

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

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 4, 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

1 visitors, whose names shall be given to the correctional
2 official in charge of the appropriate facility, in writing,
3 together with the terms of their appointment under its corporate
4 seal.

5 Section 3. Visitation.

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

12 (b) Denial of entry.--If the correctional official in charge
13 of a State correctional facility is of the opinion that the
14 visit would be dangerous to the discipline or welfare of the
15 facility or the safety of the visitor, the correctional official
16 in charge of the facility may temporarily deny entry to any
17 official visitor if the Secretary of Corrections has previously
18 declared that an emergency situation exists within the facility.
19 If this temporary exclusion exceeds 72 hours, the official
20 visitor may apply to Commonwealth Court for a ruling upon the
21 Secretary of Corrections to show cause why the official visitor
22 should not be permitted entry into the correctional facility.

23 (c) Temporary denial of visitation for local facilities.--If
24 the correctional official in charge of a local correctional
25 facility has previously determined that an emergency exists at
26 the facility, the correctional official may, with the approval
27 of the president judge of the court of common pleas for the
28 district where the facility is located, temporarily deny entry
29 to an official visitor. If this temporary exclusion exceeds 72
30 hours, the official visitor may apply to Commonwealth Court for

1 a ruling upon the president judge to show cause why the official
2 visitor should not be permitted entry into the correctional
3 facility.

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

16 (e) Official visitors AND EMPLOYEES not exempt from <—
17 prosecution ~~for certain offenses. An official visitor.--~~ <—
18 OFFICIAL VISITORS AND THEIR EMPLOYEES shall not be exempt from
19 prosecution for ANY CRIMINAL OFFENSE INCLUDING, BUT NOT LIMITED <—
20 TO, a violation of 18 Pa.C.S. § 5121 (relating to escape), 5122
21 (relating to weapons or implements for escape) or 5123 (relating
22 to contraband).

23 (f) Revocation of visitor rights.--If an official visitor
24 violates any provision of this section, any correctional
25 official in charge of a local or State correctional facility may
26 apply to the court of common pleas in the county wherein the
27 institution is located for a ruling upon the visitor to show
28 cause why he or she should not be deprived of his or her
29 official visitation status, and, upon proof to the satisfaction
30 of the court, it shall enter a decree against the official

1 visitor depriving him or her of all rights, privileges and
2 functions of official visitors.

3 Section 4. Employees of official visitor.

4 One employee of an official visitor may accompany the
5 official visitor when visiting any State or local correctional
6 facility and may be present during an interview conducted by the
7 official visitor.

8 Section 5. Powers and duties of Attorney General.

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

12 Section 6. Repeals.

13 The following acts and parts of acts are repealed:

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

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

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

25 Section 7. Effective date.

26 This act shall take effect immediately.