
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 612 Session of
1989

INTRODUCED BY RICHARDSON, HAGARTY, LINTON, DeWEESE, ACOSTA,
BISHOP, CARN, EVANS, HARPER, HUGHES, JAMES, OLIVER, PRESTON,
ROBINSON, ROEBUCK, THOMAS, WILLIAMS, R. C. WRIGHT, KOSINSKI,
KUKOVICH, CAWLEY, TIGUE, BILLOW, DALEY, HECKLER, HAYDEN,
BORTNER, REBER, McVERRY AND MILLER, FEBRUARY 15, 1989

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 15, 1989

AN ACT

1 Providing for official visitation of prisons.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 Section 1. Short title.

5 This act shall be known and may be cited as the Official
6 Visitation of Prisons Act.

7 Section 2. Definitions.

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

11 "Official visitor." The Governor, Lieutenant Governor,
12 members of the Senate and House of Representatives, justices and
13 judges of the courts of record, the General Counsel, the
14 Attorney General and his deputies, and authorized members of the
15 Pennsylvania Prison Society who have been designated as official
16 visitors, whose names shall be given to the correctional

1 official in charge of the appropriate facility, in writing,
2 together with the terms of their appointment under its corporate
3 seal.

4 Section 3. Visitation.

5 (a) Day and time.--Any official visitor is hereby authorized
6 to enter and visit any local or State correctional facility on
7 any day, including Sundays, between the hours of 9 a.m. and 5
8 p.m., but shall not be authorized to enter and visit at any
9 other time except with the special permission of the
10 correctional official in charge of the facility.

11 (b) Interviews with inmates.--Official visitors shall have
12 the right to interview privately any prisoner or inmate confined
13 in any State or local correctional facility, and for that
14 purpose to enter the cell, room or apartment wherein any
15 prisoner or inmate is confined. However, if the correctional
16 officer in charge of the facility at the time of the visit is of
17 the opinion that the entry into the cell would be dangerous to
18 the safety of the visitor, then the correctional officer in
19 charge may conduct any inmate, with whom the official visitor
20 may desire a private interview, into another cell or room as he
21 may designate and there permit the private interview between the
22 official visitor and the inmate to take place.

23 (c) Official visitors not exempt from prosecution for
24 certain offenses.--An official visitor shall not be exempt from
25 prosecution for a violation of 18 Pa.C.S. § 5121 (relating to
26 escape), 5122 (relating to weapons or implements for escape) or
27 5123 (relating to contraband).

28 (d) Revocation of visitor rights.--If an official visitor
29 violates any provision of this section, any correctional
30 official in charge of a local or State correctional facility may

1 apply to the court of common pleas in the county wherein the
2 institution is located for a ruling upon the visitor to show
3 cause why he or she should not be deprived of his or her
4 official visitation status, and, upon proof to the satisfaction
5 of the court, it shall enter a decree against the official
6 visitor depriving him or her of all rights, privileges and
7 functions of official visitors.

8 Section 4. Employees of official visitor.

9 Employees of an official visitor may accompany the official
10 visitor when visiting any State or local correctional facility
11 and may be present during an interview conducted by the official
12 visitor.

13 Section 5. Powers and duties of Attorney General.

14 Nothing contained in this act shall be construed in anywise
15 to diminish the power and authority, as otherwise provided by
16 law, of the Attorney General.

17 Section 6. Repeals.

18 The following acts and parts of acts are repealed:

19 Act of April 17, 1867 (P.L.87, No.68), entitled "An act to
20 authorize the Governor to appoint a person to visit prisons and
21 almshouses."

22 Act of March 20, 1903 (P.L.45, No.48), entitled "An act to
23 make active or visiting committees, of societies incorporated
24 for the purpose of visiting and instructing prisoners, official
25 visitors of penal and reformatory institutions."

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

30 Section 7. Effective date.

1 This act shall take effect immediately.