentence, and such person  
24 may be reassigned at any time to the proper diagnostic center  
25 for reclassification.

26 (d) Upon assignment of each person from any diagnostic  
27 center, the department shall expeditiously make a written report  
28 of the examination of the inmate including findings resulting  
29 from that examination, which shall include a designation of the  
30 institution of assignment and the date of assignment. This

1 report shall be filed with the clerks of the court from which  
2 the person was sentenced or committed. A copy of each report  
3 shall be sent to the institution to which the person was  
4 assigned, to the commission and to the secretary. The report in  
5 the office of the clerk of court shall be impounded and shall be  
6 accessible only upon authorization in writing by a judge of the  
7 court from which the person was sentenced or committed.

8 (e) At the request of any sentencing court, and in  
9 accordance with standards established by the department,  
10 diagnostic services shall be provided for any person who has  
11 been convicted, is before the court for sentencing, and is  
12 subject to commitment to the department. Such diagnostic  
13 services shall be completed as soon as possible and in no case  
14 longer than 60 days after request of the sentencing court. A  
15 report of the findings shall be furnished to the court.

16 Section 403. Transfer of mentally ill and mentally retarded  
17 inmates.

18 (a) The department shall establish programs and procedures  
19 for identifying and evaluating mentally ill and mentally  
20 retarded inmates and where deemed appropriate initiate legal  
21 proceedings for their transfer and treatment in accordance with  
22 the act of July 9, 1976 (P.L.817, No.143), known as the "Mental  
23 Health Procedures Act."

24 (b) The department shall establish such programs and  
25 services as necessary to treat those individuals who are  
26 lawfully transferred from a mental health facility to State  
27 correctional facilities and for other inmates and parolees the  
28 department deems in need of mental health care and treatment but  
29 not committable under the "Mental Health Procedures Act."

30 Section 404. Programs for inmates.

1 (a) Efforts of the department shall be directed generally  
2 toward the ultimate reintegration with family and community for  
3 all persons committed to the custody of the department.

4 (b) The department shall establish programs of education,  
5 counselling, psychotherapy, drug and alcohol rehabilitation,  
6 work, vocational training and guidance, and such other programs  
7 as are deemed necessary or desirable to meet the needs of  
8 inmates. To the extent feasible, the department shall provide  
9 inmates in institutions an opportunity to participate in the  
10 development of such programs.

11 (c) The department shall provide an inmate exercise of not  
12 less than one hour daily, unless the inmate has clearly  
13 demonstrated recent assaultive or dangerous behavior toward  
14 himself or others.

15 (d) An inmate shall be permitted to choose whether to  
16 participate in an educational, vocational, recreational, drug  
17 and alcohol rehabilitative programs, counselling or any other  
18 rehabilitative program or medical treatment. For the purpose of  
19 this subsection an assigned work project is not deemed a  
20 rehabilitative program.

21 (e) An inmate may be required to undergo medical treatment  
22 by order of a court or if reasonably believed necessary by a  
23 licensed physician to be necessary to treat communicable disease  
24 or to save the life of the inmate.

25 Section 405. Inmate labor and training.

26 (a) The department shall provide employment opportunities,  
27 work experiences and vocational training for all inmates in  
28 State correctional institutions and State regional correctional  
29 facilities. To the maximum extent possible, vocational training  
30 and experience shall reflect conditions of employment in the

1 community. Inmates shall not be required to work in excess of  
2 eight hours per day, six days per week.

3 (b) The department shall sell articles manufactured or  
4 produced in the State correctional institutions. The proceeds of  
5 which shall be deposited into the Manufacturing Fund through the  
6 Department of Revenue. These sales may be to any Commonwealth  
7 agency, political subdivision created by law of this  
8 Commonwealth, or to any educational or charitable institution  
9 receiving aid from the Commonwealth, any agency, department,  
10 bureau, commission or authority of the Federal Government, or  
11 any education or charitable institution receiving aid from the  
12 Federal Government, or to any other state.

13 (c) Every administrative department, board, commission or  
14 other agency of the Commonwealth, or a political subdivision  
15 thereof, prior to purchasing goods, furniture, supplies or  
16 equipment manufactured by the department, as published in the  
17 Pennsylvania Bulletin, shall submit to the department the  
18 invitations to bid together with bid specifications relating to  
19 the item or items intended to be purchased. The Department of  
20 General Services shall not award a purchase contract for items  
21 of a type manufactured by the department unless the department  
22 has been notified and invited to submit a bid. The intent of  
23 this subsection is to give the opportunity to the department to  
24 compete with other manufacturers or suppliers.

25 (d) All moneys received under subsection (b) shall be paid  
26 into the Manufacturing Fund. The department shall pay out of the  
27 fund all necessary expenses for the proper conduct of the work  
28 of the department pertaining to the establishment, maintenance  
29 and carrying on of industries in the State correctional  
30 facilities. Estimates of the amount to be expended from the

1 Manufacturing Fund shall be submitted to the Governor from time  
2 to time for his approval.

3 (e) Inmates shall be compensated at rates fixed by the  
4 secretary for work performed including institutional  
5 maintenance. Inmates who are unable to work because of injury,  
6 illness or other capacity or who work in areas not funded from  
7 the Manufacturing Fund shall be compensated from the  
8 appropriation to operate the institutions at rates to be fixed  
9 by the department.

10 (f) When the department is unable to provide work for every  
11 physically able inmate, the department may permit inmates to  
12 engage in such work or industries as the department may approve  
13 and which they are able to provide from other sources. All such  
14 articles manufactured or produced shall be sold, and all moneys  
15 received shall be subject to the rules of subsection (b).

16 Section 406. Discipline.

17 (a) The department shall adopt rules and regulations for the  
18 maintenance of order and discipline and for the safety and  
19 security of all persons in correctional facilities. Correctional  
20 facility superintendents may adopt supplementary rules for their  
21 facility subject to the department's approval. A violation of  
22 the rules or regulations shall constitute a disciplinary  
23 infraction for which an inmate may be punished pursuant to the  
24 provisions of this chapter or if a violation of law according to  
25 the prescribed penalties.

26 (b) The department shall promulgate such rules and  
27 regulations in accordance with the Commonwealth Documents Law.

28 (c) The rules and regulations shall define with  
29 particularity the conduct regulated and the proscribed maximum  
30 punishment for the infraction proportionate to the seriousness



1 of the infraction or history of prior violations.

2 (d) The punishment that may be imposed for a disciplinary  
3 infraction are:

4 (1) Confinement in a separate housing unit.

5 (2) Confinement in the inmate's housing unit.

6 (3) Restrictions or loss of privileges.

7 (4) Restrictions or loss of use of certain personal  
8 property.

9 (5) Reasonable restitution to the department for  
10 personal injury or property damage.

11 (e) Punishments that shall not be imposed on inmates for  
12 violation of rules and regulations are:

13 (1) Corporal punishment.

14 (2) Loss of physical exercise, unless the violation  
15 related directly to such an activity or unless such  
16 participation would jeopardize human life or institutional  
17 security.

18 (3) Restrictions or loss of religious programs, unless  
19 the violation related directly to such an activity or unless  
20 such participation would jeopardize human life or  
21 institutional security.

22 (4) Restrictions or loss of visiting unless the  
23 violation related directly to such an activity or unless such  
24 participation would jeopardize human life or institutional  
25 security.

26 (5) Restrictions or loss of food.

27 (f) An inmate placed in isolation shall be provided the same  
28 food in the normal diet of inmates not in isolation and shall  
29 receive adequate lighting, normal room temperatures, toilet,  
30 bedding, water for drinking and washing, and clothing. The

1 removal of any of these items shall be only to prevent suicide  
2 or self-destructive acts or damage to the cell or its equipment.

3 (g) An inmate shall not be placed in an isolation cell  
4 without the approval of the highest ranking officer on duty in  
5 the institution at the time. A record of all admissions,  
6 releases, visits to the cell, and other events except those of a  
7 routine nature shall be maintained at or near the solitary  
8 cells.

9 Section 407. Medical care.

10 (a) The department, in conjunction with the appropriate  
11 governmental agencies and departments, shall establish and shall  
12 prescribe standards for medical and dental services for each  
13 facility under the jurisdiction of the department, including  
14 preventive, diagnostic and therapeutic measures on both an  
15 outpatient and inpatient basis, for all inmates. Said standards  
16 shall be approved by the Department of Health. The Department of  
17 Health shall annually inspect and certify the medical facilities  
18 under the jurisdiction of the department.

19 (b) An inmate may be taken, when necessary, to a medical  
20 facility outside the jurisdiction of the department.

21 (c) The department shall at a minimum insure that the  
22 following health care services are provided to all inmates in  
23 State correctional institutions:

24 (1) Twenty-four hour-a-day care by a licensed health  
25 care practitioner.

26 (2) Care by a licensed physician on call on a 24 hour-a-  
27 day basis.

28 (3) Daily sick call with a physician present.

29 (4) Daily sick call made available to inmates confined  
30 in isolation.

1           (5) Separate infirmary units for treatment of inmates  
2       whose physical and mental ailments necessitate segregation.

3           (6) Special diets for inmates under medical care when so  
4       directed by the physician.

5       (d) Subsections (a) and (c) shall take effect one year from  
6       the effective date of this act.

7       Section 408. Food protection and sanitation.

8       The department shall comply with the food protection and  
9       sanitation standards promulgated by the Department of  
10      Environmental Resources. The Department of Environmental  
11      Resources shall inspect correctional institutions on a regular  
12      basis for compliance and shall make their findings available for  
13      public inspection, including any corrective schedule agreed to  
14      by the Department of Environmental Resources for the correction  
15      of any deficiencies. This section shall take effect one year  
16      from the effective date of this act.

17      Section 409. Illness of inmates.

18      Whenever any inmate is confined in any State or local  
19      correctional facility under sentence or is so confined while  
20      awaiting trial or is confined for any other reason or purpose  
21      and it is shown to a court of record by sufficient evidence that  
22      such inmate is seriously ill, and that it is necessary that the  
23      inmate be removed from such State or local correctional  
24      facility, the court shall have the power to modify the inmate's  
25      sentence, impose a suitable sentence, or modify the order of  
26      confinement for trial, as the case may be, and provide for the  
27      official detention for the care of such inmate in some other  
28      suitable medical institution or facility where proper treatment  
29      may be administered. Upon the recovery of such person, the court  
30      shall recommit the inmate to the State or local correctional

1 institution from which the inmate was removed.

2 Section 410. Religious rights.

3 Any person confined or detained in any State or local  
4 correctional facility shall have the right to receive religious  
5 counselling and to participate in religious or liturgical  
6 services according to the practices of the religion of his  
7 choice. Each correctional facility shall reasonably accommodate  
8 such religious counselling and services upon its own premises  
9 including but not limited to providing nutritious meals that do  
10 not violate the dietary laws of his religion and permit the  
11 observance of religious holidays unless it violates the security  
12 or safety of the correctional facility.

13 Section 411. Personal visits.

14 (a) The department shall establish a visiting schedule for  
15 each correctional facility which shall provide minimum visiting  
16 hours for inmates including holidays and weekends. Visits from  
17 official visitors shall not be counted against the inmate's  
18 minimum visiting period.

19 (b) The department shall permit each inmate at least two  
20 hours of visiting time each week unless the inmate is in  
21 isolation in which case the minimum visiting period shall be at  
22 least one hour per week.

23 (c) The department shall promulgate regulations and  
24 procedures for the termination and suspension of any or all  
25 visiting if during the visitation period such inmate or the  
26 visitor violates any law or rule or regulation regarding  
27 visitation or the provisions of 18 Pa.C.S. §§ 5121 (relating to  
28 escape), 5122 (relating to weapons or implements for escape) and  
29 5123 (relating to contraband).

30 Section 412. Official visits.

1       (a) For the purpose of this section, "official visitor" is:  
2 the Governor, the President pro tempore and members of the  
3 Senate, the Speaker and members of the House of Representatives,  
4 the judges of the Supreme Court, the General Counsel and his  
5 deputies, the president and associate judges of all the courts  
6 in the State and authorized members of the Pennsylvania Prison  
7 Society. Names of the Pennsylvania Prison Society members who  
8 have been designated as official visitors shall be given to the  
9 appropriate correctional institution in writing under its  
10 corporate seal. In addition, the Governor shall have the power  
11 to appoint other official visitors provided no expense shall be  
12 incurred thereby to the Commonwealth.

13       (b) Any official visitor is hereby authorized and empowered  
14 to enter and visit any local or State correctional facility on  
15 any and every day including Sundays between the hours of 9:00  
16 a.m. and 5:00 p.m.. Visits at any other time shall be made only  
17 with the special permission of the correctional official in  
18 charge of the facility. If the correctional official in charge  
19 of the facility shall be of the opinion that the visit would be  
20 dangerous to the discipline or welfare of the facility, or the  
21 safety of the visitor, the correctional official in charge of  
22 the facility may temporarily deny, with the approval of the  
23 General Counsel, entry to any official visitor for the duration  
24 of the crisis. If this temporary exclusion exceeds 72 hours the  
25 official visitor may apply to Commonwealth Court for a ruling  
26 upon the General Counsel to show cause why the official visitor  
27 should not be permitted entry into the correctional facility.

28       (c) Such official visitors shall have the right to interview  
29 privately any prisoner or inmate confined in any State or local  
30 correctional facility, and for that purpose to enter the cell,

1 room or apartment wherein any such person or inmate shall be  
2 confined. However, if the superintendent or person in charge of  
3 such facility at the time of such visit shall be of the opinion  
4 that the entry into the cell would be dangerous to the  
5 discipline of the facility, then the superintendent or person in  
6 charge may conduct any inmate, with whom such official visitor  
7 may desire a private interview, into such other cell or room as  
8 he may designate and there permit the private interview between  
9 the official visitor and such inmate to take place.

10 (d) An official visitor shall be subject to the provisions  
11 of 18 Pa.C.S. §§ 5121 (relating to escape), 5122 (relating to  
12 weapons or implements for escape) and 5123 (relating to  
13 contraband).

14 (e) If an official visitor violates any of the provisions of  
15 this section, any superintendent, warden or official in charge  
16 of a local or State correctional facility, may apply to any  
17 court of common pleas in the county wherein such institution may  
18 be situated for a ruling upon such visitor to show cause why he  
19 or she should not be deprived of his or her official visiting  
20 status, and upon proof to the satisfaction of such court, such  
21 court shall enter a decree against such official visitor  
22 depriving him or her of all rights, privileges and functions of  
23 official visitor.

24 Section 413. Mail.

25 (a) The department shall prescribe regulations for the  
26 handling of incoming and outgoing correspondence.

27 (b) The department shall provide reasonable postage to all  
28 confined persons it determines to be indigent.

29 (c) Outgoing mail shall not be opened by staff.

30 (d) Incoming official mail shall not be opened by staff,

1 except in the presence of the inmate for the sole purpose of  
2 insuring the absence of contraband.

3 Section 414. Discharge allowances.

4 Inmates released upon completion of their term or released on  
5 parole may, in accordance with rules promulgated by the  
6 department, be supplied with appropriate clothing,  
7 transportation and financial assistance.

8 Section 415. Inmates General Welfare Board.

9 (a) There is hereby created a departmental administrative  
10 board which shall be known as the "Inmates General Welfare  
11 Board" and which shall consist of the General Counsel, the  
12 Comptroller of the Department of Corrections and the Secretary  
13 of the Department of Corrections. The board shall have the  
14 power, and its duty shall be, to administer, manage, prudently  
15 invest and account for:

16 (1) the personal funds of all inmates; and

17 (2) all funds which have been or will hereafter be  
18 contributed to the department or its various institutions for  
19 the general welfare of the inmates.

20 (b) Any money found upon or in the possession of any inmate  
21 in violation of the provisions of 18 Pa.C.S. § 5123(b) (relating  
22 to contraband) shall be confiscated and used for the general  
23 welfare of the inmates in accordance with the provisions of  
24 subsection (a).

25 CHAPTER 5

26 ADMINISTRATION OF CORRECTIONAL FIELD SERVICES

27 Section 501. Establishment of departmental offices.

28 (a) The department may, with approval of the Governor,  
29 divide the Commonwealth for administrative purposes into a  
30 suitable number of regions, in each of which there shall be a

1 department office which shall have immediate charge of all  
2 correctional field services.

3 (b) As the occasion may require, the supervision of  
4 particular probationers, parolees and inmates of State  
5 correctional facilities participating in correctional field  
6 service programs may be transferred by the department to the  
7 appropriate regions.

8 (c) The department shall fix and determine the location of  
9 the various offices within their respective regions having  
10 regard to local conditions and to the most convenient and  
11 efficient functioning of the office therein established.

12 Section 502. Deputies.

13 (a) The secretary is hereby authorized and empowered to  
14 deputize any person employed by the department and responsible  
15 for the supervision of offenders, to act as an officer and agent  
16 of this Commonwealth in effecting the return of any person who  
17 has escaped from the custody or supervision of the department or  
18 has violated the terms and conditions of parole, prerelease or  
19 probation as granted by the commission, the department, or by  
20 any court of this Commonwealth having criminal jurisdiction when  
21 assistance of the department is requested by the court. In  
22 matters relating to the return of such a person, any agent so  
23 deputized shall have all the powers of a police officer of the  
24 State.

25 (b) Any deputization, pursuant to this section, shall be in  
26 writing and any person authorized to act as an agent of this  
27 Commonwealth pursuant thereto, shall carry formal evidence of  
28 the deputization and shall produce the same upon demand.

29 Section 503. Correctional field service staff.

30 Staff responsible for parole supervision and so designated by



1 the secretary are hereby declared to be peace officers and are  
2 hereby given police power and authority throughout the  
3 Commonwealth to arrest without warrant, writ, rule or process  
4 any inmate, parolee or probationer under the supervision of the  
5 department, or when requested to do so by any court of this  
6 Commonwealth having criminal jurisdiction for failing to report  
7 as required by terms of his probation or parole, or for any  
8 other violation thereof.

9 Section 504. Notification of parole violations.

10 (a) The department shall keep regular records of any  
11 suspected parole violation When the department finds probable  
12 cause that a violation exists, it may charge the parolee with  
13 said violation. In all cases where the department charges a  
14 parole violation it shall forthwith in writing notify the  
15 commission and the parolee of said charges and may if it deems  
16 it necessary detain the person for a preliminary hearing. The  
17 commission shall in any event conduct a preliminary hearing by a  
18 commission member or its designated representative within  
19 reasonably prompt time of such notification or detention,  
20 whichever is earlier. The commission shall determine if there is  
21 probable cause to believe that the parolee has violated specific  
22 conditions of parole and whether the parolee should be detained  
23 until a revocation hearing can be held.

24 (b) If probable cause is established, the commission shall  
25 conduct a revocation hearing to determine if a preponderance of  
26 the evidence exists to suggest that a parolee has substantially  
27 violated conditions of parole and whether parole should be  
28 revoked. However, the department, when requested by a court of  
29 this Commonwealth with criminal jurisdiction to effect the  
30 return of a suspected probation or parole violator, shall upon

1 apprehension of said suspected violator return him or her to the  
2 custody of the court.

3 Section 505. Absconding from parole.

4 The department shall notify the commission whenever a parolee  
5 has not made himself available for parole supervision as  
6 required by the commission. The commission may then declare the  
7 individual an absconder from parole and may decide that the  
8 period during which such individual was not available for parole  
9 supervision shall not count as part of the sentence for which  
10 the parolee was originally sentenced.

11 Section 506. Expense of returning parole violators.

12 The secretary may enter into contracts with similar officials  
13 of any other state or states for the purpose of sharing an  
14 equitable portion of the cost of effecting the return of any  
15 person who has violated the terms and conditions of parole or  
16 probation as granted by this Commonwealth. All such contracts in  
17 effect as of the effective date of this act shall remain fully  
18 in effect, except that the Commonwealth official party to such  
19 contracts shall be, instead of the Chairman of the Pennsylvania  
20 Board of Probation and Parole, the Secretary of Corrections.

21 Section 507. Supervision of out-of-state parolees and  
22 probationers.

23 In compliance with the Federal Interstate Compact Laws, the  
24 Department of Corrections is authorized to supervise persons  
25 paroled or placed on probation by other states and now residing  
26 in this Commonwealth, where such other states agree to perform  
27 similar services for the Pennsylvania Department of Corrections  
28 or have agreed to perform similar services for the Pennsylvania  
29 Board of Probation and Parole.

30 Section 508. Investigations for Board of Pardons.

1 The department shall make investigations and recommendations  
2 to the Board of Pardons in cases coming before it, and upon its  
3 request.

#### 4 CHAPTER 6

#### 5 PENNSYLVANIA PAROLE COMMISSION

6 Section 601. Establishment of commission.

7 There is hereby established an independent administrative  
8 commission for the administration of the parole laws of this  
9 Commonwealth which shall be known as the Pennsylvania Parole  
10 Commission, hereafter referred to as the commission. The  
11 provisions of the act of April 9, 1929 (P.L.177, No.175), known  
12 as "The Administrative Code of 1929," which apply generally to  
13 independent administrative boards and commissions shall also  
14 apply to the commission.

15 Section 602. Members of the commission.

16 (a) The commission shall consist of five members appointed  
17 by the Governor, by and with the advice and consent of a  
18 majority of all members elected to the Senate, and each of whom  
19 shall hold office for a term of six years, or until a successor  
20 shall have been duly appointed and confirmed.

21 (b) The present members of the Pennsylvania Board of  
22 Probation and Parole as established by the act of August 6, 1941  
23 (P.L.861, No.323), referred to as the Pennsylvania Board of  
24 Probation and Parole Law, shall become members of the new  
25 commission until the terms for which they were appointed shall  
26 expire. Notwithstanding any other provision of law to the  
27 contrary, every appointee of the Governor shall only serve for  
28 the term of office as is set forth in the appointing commission.  
29 No appointee shall hold any office until any successor is  
30 appointed and qualified. Vacancies occurring in an office of a

1 member of the commission by expiration of term, death,  
2 resignation, removal or for any other reason shall be filled in  
3 the manner aforesaid for the remainder of the term.

4 (c) The members of the commission shall not hold any other  
5 public office or employment, nor engage in any business,  
6 profession or employment during their terms of service as  
7 members thereof, and shall hold their offices during the terms  
8 for which they shall have been appointed, so long as they shall  
9 behave themselves well.

10 (d) A member of the commission may be removed by the  
11 Governor, by and with the advice and consent of a majority of  
12 all the members of the Senate. During a recess of the Senate the  
13 Governor may suspend a member of the commission for cause, and  
14 before suspension he shall furnish to such member a statement in  
15 writing of the reasons for his proposed suspension, and such  
16 suspension shall operate and be effective only until the  
17 adjournment of the next session of the Senate following such  
18 suspension.

19 Section 603. Chairman.

20 The Governor shall from time to time, as the occasion may  
21 arise, designate one of the members of the commission to be its  
22 chairman who shall direct the operations of the commission and  
23 fulfill the functions established by this act. He shall preside  
24 at all meetings of the commission and perform all the duties and  
25 functions of chairman thereof. The commission may designate one  
26 of its members to act as chairman during the absence or  
27 incapacity of the chairman and, when so acting, the member so  
28 designated shall have and perform all the powers and duties of  
29 chairman of the commission, but shall not receive any additional  
30 compensation for so acting. The chairman, in performing his

1 duties, shall act in accordance with the policies and procedures  
2 established by the commission.

3 Section 604. Official seal.

4 The commission shall adopt an official seal by which its acts  
5 and proceedings shall be authenticated and of which the courts  
6 shall take judicial notice. The certificate of the chairman of  
7 the commission, under the seal of the commission and attested by  
8 the secretary, shall be accepted in evidence in any judicial  
9 proceeding in any court of this Commonwealth as adequate and  
10 sufficient proof of the acts and proceedings of the commission  
11 therein certified to.

12 Section 605. Salaries.

13 The salary of the chairman of the commission and the members  
14 of the commission shall be determined by the Executive Board.

15 Section 606. Political activities restricted.

16 (a) No member of the commission, or officer, clerk or  
17 employee thereof, or any person officially connected therewith,  
18 shall take any active part in politics or be a member of or  
19 delegate or alternate to any political convention or be present  
20 at such convention, except in the performance of his official  
21 duties hereunder. No member of the commission, officer, clerk or  
22 employee thereof, or any person officially connected therewith,  
23 shall serve as a member of or attend the meetings of any  
24 committee of any political party, or take any part in political  
25 management or political campaigns, or use his office to  
26 influence political movements, or to influence the action of any  
27 other officer, clerk or employee of said commission. No member  
28 of the commission, officer, clerk or employee thereof, or any  
29 person officially connected therewith, shall in any way or  
30 manner interfere with or participate in the conduct of any

1 election or the preparation therefor at the polling place, or  
2 with the election officers while counting the votes or returning  
3 the ballot boxes, books, papers, election paraphernalia and  
4 machinery to the place provided by law, or be within any polling  
5 place, save only for the purpose of voting as speedily as it  
6 reasonably can be done, or be otherwise within 50 feet thereof,  
7 except for purposes of ordinary travel or residence during the  
8 period of time beginning with one hour preceding the opening of  
9 the polls for holding the election and ending with the time when  
10 the election officers shall have finished counting the votes and  
11 have left the polling place. No member of the commission,  
12 officer, clerk or employee thereof, or any person officially  
13 connected therewith, shall directly or indirectly make or give,  
14 demand or solicit, or be in any manner concerned in making,  
15 giving, demanding, soliciting or receiving any assessments,  
16 subscriptions or contributions, whether voluntary or  
17 involuntary, to any political party or for any political purpose  
18 whatsoever.

19 (b) Any person or persons who shall violate any of the  
20 provisions of this section shall be guilty of a misdemeanor,  
21 and, upon conviction thereof, be punished by a fine not  
22 exceeding \$500 and imprisonment not exceeding one year, either  
23 or both, in the discretion of the court, and in addition  
24 thereto, shall forfeit his office or employment, as the case may  
25 be, and shall not thereafter be appointed or employed by the  
26 commission in any position or capacity whatsoever. It shall be  
27 the duty of the commission to dismiss from his office or  
28 employment any officer, clerk or employee thereof who shall  
29 violate this section.

30 Section 607. Employees and offices.

1 (a) The commission shall appoint a parole secretary, who  
2 shall not be a member of the commission, who shall have such  
3 powers and perform such duties not inconsistent with any law of  
4 this Commonwealth as the commission shall prescribe. In the  
5 absence or incapacity of the parole secretary to act the  
6 commission may designate such other person as it may choose to  
7 perform temporarily the duties of the parole secretary.

8 (b) The commission shall appoint and employ such number and  
9 character of employees and establish such number of offices as  
10 may be necessary to carry out the purpose of this act. Such  
11 employees shall be appointed, suspended, discharged or otherwise  
12 disciplined in accordance with the act of April 9, 1929

13 (P.L.177, No.175), known as "The Administrative Code of 1929,"  
14 and the act of August 5, 1941 (P.L.752, No.286), known as the  
15 "Civil Service Act."

16 Section 608. Quorum.

17 A majority of the commission shall constitute a quorum for  
18 transacting business and, except as hereinafter otherwise  
19 provided, a majority vote of those present at any meeting shall  
20 be sufficient for any official action taken by the commission.  
21 No person shall be paroled, discharged from parole, or the  
22 parole of any person revoked, except by a majority of the entire  
23 membership of the commission.

24 Section 609. Powers and duties.

25 (a) The commission shall have exclusive power to parole and  
26 reparole, commit and recommit for violations of parole, and to  
27 discharge from parole all persons sentenced by any court in this  
28 Commonwealth to imprisonment in any State or local correctional  
29 facility. However, the powers and duties conferred on the  
30 commission shall not extend to persons sentenced for a maximum

1 period of less than two years, and nothing in this act shall  
2 prevent any court of this Commonwealth from paroling any person  
3 sentenced by it for a maximum period of less than two years. The  
4 period of two years shall mean the entire continuous term of  
5 sentence to which a person is subject, whether the same be by  
6 one or more sentences, either to simple imprisonment or to an  
7 indeterminate imprisonment at hard labor, as authorized by law  
8 to be imposed for criminal offenses. The power of the commission  
9 to parole shall extend to prisoners sentenced to definite or  
10 flat sentences.

11 (b) The commission is hereby authorized to release on parole  
12 any convict confined in any penal institution of this  
13 Commonwealth as to whom power to parole is herein granted to  
14 said commission, except convicts condemned to death or serving  
15 life imprisonment, whenever in its opinion the best interests of  
16 the convict justify or require his being paroled and it does not  
17 appear that the interests of the Commonwealth will be injured  
18 thereby. The power to parole herein granted to the commission  
19 may not be exercised in the commission's discretion at any time  
20 before, but only after, the expiration of the minimum term of  
21 imprisonment fixed by the court in its sentence or by the Board  
22 of Pardons in a sentence which has been reduced by commutation:  
23 However, if the commission refuses to parole the prisoner at the  
24 expiration of any minimum term fixed by the Board of Pardons, it  
25 shall, within ten days after the date when the minimum term  
26 expired, transmit to the Board of Pardons a written statement of  
27 the reasons for refusal to parole the prisoner at the expiration  
28 of the minimum term fixed by the Board of Pardons. Thereafter,  
29 the Board of Pardons may either accept the action of the  
30 commission, or order the immediate release of the prisoner on



1 parole, under the supervision of the department.

2 (c) The commission shall have the power during the period  
3 for which a person shall have been sentenced to recommit one  
4 paroled for violation of the terms and conditions of his parole  
5 and from time to time to reparole and recommit in the same  
6 manner and with the same procedure as in the case of an original  
7 parole or recommitment, if, in the judgment of the said  
8 commission, there is a reasonable probability that the convict  
9 will be benefited by again according him liberty and it does not  
10 appear that the interests of the Commonwealth will be injured  
11 thereby.

12 (d) The commission shall have the power, subject to the  
13 provisions and limitations set forth in this section, to grant  
14 paroles of its own motion whenever in its judgment the interests  
15 of justice require the granting of the same. In addition  
16 thereto, the commission shall have the power, and it shall be  
17 its duty, to consider applications for parole by a prisoner or  
18 by his attorney, relatives or friends or by any person properly  
19 interested in the matter. Hearings of applications shall be held  
20 by the commission whenever in its judgment hearings are  
21 necessary. Reasonable rules and regulations shall be adopted by  
22 the commission for the presentation and hearing of applications  
23 for parole. Whenever any prisoner is paroled by the commission,  
24 whether of its own motion or after hearing of an application  
25 therefor, or whenever an application for parole is refused by  
26 the commission, a brief statement of the reasons for the  
27 commission's action shall be filed of record in the offices of  
28 the commission and shall be at all reasonable times open to  
29 public inspection; in no case shall a parole be granted, or an  
30 application for parole be dismissed, unless a hearing examiner

1 or commissioner shall have seen and heard him in person in  
2 regard thereto within six months prior to the granting or  
3 dismissal thereof. Application shall be disposed of by the  
4 commission within six months of the filing thereof. Except in  
5 cases where the Board of Pardons has reduced a minimum term by  
6 commutation, the commission shall initially act on the  
7 application, if possible, before the expiration of the minimum  
8 term so fixed, and in no case more than 30 days thereafter.

9 (e) In granting and revoking paroles, and in discharging  
10 from parole, the members of the commission acting thereon shall  
11 not be required to personally hear or see all the witnesses and  
12 evidence submitted to them for their action, but they may act on  
13 report submitted to them by their agents and employees, together  
14 with any pertinent and adequate information furnished to them by  
15 fellow members of the commission or by others.

16 (f) At least ten days before paroling a prisoner on its own  
17 motion the commission shall give written notice of such  
18 contemplated parole to the district attorney of the county  
19 wherein the prisoner shall have been sentenced, and, in cases of  
20 hearings on applications for parole as herein provided for, at  
21 least ten days written notice of the time and place fixed for  
22 such hearing shall be given either by the commission or by the  
23 applicant, as the commission shall direct, to the court and  
24 district attorney of the county wherein the applicant shall have  
25 been sentenced.

26 (g) It shall be the duty of the commission, upon the  
27 commitment to prison of any person whom said commission is  
28 herein given the power to parole, to investigate and inform  
29 itself respecting the circumstances of the offense for which  
30 said person shall have been sentenced, and, in addition thereto,

1 it shall procure information as full and complete as may be  
2 obtainable with regard to the character, mental characteristics,  
3 habits, antecedents, connections and environment of such person.  
4 The commission shall further procure the stenographic record, if  
5 any, of the trial, conviction and sentence, together with such  
6 additional information regarding the crime for which sentence  
7 was imposed as may be available. The commission shall further  
8 cause the conduct of the person while in prison and his  
9 physical, mental and behavior condition and history and his  
10 complete criminal record, as far as the same may be known, to be  
11 investigated and reported. All public officials having  
12 possession of such records or information are hereby required  
13 and directed to furnish the same to the commission upon its  
14 request and without charge therefor. Said investigation shall be  
15 made by the commission so far as may be practicable while the  
16 case is recent, and in granting paroles the commission shall  
17 consider the nature and character of the offense committed and  
18 any recommendation made by the trial judge as well as the  
19 general character and history of the prisoner.

20 (h) The commission shall, in all cases, consider the  
21 recommendations of the trial judge and of the district attorney  
22 and of each warden or superintendent, as the case may be, who  
23 has had charge of an applicant, each of whom is directed to  
24 submit to the commission his recommendation and the reasons  
25 therefor, with respect to each parole application.

26 (i) The commission shall have free and ready access to all  
27 probation and parole records of the counties of this  
28 Commonwealth.

29 (j) The commission shall have the power, and it shall be its  
30 duty, to make general rules for the conduct and supervision of

1 persons heretofore or hereafter placed upon parole. In addition  
2 to the power to make general rules and regulations hereby  
3 granted, the commission may, in particular cases, as it deems  
4 necessary to effectuate the purpose of parole, prescribe special  
5 regulations for particular parolees.

6 (k) It shall be the duty of all prison and parole  
7 supervision officials at all reasonable times to grant access to  
8 any prisoner or parolee whom the commission has power to parole  
9 or revoke parole to the members of said commission or its  
10 properly accredited representatives, and all prison and parole  
11 supervision officials shall at all reasonable times provide for  
12 the commission or its properly accredited representatives  
13 facilities for communicating with and observing such prisoner  
14 while imprisoned, and shall furnish to the commission from time  
15 to time such reports concerning the conduct of prisoners or  
16 parolees in their custody or supervision as the commission shall  
17 by general rule or special order require, together with any  
18 other facts deemed pertinent in aiding the commission to  
19 determine whether such prisoners shall be paroled or parole  
20 revoked.

21 (l) It shall be the duty of the court sentencing any person  
22 for a term, as to which power to parole is herein given to the  
23 commission, to transmit to the said commission, within 30 days  
24 after the imposition of such sentence, a full and complete copy  
25 of the record upon which sentence is imposed, including any  
26 notes of testimony which may have been filed of record in the  
27 case, together with copies of any criminal identification  
28 records secured from the Federal Bureau of Investigation, copies  
29 of presentence investigation reports and of behavior clinic  
30 reports, if any were submitted to the court, the last two of

1 which records, being confidential records of the court, are to  
2 be treated confidentially by the members of the commission, who  
3 shall not permit examination of the same by any one other than  
4 its duly appointed agents or representatives, except upon court  
5 order. A judge in his discretion may make at any time any  
6 recommendation he may desire to the commission respecting the  
7 person sentenced and the term of imprisonment said judge  
8 believes such person should be required to serve before a parole  
9 is granted to him, and no order in respect thereto made or  
10 attempted to be made as a part of a sentence shall be binding  
11 upon the commission in performing the duties and functions  
12 herein conferred upon it.

13 Section 610. Parole violators and recommitment.

14 (a) Any parolee under the jurisdiction of the commission  
15 released from any local or State correctional facility in the  
16 Commonwealth who, during the period of parole or while  
17 delinquent on parole, commits any crime punishable by  
18 imprisonment, for which he is convicted or found guilty by a  
19 judge or jury or to which he pleads guilty or nolo contendere at  
20 any time thereafter in a court of record, may, at the discretion  
21 of the commission, be recommitted as a parole violator. If his  
22 recommitment is so ordered, he shall be reentered to serve the  
23 remainder of the term which said parolee would have been  
24 compelled to serve had he not been paroled, and he shall be  
25 given no credit for the time at liberty on parole. The  
26 commission may, in its discretion, reparole whenever, in its  
27 opinion, the best interests of the prisoner justify or require  
28 his release on parole and it does not appear that the interests  
29 of the Commonwealth will be injured thereby. The period of time  
30 for which the parole violator is required to serve shall be

1 computed from and begin on the date that he is taken into  
2 custody to be returned to the institution as a parole violator.

3 If a new sentence is imposed upon such parolee, the service  
4 of the balance of said term originally imposed shall precede the  
5 commencement of the new term imposed in the following cases:

6 (1) If a person is paroled from any State correctional  
7 facility under the control and supervision of the department  
8 and the new sentence imposed upon him is to be served in a  
9 State correctional facility.

10 (2) If a person is paroled from a local correctional  
11 facility and the new sentence imposed upon him is to be  
12 served in the same local correctional facility.

13 In all other cases, the service of the new term for the  
14 latter crime shall precede commencement of the balance of the  
15 term originally imposed.

16 Where the new term is to be served last, or the balance of  
17 the term originally imposed is to be served last, and such  
18 service is, in either case, to be had in any State correctional  
19 facility, any male person upon recommitment shall be sent to the  
20 nearest Correctional Diagnostic and Classification Center for  
21 service of the remainder of the original term at such  
22 institution as shall be designated by the secretary. Any female  
23 person shall be recommitted to the State correctional  
24 institution at Muncy.

25 (b) Any parolee under the jurisdiction of the commission  
26 released from any penal institution in the Commonwealth who,  
27 during the period of parole, violates the terms and conditions  
28 of his parole, other than by the commission of a new crime of  
29 which he is convicted or found guilty by a judge or jury or to  
30 which he pleads guilty or nolo contendere in a court of record,

1 may be recommitted after hearing before the commission. If he is  
2 so recommitted, he shall be given credit for the time served on  
3 parole in good standing but with no credit for delinquent time,  
4 and may be reentered to serve the remainder of his original  
5 sentence or sentences. Said remainder shall be computed by the  
6 commission from the time his delinquent conduct occurred for the  
7 unexpired period of the maximum sentence imposed by the court  
8 without credit for the period the parolee was delinquent on  
9 parole, and he shall be required to serve such remainder so  
10 computed from the date he is taken into custody on the warrant  
11 of the commission. Such prisoner shall be subject to reparole by  
12 the commission whenever in its opinion the best interests of the  
13 prisoner justify or require his being repared and it does not  
14 appear that the interests of the Commonwealth will be injured  
15 thereby.

16 (c) Technical violators shall be recommitted for service of  
17 the balance of said term originally imposed to a State or local  
18 correctional facility as follows:

19 (1) If paroled from a local correctional facility, to  
20 the same facility or to any State or local correctional  
21 facility to which legally transferred.

22 (2) If paroled from the Pennsylvania correctional  
23 institution at Camp Hill and upon recommitment such person  
24 has not attained the age of 21 years, to the same  
25 institution.

26 (3) If paroled from the State correctional institution  
27 at Muncy, to the same institution.

28 (4) If paroled from any other State correctional  
29 facility, to the nearest Correctional Diagnostic and  
30 Classification Center wherein the person shall be classified

1 for service of the balance of the term in such institution as  
2 shall be designated by the secretary.

3 Section 611. Applicability.

4 (a) Anything herein contained to the contrary  
5 notwithstanding, this act shall not apply to institutions for  
6 the discipline or correction of juveniles, as defined by  
7 existing laws, or persons imprisoned in any county jail,  
8 workhouse or other penal or correctional institution under  
9 sentence by an alderman, district justice, or committed in  
10 default of payment of any fine or of bail.

11 (b) The provisions of this act are hereby extended to all  
12 persons who, at the effective date hereof, may be on parole or  
13 liable to be placed on parole under existing laws with the same  
14 force and effect as if this act had been in operation at the  
15 time such persons were placed on parole, or became liable to be  
16 placed thereon, as the case may be.

17 CHAPTER 7

18 JOINT COUNTY DETENTION FACILITIES

19 Section 701. Establishment of joint county detention  
20 facilities.

21 (a) The county commissioners of any two or more adjoining  
22 counties may establish, according to a plan, detention  
23 facilities for the confinement of persons awaiting trial or  
24 sentence on criminal charges, convicted on criminal charges, or  
25 not otherwise eligible for confinement in other jails.

26 (b) Before establishing detention facilities, the counties  
27 shall submit their plan to the department for approval. The  
28 department may require, as a condition to approving any plan,  
29 that two or more adjoining counties join with another adjoining  
30 county to establish detention facilities.



1       (c) Whenever the commissioners of any two or more adjoining  
2 counties shall decide and agree to construct such joint  
3 detention facilities, they shall acquire a suitable site for the  
4 same. Such site may be selected from suitable lands already held  
5 by any county of the district for county purposes, or from lands  
6 donated for such purposes, or any quantity of land within the  
7 respective districts. In the selection of a site, there shall be  
8 taken into consideration the objects and purposes of the  
9 institution. Title to such land shall be approved by the county  
10 solicitor of the county in which the land is located, or such  
11 other title guarantee corporation or attorney at law as may be  
12 designated by the commissioners of the counties and shall be  
13 taken in the name of the county or counties comprising the  
14 district. The site, before purchase, shall be approved by the  
15 department.

16       (d) After the selection and acquisition of such sites, the  
17 county commissioners of such counties may erect and construct  
18 suitable and necessary buildings thereon, repair any buildings  
19 already erected, and equip the same for use and occupancy.

20       (e) Such detention facilities shall be constructed by  
21 contract or contracts let by the county commissioners of such  
22 counties to the lowest responsible bidder, after due  
23 advertisement in at least one newspaper, published in each of  
24 the counties joining in the erection of such detention  
25 facilities, once a week for two consecutive weeks. When so  
26 constructed, the detention facilities shall be equipped by the  
27 county commissioners of such counties at the cost of the  
28 counties in the same manner as other county buildings are  
29 equipped.

30 Section 702. Advisory board.

1 (a) After such joint detention facilities have been erected  
2 and equipped and are ready for occupancy, president judges of  
3 the judicial districts encompassing the counties joining in the  
4 construction of such detention facilities shall appoint an  
5 advisory board, to consist of three persons from each of the  
6 participating counties. Each president judge shall appoint one  
7 member of the advisory board to serve for one year, one to serve  
8 for two years and one to serve for three years, or until their  
9 successors are appointed and qualified. All appointments at the  
10 expiration of any term shall be for a term of three years.

11 (b) The advisory board shall meet at such times as it may  
12 deem necessary but not less than monthly, excluding July and  
13 August. The board shall visit and inspect and keep in close  
14 touch with the management and operation of the joint detention  
15 facilities and shall, from time to time, make such  
16 recommendations and suggestions to the county commissioners for  
17 changes or improvements in said management and operations as may  
18 be deemed advisable. It shall also make an annual report to the  
19 county commissioners concerning the management and operation of  
20 said detention facilities.

21 (c) The county commissioners shall, at the expense of the  
22 counties, provide a meeting place for said board, and furnish  
23 all supplies and materials necessary to carry on its work.

24 (d) The members of the advisory board shall not receive any  
25 compensation for their services, but shall be allowed all actual  
26 and necessary expenses incurred in the discharge of their  
27 duties, which shall be paid by the counties as part of the cost  
28 of maintenance of such detention facilities.

29 Section 703. Administration of facilities.

30 (a) The county commissioners of the participating counties

1 may, after consultation with the advisory board, employ a  
2 superintendent and such other employees as may be necessary to  
3 conduct and manage properly such detention facilities, and shall  
4 fix their compensation. The duties of such employees shall be  
5 prescribed by the rules and regulations of the detention  
6 facilities. They shall hold their offices, respectively, during  
7 the pleasure of, and their compensation shall be fixed by, the  
8 appointing power.

9 (b) The county commissioners of the participating counties  
10 shall, before any inmate may be admitted to this institution,  
11 after consulting with the advisory board, make general rules and  
12 regulations for the management of the detention facilities which  
13 rules and regulations shall be effective after they are approved  
14 by the department.

15 (c) When in any district formed by such counties, the  
16 facilities are complete for the reception of inmates, transfer  
17 shall be made to the detention facilities of the district of all  
18 persons who are subject to confinement as provided in this act.

19 Section 704. Employment of inmates.

20 Every person sentenced to detention facilities under the  
21 provisions of this chapter unless disqualified by sickness or  
22 otherwise, shall be kept at some useful employment, such as may  
23 be suited to his or her age and capacity, and such as may tend  
24 to promote the best interest of the inmate.

25 Section 705. Costs.

26 (a) The cost of transporting inmates committed to the  
27 detention facilities shall be paid by the counties,  
28 respectively, from which the prisoners are committed. The  
29 sheriff of the county, for prisoners committed by the court and  
30 constables for prisoners committed by district justices, shall

1 receive for such prisoners committed to the detention facilities  
2 no mileage or traveling expenses on writs, except the actual  
3 cost of transporting said prisoners so committed to the  
4 detention facilities, together with any other fees for their  
5 services allowed by law.

6 (b) A detailed statement of the receipts and expenditures by  
7 any county constituting a part of said district for detention  
8 facilities erected under the provisions of this chapter shall be  
9 published by the county commissioners of each county, or by the  
10 controller in said county. Where such report is published by the  
11 controller, it shall be included in the annual statement of the  
12 fiscal affairs of such county.

13 (c) The original cost of the site and buildings of the  
14 detention facilities and the equipment thereof and all additions  
15 thereto, and all fixed overhead charges in conducting the  
16 facility, shall be paid by the counties constituting the  
17 districts in the ratio of their population according to the last  
18 preceding United States census or be paid according to an  
19 agreement negotiated by the county commissioners of the counties  
20 constituting the districts.

21 (d) The cost of the care and maintenance of the inmates in  
22 said districts shall be certified monthly to the counties from  
23 which inmates have been committed. Such cost shall be paid by  
24 the counties in proportion to the number of inmates committed  
25 from each county. All payments shall be on warrants of the  
26 county commissioners, countersigned by the county controller in  
27 counties where such offer exists.

28 (e) The county commissioners of each county joining in  
29 establishing detention facilities as provided for in this  
30 chapter, may make appropriations or incur or increase the

1 indebtedness of the county, in the manner now provided by law,  
2 to an amount sufficient to pay its proportionate part of the  
3 cost of acquiring a site and of erecting, constructing and  
4 equipping the said detention facilities, by issuing bonds  
5 payable within 30 years from the date of issue. The county  
6 commissioners of such county shall levy an annual tax in an  
7 amount necessary to pay interest and sinking fund charges upon  
8 such bonds.

9 Section 706. Property exempt from taxation.

10 All the property, real and personal, authorized to be held by  
11 virtue of this chapter, shall be exempt from taxation.

## 12 CHAPTER 8

### 13 MISCELLANEOUS PROVISIONS

14 Section 801. Transfer of personnel, appropriations,  
15 records, etc.

16 (a) All personnel, allocations, appropriations, equipment,  
17 files, records, contracts, agreements, obligations and other  
18 materials which are used, employed or expended in connection  
19 with the powers, duties or functions given by this act to the  
20 Department of Corrections or the Pennsylvania Parole Commission,  
21 which powers, duties and functions were formerly exercised by  
22 the Bureau of Correction and the Pennsylvania Board of Probation  
23 and Parole are hereby transferred to the Department of  
24 Corrections and the Pennsylvania Parole Commission with the same  
25 force and effect as if the appropriations had been made to and  
26 said items had been the property of the Department of  
27 Corrections, the Pennsylvania Parole Commission and Department  
28 of Education in the first instance and as if said contracts,  
29 agreements and obligations had been incurred or entered into by  
30 said Department of Corrections or the Pennsylvania Parole

1 Commission and Department of Education.

2 (b) Until such time as a secretary of the department shall  
3 be appointed and confirmed, the Governor shall appoint such  
4 personnel, as shall be necessary to implement the purposes of  
5 this act.

6 (c) The department and the commission may request from any  
7 person such relevant information as the department or the  
8 commission deems necessary to exercise its duties. All public  
9 officials are hereby required and directed to furnish such  
10 information upon request of the department and the commission  
11 and without charge therefor.

12 Section 802. Savings provisions.

13 The provisions of this act shall not affect any act done,  
14 liability incurred right accorded or vested or adjudication or  
15 decision made, including parole revocations, under the authority  
16 of any act of Assembly or part thereof, repealed by this act.

17 Section 803. Transfers.

18 The powers and duties granted to the Bureau of Corrections  
19 pursuant to the act of July 16, 1968 (P.L.351, No.173),  
20 entitled, as amended, "An act authorizing the establishment of  
21 prisoner pre-release centers and release plans under the  
22 jurisdiction of the Department of Justice and defining its  
23 powers and duties," are transferred to the Department of  
24 Corrections.

25 Section 804. Repeals.

26 (a) The following acts and parts of acts are repealed  
27 absolutely:

28 Sections II and III, act of December 5, 1789 (2 Sm.L.513,  
29 Ch.1461), entitled "An act to provide for the custody of  
30 prisoners committed under the authority of the United States."

1 Act of March 3, 1814 (P.L.79, Ch.50), entitled "A Supplement  
2 to the act entitled 'An act to provide for the custody of  
3 prisoners committed under the authority of the United States.'"

4 Section 1, act of January 17, 1831 (P.L.12, No.12), entitled  
5 "A further supplement to an act entitled, 'An act to reform the  
6 penal laws of this Commonwealth.'"

7 Section 3, act of April 15, 1834 (P.L.473, No.215), entitled  
8 "A supplement to the act entitled 'An act relative to the  
9 eastern and western State penitentiaries, and to the  
10 Philadelphia county prisons.'"

11 Resolution six of the resolution of April 16, 1838 (P.L.689,  
12 Resolution No.19), entitled "Resolution relative to the State  
13 Library, and for other purposes."

14 Clause twenty-fourth of section 1, act of May 31, 1844  
15 (P.L.582, No.377), entitled "An act to provide for the ordinary  
16 expenses of government, repair of the canals and railroads of  
17 the state, and other claims upon the commonwealth."

18 Section 5, act of April 16, 1845 (P.L.507, No.342), entitled  
19 "An act to provide for the ordinary expenses of the government,  
20 repair of the canals and railroads of the state, and other  
21 claims upon the commonwealth."

22 Section 1, act of February 27, 1847 (P.L.172, No.131),  
23 entitled "An act requiring the inspectors of prisons, sheriffs,  
24 prothonotaries and clerks of criminal courts and others, to make  
25 annual returns to the secretary of the commonwealth, and for  
26 other purposes."

27 Section 2, act of April 10, 1848 (P.L.428, No.312), entitled  
28 "A further supplement to the penal laws of this state."

29 Act of April 16, 1866 (P.L.105, No.93), entitled "An act to  
30 authorize the inspectors and warden of any of the penitentiaries

1 to permit the use of tobacco, by convicts, as a reward for good  
2 conduct."

3 Section 1, act of April 17, 1867 (P.L.87, No.68), entitled  
4 "An act to authorize the Governor to appoint a person to visit  
5 prisons and almshouses."

6 Section 6, act of June 8, 1881 (P.L.63, No.68), entitled "A  
7 supplement to an act, entitled 'An act to create a middle  
8 penitentiary district in this state, and to provide for the  
9 erection of a state penitentiary for the same,' approved the  
10 twelfth day of June, Anno Domini one thousand eight hundred and  
11 seventy-eight."

12 Act of April 8, 1869 (P.L.18, No.18), entitled "An act  
13 authorizing the congregating of convicts in the Western  
14 Penitentiary for labor, learning and religious services."

15 Sections 1 and 2, act of April 5, 1872 (P.L.42, No.34),  
16 entitled "A supplement to an act, entitled 'An Act to create a  
17 board of public charities,' approved the twenty-fourth day of  
18 April, Anno Domini one thousand eight hundred and sixty-nine."

19 Act of May 8, 1876 (P.L.149, No.124), entitled "An act  
20 authorizing the warden of the penitentiaries of the state to  
21 subscribe for and distribute papers or periodicals to the  
22 convicts."

23 Act of June 11, 1879 (P.L.140, No.148), entitled "An act to  
24 permit all inmates of any institution supported in part or in  
25 whole by the state to choose such religious advisers as they may  
26 determine upon."

27 Sections 1 and 2, act of June 13, 1883 (P.L.112, No.99),  
28 entitled "An act to abolish the contract system in the prisons  
29 and reformatory institutions of the State of Pennsylvania, and  
30 to regulate the wages of the inmates."



1 Act of June 20, 1883 (P.L.125, No.110), entitled "An act to  
2 require a brand upon all goods, wares, merchandise or other  
3 article or thing made for sale by convict labor in any  
4 penitentiary, reformatory prison, school or other establishment  
5 in which convict labor is employed."

6 Sections 2, 3, 6.1, 7, 8, 9, 10, 11, 12, 14, 15, 16 and 17,  
7 act of April 28, 1887 (P.L.63, No.30), entitled, as amended, "An  
8 act in relation to the imprisonment, government and release of  
9 inmates in the Pennsylvania Industrial School at Camp Hill,  
10 Cumberland County, Pennsylvania."

11 Sections 4, 5 and 6, act of May 7, 1889 (P.L.103, No.109),  
12 entitled "An act for the identification of habitual criminals."

13 Act of May 20, 1891 (P.L.100, No.75), entitled "An act making  
14 eight hours as a days' labor in penal institutions under control  
15 of the State."

16 Act of June 3, 1893 (P.L.280, No.245), entitled "An act to  
17 provide for the payment of the cost and expense of trying  
18 prisoners convicted in the courts of Huntingdon county for the  
19 violation of law while inmates of the Pennsylvania Industrial  
20 Reformatory, and for their maintenance in the county prison or  
21 penitentiary after their conviction."

22 Sections 3, 4 and 5, act of June 6, 1893 (P.L.326, No.263),  
23 entitled "A supplement to an act, entitled 'An act in relation  
24 to the imprisonment, government and release of convicts in the  
25 Pennsylvania Industrial Reformatory at Huntingdon,' approved the  
26 twenty-eighth day of April, Anno Domini one thousand eight  
27 hundred and eighty-seven."

28 Act of May 2, 1901 (P.L.126, No.92), entitled "An act to  
29 provide for the sale of unserviceable machinery in the  
30 Industrial Reformatory at Huntingdon, Pennsylvania, and the

1 other State Reformatories, when said machinery has been  
2 purchased by appropriations made from the State Treasury for the  
3 purpose."

4 Section 1, act of March 20, 1903 (P.L.45, No.48), entitled  
5 "An act to make active or visiting committees, of societies  
6 incorporated for the purpose of visiting and instructing  
7 prisoners, official visitors of penal and reformatory  
8 institutions."

9 Act of May 14, 1909 (P.L.838, No.656), entitled "An act to  
10 define the rights and functions of official visitors of jails,  
11 penitentiaries, and other penal or reformatory institutions, and  
12 providing for their removal."

13 Act of April 4, 1913 (P.L.44, No.36), entitled "An act  
14 authorizing the purchase of livestock and farming implements for  
15 the new Western Penitentiary in Centre County, and authorizing  
16 the board of inspectors of said penitentiary to charge the cost  
17 thereof against the several counties in the Western District."

18 Act of May 8, 1913 (P.L.166, No.115), entitled "An act  
19 authorizing the warden, superintendent, or person in charge of  
20 any penitentiary, jail, reformatory, workhouse, or other penal  
21 institution, to lodge female prisoners, temporarily, outside  
22 such institution at the time when such prisoners may become  
23 mothers, and providing for the collection of expenses thereby  
24 incurred."

25 Act of July 7, 1913 (P.L.708, No.395), entitled "An act  
26 relating to the management of the Eastern State Penitentiary."

27 Act of July 25, 1913 (P.L.1311, No.816), entitled "An act  
28 providing for the establishment of a State Industrial Home for  
29 Women; authorizing the purchase of a site, and the erection  
30 thereon and equipment of necessary buildings; providing for the

1 commitment to said State Industrial Home for Women of females  
2 between the ages of sixteen and thirty years, convicted of, or  
3 pleading guilty to, the commission of any criminal offense; and  
4 providing for the government and management of said institution;  
5 and making an appropriation to carry out the purposes of this  
6 act."

7 Act of June 3, 1915 (P.L.787, No.347), entitled "An act to  
8 provide for utilizing rock and other minerals existing upon the  
9 land owned by the Commonwealth, used for the Western  
10 Penitentiary in Centre County, and affording occupation to the  
11 inmates thereof, by permitting the board of inspectors by the  
12 said inmates to mine, quarry, or dig such materials and make the  
13 same into such products and by such means as may be found  
14 desirable, and authorizing the use of said materials or products  
15 for the purposes of said penitentiary, and the sale of the  
16 surplus, if any, for the maintenance of said institution."

17 Act of May 31, 1919 (P.L.356, No.170), entitled, as amended,  
18 "An act authorizing courts of record to remove convicts and  
19 persons confined in jails, workhouses, reformatories, reform or  
20 industrial schools, penitentiaries, prisons, houses of  
21 correction or any other penal institutions, who are seriously  
22 ill, to other institutions; and providing penalties for breach  
23 of prison."

24 Act of March 24, 1921 (P.L.48, No.23), entitled, as amended,  
25 "An act providing for the transfer of convicts from the State  
26 penitentiaries and their imprisonment in the penitentiary to  
27 which transferred; imposing costs for such transfers upon the  
28 Commonwealth; imposing the cost of the maintenance of convicts  
29 so transferred upon the counties in which they were convicted;  
30 directing that certain notice of such transfer of a convict be

1 given; and making appropriations."

2 Act of May 10, 1921 (P.L.433, No.208), entitled "An act for  
3 the segregation of certain classes of prisoners."

4 Subsection (b) of section 10, act of May 25, 1921 (P.L.1144,  
5 No.425), entitled "An act creating a Department of Public  
6 Welfare; defining its powers and duties; abolishing the Board of  
7 Public Charities, the Committee on Lunacy, and the Prison Labor  
8 Commission, and all offices thereunder, and vesting all the  
9 powers of said board, committee, and commission in the  
10 Department of Public Welfare; requiring all reports, notices,  
11 statements, or matters, heretofore required to be made, given,  
12 or submitted to the Board of Public Charities or the Committee  
13 on Lunacy, to be made, given, or submitted to the Department of  
14 Public Welfare; and providing penalties."

15 Act of May 23, 1923 (P.L.316, No.203), entitled "An act to  
16 provide for the welfare of all persons confined (whether such  
17 persons be tried or untried prisoners) in any penitentiary or  
18 county prison in this Commonwealth."

19 Sections 1, 2 and 3, act of June 14, 1923 (P.L.775, No.306),  
20 entitled "An act to provide for the physical welfare of all  
21 persons confined (whether such persons be tried or untried  
22 prisoners) in any penitentiary or county prison in this  
23 Commonwealth."

24 Act of July 11, 1923 (P.L.1044, No.425), entitled, as  
25 amended, "An act to authorize and provide for the transfer and  
26 retransfer of person or persons confined in any penitentiary,  
27 prison, workhouse, house of correction, or any other institution  
28 for adult prisoners, under sentence of law, convicted but  
29 awaiting sentence, awaiting trial, or confined for any other  
30 purpose to some other prison, penitentiary, workhouse, house of

1 correction, or other institution for adult prisoners."

2 Section 4, act of May 4, 1927 (P.L.761, No.399), entitled "An  
3 act providing for the preparation of plans and specifications  
4 and for the erection of the Eastern State Penitentiary on lands  
5 acquired therefor; imposing duties in connection therewith upon  
6 the Governor, the Board of Trustees of Eastern State  
7 Penitentiary, and the Department of Welfare; and making an  
8 appropriation."

9 Sections 911, 912, 913, 914, 914.1, 915 and 916, act of April  
10 9, 1929 (P.L.177, No.175), known as "The Administrative Code of  
11 1929."

12 Act of May 1, 1929 (P.L.1182, No.414), entitled "An act  
13 providing the procedure and the powers of the State Board of  
14 Pardons and boards of trustees of penitentiaries where prisoners  
15 released on parole violate the terms of such parole; and fixing  
16 the penalty for such violation."

17 Act of May 1, 1929 (P.L.1183, No.415), entitled "An act  
18 relating to persons paroled from the Pennsylvania Industrial  
19 Reformatory at Huntingdon; and regulating the procedure when  
20 such persons violate the terms of paroles, and the effect of  
21 such violations."

22 Sections 1, 2, 3, 4, 4.1, 5 and 6, act of June 21, 1937  
23 (P.L.1944, No.376), entitled, as amended, "An act providing for  
24 the erection, construction and equipment of a new Pennsylvania  
25 Industrial School, to take the place of the present Pennsylvania  
26 Industrial School at Huntingdon; designating the manner of  
27 acquiring or setting aside of land for the erection and  
28 construction of the new school by The General State Authority;  
29 authorizing the Commonwealth to lease the new school and its  
30 grounds from The General State Authority upon its completion;

1 providing that the cost of maintaining inmates therein be borne  
2 by the Commonwealth and the counties to the extent and in the  
3 manner provided by law in the case of inmates maintained in the  
4 Pennsylvania Industrial School at Huntingdon; creating the Board  
5 of Trustees of the Pennsylvania Industrial School; defining its  
6 powers and duties, and conferring powers, and imposing duties  
7 upon certain State departments, boards, commissions, and  
8 officers."

9 Act of August 6, 1941 (P.L.861, No.323), entitled, as  
10 amended, "An act to create a uniform and exclusive system for  
11 the administration of parole in this Commonwealth; providing  
12 state probation services; establishing the 'Pennsylvania Board  
13 of Probation and Parole'; conferring and defining its  
14 jurisdiction, duties, powers and functions; including the  
15 supervision of persons placed upon probation and parole in  
16 certain designated cases; providing for the method of  
17 appointment of its members; regulating the appointment, removal  
18 and discharge of its officers, clerks and employes; dividing the  
19 Commonwealth into administrative districts for purposes of  
20 probation and parole; fixing the salaries of members of the  
21 board and of certain other officers and employes thereof; making  
22 violations of certain provisions of this act misdemeanors;  
23 providing penalties therefor; and for other cognate purposes,  
24 and making an appropriation."

25 Section 3, act of March 26, 1945 (P.L.60, No.34), entitled  
26 "An act to amend the title and sections four and six of the act,  
27 approved the twenty-first day of June, one thousand nine hundred  
28 thirty-seven (Pamphlet Laws, one thousand nine hundred forty-  
29 four), entitled 'An act providing for the erection, construction  
30 and equipment of a new Pennsylvania Industrial School, to take

1 the place of the present Pennsylvania Industrial School at  
2 Huntingdon; designating the manner of acquiring or setting aside  
3 of land for the erection and construction of the new school by  
4 The General State Authority; authorizing the Commonwealth to  
5 lease the new school and its grounds from The General State  
6 Authority upon its completion, and the Department of Welfare to  
7 manage and operate the same; providing that the cost of  
8 maintaining inmates therein be borne by the Commonwealth and the  
9 counties to the extent and in the manner provided by law in the  
10 case of inmates maintained in the Pennsylvania Industrial School  
11 at Huntingdon; and conferring powers, and imposing duties upon  
12 certain State departments, boards, commissions, and officers,'  
13 by changing the provisions of the act authorizing the Department  
14 of Welfare to manage and operate the same; creating the Board of  
15 Trustees of the new Pennsylvania Industrial School, and defining  
16 its powers and duties."

17 Act of July 29, 1953 (P.L.1433, No.409), entitled "An act  
18 creating two districts in the Commonwealth for the  
19 administration of the State penal and correctional institutions;  
20 and repealing certain acts or parts of acts."

21 Act of July 29, 1953 (P.L.1433, No.410), entitled "An act  
22 creating certain penal and correctional institutions and boards  
23 of trustees; abolishing certain penal institutions; imposing  
24 duties upon the Commissioner of Correction of the Department of  
25 Justice; and providing for the costs of transportation and  
26 maintenance of inmates."

27 Act of July 29, 1953 (P.L.1435, No.411), entitled "An act  
28 relating to the more effective treatment of persons convicted of  
29 crime or committed as defective delinquents; creating in the  
30 Department of Justice correctional diagnostic and classification

1 centers; providing for the diagnosis and classification of  
2 persons sentenced or committed by the courts to a State  
3 institution; fixing the responsibility for costs of  
4 transportation and maintenance of such persons; prescribing  
5 duties of the courts and the powers and duties of the Department  
6 of Justice relative thereto; making civil and criminal laws  
7 applicable to penitentiaries and persons therein or responsible  
8 therefor applicable in the case of the said institutions."

9 Act of July 29, 1953 (P.L.1440, No.414), entitled "An act  
10 providing for the construction and equipping of the Pennsylvania  
11 Institution for Defective Delinquents; providing for the  
12 acquisition of land; providing for the reception, confinement,  
13 treatment, care, maintenance and control of inmates; imposing  
14 duties and conferring powers on the Department of Justice,  
15 Department of Property and Supplies and the General State  
16 Authority."

17 Act of December 13, 1955 (P.L.841, No.246), entitled "An act  
18 authorizing cooperative return of parole and probation violators  
19 and the making of contracts or deputation of persons pursuant  
20 thereto."

21 Act of September 2, 1961 (P.L.1177, No.525), entitled "An act  
22 fixing the salaries and compensation of members of certain  
23 boards and commissions, and repealing inconsistent acts,"  
24 insofar as it provides salaries for members of the Pennsylvania  
25 Board of Probation and Parole.

26 Act of December 22, 1965 (P.L.1189, No.472), entitled "An act  
27 establishing a correctional facility for criminological  
28 diagnosis, classification, social and psychological treatment  
29 and research, medical treatment and staff training."

30 Act of December 27, 1965 (P.L.1237, No.502), entitled "An act



1 establishing regional correctional facilities administered by  
2 the Bureau of Correction as part of the State correctional  
3 system; establishing standards for county jails, and providing  
4 for inspection and classification of county jails and for  
5 commitment to State correctional facilities and county jails."

6 Act of December 22, 1969 (P.L.394, No.175), entitled "An act  
7 providing for the establishment, operation and maintenance of  
8 detention facilities for certain persons by adjoining counties  
9 on approval by the Bureau of Correction."

10 Act of October 16, 1972 (P.L.913, No.218), entitled "An act  
11 establishing regional community treatment centers for women  
12 administered by the Bureau of Correction of the Department of  
13 Justice as part of the State Correctional System, providing for  
14 the commitment of females to such centers and their temporary  
15 release therefrom for certain purposes, restricting confinement  
16 of females in county jails and conferring powers and duties upon  
17 the Department of Justice and the Bureau of Correction."

18 (b) The following act and part of an act are repealed  
19 insofar as they are inconsistent herewith:

20 Section 13, act of April 28, 1887 (P.L.63, No.30), entitled,  
21 as amended, "An act in relation to the imprisonment, government  
22 and release of inmates in the Pennsylvania Industrial School at  
23 Camp Hill, Cumberland County, Pennsylvania."

24 Act of June 22, 1931 (P.L.864, No.280), entitled "An act  
25 making a convict whose minimum sentence exceeds one-half of the  
26 maximum sentence eligible to apply for release on parole when  
27 said convict has served or will have served one-half his maximum  
28 sentence."

29 (c) All other acts and parts of acts, general, local and  
30 special are repealed insofar as they are inconsistent with the

1 provisions of this act.

2 Section 805. Effective date.

3 This act shall take effect on July 1, 1982. However, the  
4 Governor may immediately nominate, and with the advice and  
5 consent of a majority of all members elected to the Senate,  
6 appoint the Secretary of Corrections, whose term of office shall  
7 begin as soon as he shall be confirmed.