

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

SENATOR TILGHMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED,
NOVEMBER 8, 1982

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.

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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 "BOARD." THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE. <—

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

16 (1) Who enroll in academic courses.

17 (2) Who participate in vocational training program.

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

20 (4) Who obtain employment.

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

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

27 "Days." Calendar days unless otherwise specified.

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

30 "Local correctional facility." Any jail, workhouse,

1 correctional institution or facility, penitentiary or prison
2 operated by a county or other political subdivision.

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

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

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

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

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

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

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

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

7 CHAPTER 2

8 ORGANIZATION OF THE DEPARTMENT

9 Section 201. Establishment of department.

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

15 Section 202. Secretary of Corrections.

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

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

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

27 Section 203. Powers and duties of the secretary.

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

(b) The secretary shall prescribe rules and regulations for the operation of the department.

Section 204. Deputy Secretary for Education.

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

Section 205. Personnel.

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

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

(b) The secretary, in accordance with "The Administrative Code of 1929," and the State Civil Service Commission, shall

1 establish minimum qualifications and standards for positions in
2 the department and shall provide initial and ongoing training
3 for all employees who have responsibility for the supervision of
4 offenders.

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

10 Section 206. Advisory committees.

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

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

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

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

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

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

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

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

1 ~~(2) The terms of the committee members and the selection~~ <—
2 ~~of a chairman and reimbursement for certain expenses shall be~~
3 ~~as provided in subsection (a)(2) and (3).~~

4 ~~(3)~~ (2) THE INITIAL MEMBERS OF THE COMMITTEE SHALL BE <—
5 APPOINTED FOR TERMS AS FOLLOWS: TWO MEMBERS FOR TERMS OF ONE
6 YEAR; TWO FOR TERMS OF TWO YEARS; TWO FOR TERMS OF THREE
7 YEARS AND THREE FOR TERMS OF FOUR YEARS. THE TERMS OF MEMBERS
8 THEREAFTER APPOINTED, EXCEPT TO FILL A VACANCY, SHALL BE FOR
9 FOUR YEARS AND UNTIL THEIR SUCCESSORS HAVE BEEN APPOINTED AND
10 QUALIFIED. HOWEVER, THE TERMS OF MEMBERS OF THE COMMITTEE WHO
11 ARE APPOINTED BY VIRTUE OF HOLDING OFFICE AS A MEMBER OF THE
12 GENERAL ASSEMBLY, AS A JUDGE OR AS A COUNTY COMMISSIONER,
13 SHALL CONTINUE ONLY AS LONG AS SUCH PERSON REMAINS IN THAT
14 OFFICE.

15 (3) THE GOVERNOR SHALL DESIGNATE ONE OF THE MEMBERS OF
16 THE COMMITTEE TO SERVE AS ITS CHAIRMAN. EACH MEMBER OF THE
17 COMMITTEE SHALL BE PAID ALL ACCOUNTABLE AND NECESSARY TRAVEL
18 EXPENSES INCURRED BY THE MEMBER IN THE PERFORMANCE OF THE
19 COMMITTEE DUTIES. THE COMMITTEE SHALL MEET AT THE CALL OF THE
20 CHAIRMAN OR AT THE CALL OF THE SECRETARY.

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

24 ~~(e)~~ (B) The secretary shall establish an advisory committee <—
25 for education which will be chaired by the Secretary of
26 Education.

27 ~~(d)~~ (C) The secretary may establish any other such advisory <—
28 committees as may be deemed necessary to assist the department
29 in fulfilling its responsibilities under this act. Members of
30 advisory committees shall receive no compensation but may

1 receive reimbursement for reasonable expenses incurred when
2 actually engaged in their official duties as directed by the
3 secretary.

4 Section 207. Annual reports.

5 (a) The secretary shall transmit annually to the Governor,
6 the General Assembly, the judges of the courts of common pleas
7 AND the Pennsylvania Commission on Sentencing ~~and the~~ <—
8 ~~Pennsylvania Parole Commission~~ a report on the department. The
9 report shall contain:

10 (1) A description and evaluation of the programs,
11 services and facilities of the department.

12 (2) Any recommendation or proposal for the alteration,
13 expansion, addition or discontinuance of programs, services
14 or facilities.

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

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

19 (b) The report shall be a matter of public record and shall
20 be made available to the public at cost or at no charge, at the
21 secretary's discretion.

22 CHAPTER 3

23 POWERS AND DUTIES OF THE DEPARTMENT

24 Section 301. Departmental facilities, programs and services.

25 (a) The department shall have the power and its duty shall
26 be to maintain, supervise and administer the following
27 facilities, programs and services:

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

~~(2) Parole services for any person:~~

<—

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

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

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

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

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

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

~~(4) In compliance with the Federal Interstate Compact Laws, to supervise persons paroled or placed on probation by other states now residing in this Commonwealth, where such other states agree to perform similar services for the department.~~

~~(5) (2) Services and assistance including the establishment of standards for local correctional facilities to municipalities operating local correctional facilities as set forth in section 303.~~

~~(6) (3) Establishment of programs of research, collection of statistics and planning, including evaluation of the performance of various functions of the department and~~

<—

1 the effectiveness of the programs for offenders.

2 ~~(7) To make presentence investigations and reports of~~ <—
3 ~~persons convicted of a felony or a misdemeanor where the~~
4 ~~offender has a prior felony conviction when requested to do~~
5 ~~so by the court.~~

6 ~~(8)~~ (4) To oversee and establish rules in the manner <—
7 provided by law for the promulgation of regulations of
8 prerelease and prerelease programs as set forth in section
9 ~~803~~ 603. <—

10 ~~(9) To collect copies of presentence investigations and~~ <—
11 ~~reports where necessary.~~

12 ~~(10)~~ (5) Provide the ~~commission~~ BOARD with such <—
13 information as it requests in the performance of its duties
14 and services.

15 ~~(11) To establish Statewide standards for local~~ <—
16 ~~probation and parole as provided in section 303.~~

17 ~~(12) To administer the existing grant in aid program to~~
18 ~~county courts for the improvement of local probation and~~
19 ~~parole services.~~

20 ~~(13)~~ (6) With the approval of the secretary to receive
21 and take custody of persons transferred or committed to the
22 department under the authority of the United States when
23 appropriate facilities are available and to receive
24 reimbursement for such services.

25 ~~(14)~~ (7) To serve as the central administrator of and <—
26 information agent for the Agreement on Detainers as provided
27 in 42 Pa.C.S. § 9101 et seq.

28 (b) The department shall have free and ready access to all
29 probation and parole records of the counties of this
30 Commonwealth.

1 Section 302. Establishment of State correctional facilities.

2 (a) The department shall have the power and its duty shall
3 be to establish, with the approval of the Governor, such State
4 correctional facilities as it may deem necessary to carry out
5 the provisions of this act. However, the department may only
6 establish or construct such additional State correctional
7 institutions and State regional correctional facilities as are
8 approved by the Governor and are provided by law.

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

13 (c) The department, with the approval of the Governor, may
14 select for acquisition by purchase or lease, by the Department
15 of General Services, tracts of land or other real property
16 suitable for the construction of or use by the department as
17 State correctional facilities.

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

22 (1) An account of the type, purpose, maximum capacity of
23 the facility, the need for the facility including reasons why
24 a less secure facility or alternative will not satisfy the
25 needs of the department, the type of person to be housed in
26 the facility, and the anticipated construction and
27 operational costs for a five-year period. In doing this, the
28 department will be guided by generally recognized standards
29 of appropriate national professional groups.

30 (2) A report on the security of the facility which

1 addresses the extent of supervision to be provided or
2 necessary, the type of person who will be placed there and
3 the extent of involvement the department has taken or will
4 take to involve the community in development of the facility
5 and its program prior to its opening.

6 (e) In establishing the size of any new State correctional
7 institution or State regional correctional institution, the
8 department will be guided by generally recognized standards of
9 appropriate national professional groups. The department shall
10 not establish a new State correctional institution that confines
11 more than one person per cell nor shall it establish a community
12 service center with a maximum capacity for over 30 persons.

13 Section 303. Services and reports to municipalities.

14 The department shall have the power and its duty shall be to
15 provide the following services and assistance to municipalities
16 operating local correctional facilities:

17 (1) The department shall after public hearings establish
18 minimum standards for local correctional facilities including
19 standards for physical facilities, standards for correctional
20 programs of treatment, education and reintegration of
21 inmates, standards for staff development and training and
22 other matters necessary to the operation of such facilities.

23 (2) At least once annually, the department shall inspect
24 local correctional facilities and shall classify them in
25 accordance with standards established pursuant to paragraph
26 (1) as eligible to receive prisoners sentenced to maximum
27 terms of six months or more, but less than five years. The
28 department shall conduct such other inspections and
29 investigations of such facilities as it deems necessary.

30 (3) The department shall report to appropriate public

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

17 (4) (i) Upon petition being presented to the department
18 by the official in charge of any local correctional
19 facility, and upon a showing of good cause therefor, the
20 secretary may transfer persons lawfully detained in a
21 local correctional facility to a State correctional
22 facility. However, before any transfer is made, the court
23 of common pleas of the county wherein the local
24 correctional facility is located shall give its consent
25 to such transfer.

26 (ii) Upon petition being presented to the secretary
27 by the official in charge of any local correctional
28 facility, and upon a showing of good cause therefor, the
29 secretary may retransfer persons transferred to a State
30 correctional facility from a local correctional facility

1 pursuant to this paragraph. Such petition shall set forth
2 the names of the persons whom the official in charge of
3 any local correctional facility deems advisable to
4 transfer or retransfer, together with:

5 (A) in the case of persons committed, the date
6 of their commitment, and the term for which they were
7 sentenced; or

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

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

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

16 (iii) The cost of transferring, retransferring and
17 maintaining inmates transferred to State correctional
18 facilities pursuant to this paragraph shall be borne by
19 the county or other municipality making such request. The
20 department shall establish by regulation the daily cost
21 of such maintenance and shall specify the manner and time
22 of reimbursement to the Commonwealth by the county or
23 other unit of local government. The department may
24 establish by regulation costs for special or
25 extraordinary services which shall be borne by the
26 county.

27 (iv) Such person or persons as may be so transferred
28 or retransferred shall be subject to the same term of
29 imprisonment as that imposed upon them at the time of
30 sentence under law.

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

13 ~~(5) (i) The department shall have the power and its <—~~
14 ~~duty shall be to establish minimum standards for~~
15 ~~presentence investigations, supervision of probationers~~
16 ~~and parolees, qualifications for probation and parole~~
17 ~~personnel, minimum salaries and the quality of probation~~
18 ~~and parole service.~~

19 ~~(ii) The standards for the qualifications of~~
20 ~~probation and parole personnel shall only apply to~~
21 ~~probation and parole personnel appointed after the date~~
22 ~~the standards are established. Should any probation or~~
23 ~~parole personnel appointed prior to the date the~~
24 ~~standards were established fail to meet the standards,~~
25 ~~the court, having jurisdiction of such personnel, may~~
26 ~~request the department to establish inservice training~~
27 ~~for such personnel in accordance with the standards.~~

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

1 ~~(6)~~ (5) It shall be the duty of the inspectors, sheriffs
2 or other persons having charge of any local correctional
3 facility to transmit to the department on or before February
4 1 of each year a full statement in detail of the condition of
5 such local correctional facility and the inmates thereof
6 during the year ending on the previous December and such
7 other information as shall be specified by the department by
8 regulation.

9 Section 304. Complaint procedure.

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

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

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

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

21 (4) for priority processing of complaints which are of
22 an emergency nature, including matters in which delay would
23 subject the complainant to substantial risk of personal
24 injury or other damages;

25 (5) for safeguards to avoid reprisals against any
26 complainant or participant in the resolution of a grievance;
27 and

28 (6) for the independent review of the disposition of
29 complaints including alleged reprisals, by the General
30 Counsel of the Commonwealth or his designee. The General

1 Counsel or his designee shall make public an annual report
2 concerning the exercise of his functions under this section.

3 CHAPTER 4

4 INMATES

5 Section 401. Commitment and transfer.

6 (a) The department shall accept custody of every person
7 committed, sentenced or transferred to the department in
8 accordance with law.

9 (b) All persons sentenced to total or partial confinement
10 for:

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

13 (2) Maximum terms of two years or more but less than
14 five years may be committed to the department for confinement
15 or may be committed to a county prison within the
16 jurisdiction of the court.

17 (3) Maximum terms of less than two years shall be
18 committed to a local correctional facility within the
19 jurisdiction of the court. Persons sentenced to confinement
20 for a minimum term of six months or more and a maximum of
21 less than five years may be committed to a State regional
22 correctional facility when such facilities are available.

23 (c) The secretary shall have complete authority to transfer,
24 after initial assignment, any person lawfully confined in any
25 State correctional facility to any other State correctional
26 facility subject to the limitations contained in section 803.

27 Section 402. Diagnostic centers and services.

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

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

(c) Every person delivered to and received by any diagnostic center in accordance with this act shall be therein confined, diagnosed and classified by the department for incarceration or care in the State correctional facility deemed by the department to be appropriate, subject to the limitations contained in section ~~803~~ 603. Such person shall be assigned to such State correctional facility for service of sentence, and such person may be reassigned at any time to the proper diagnostic center for reclassification.

(d) Upon assignment of each person from any diagnostic center, the department shall expeditiously make a written report of the examination of the inmate including findings resulting from that examination, which shall include a designation of the institution of assignment and the date of assignment. This report shall be filed with the clerks of the court from which the person was sentenced or committed. A copy of each report shall be sent to the institution to which the person was assigned, to the commission and to the secretary. The report in the office of the clerk of court shall be impounded and shall be accessible only upon authorization in writing by a judge of the court from which the person was sentenced or committed.

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

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

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

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

Section 404. Programs for inmates.

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

(b) The department shall establish programs of education, counselling, psychotherapy, drug and alcohol rehabilitation, work, vocational training and guidance, and such other programs as are deemed necessary or desirable to meet the needs of

1 inmates. To the extent feasible, the department shall provide
2 inmates in institutions an opportunity to participate in the
3 development of such programs.

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

8 (d) An inmate shall be permitted to choose whether to
9 participate in an educational, vocational, recreational, drug
10 and alcohol rehabilitative programs, counselling or any other
11 rehabilitative program or medical treatment. For the purpose of
12 this subsection an assigned work project is not deemed a
13 rehabilitative program.

14 (e) An inmate may be required to undergo medical treatment
15 by order of a court or if reasonably believed necessary by a
16 licensed physician to be necessary to treat communicable disease
17 or to save the life of the inmate.

18 Section 405. Inmate labor and training.

19 (a) The department shall as deemed necessary and reasonable
20 provide employment opportunities, work experiences and
21 vocational training for all inmates in State correctional
22 institutions and State regional correctional facilities. To the
23 maximum extent possible, vocational training and experience
24 shall reflect conditions of employment in the community. Inmates
25 shall not be required to work in excess of eight hours per day,
26 six days per week.

27 (b) The department shall sell articles manufactured or
28 produced in the State correctional institutions. The proceeds of
29 which shall be deposited into the Manufacturing Fund through the
30 Department of Revenue. These sales may be to any Commonwealth

1 agency, political subdivision created by law of this
2 Commonwealth, or to any educational or charitable institution
3 receiving aid from the Commonwealth, any agency, department,
4 bureau, commission or authority of the Federal Government, or
5 any education or charitable institution receiving aid from the
6 Federal Government, or to any other state.

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

19 (d) All moneys received under subsection (b) shall be paid
20 into the Manufacturing Fund. The department shall pay out of the
21 fund all necessary expenses for the proper conduct of the work
22 of the department pertaining to the establishment, maintenance
23 and carrying on of industries in the State correctional
24 facilities. Estimates of the amount to be expended from the
25 Manufacturing Fund shall be submitted to the Governor from time
26 to time for his approval.

27 (e) Inmates shall be compensated at rates fixed by the
28 secretary for work performed including institutional
29 maintenance. Inmates who are unable to work because of injury,
30 illness or other capacity or who work in areas not funded from

1 the Manufacturing Fund shall be compensated from the
2 appropriation to operate the institutions at rates to be fixed
3 by the department.

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

10 Section 406. Discipline.

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

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

22 (c) The rules and regulations shall define with
23 particularity the conduct regulated and the proscribed maximum
24 punishment for the infraction proportionate to the seriousness
25 of the infraction or history of prior violations.

26 (d) The punishment that may be imposed for a disciplinary
27 infraction are:

28 (1) Confinement in a separate housing unit.

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

30 (3) Restrictions or loss of privileges.

1 (4) Restrictions or loss of use of certain personal
2 property.

3 (5) Reasonable restitution to the department for
4 personal injury or property damage.

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

7 (1) Corporal punishment.

8 (2) Loss of physical exercise, unless the violation
9 related directly to such an activity or unless such
10 participation would jeopardize human life or institutional
11 security.

12 (3) Restrictions or loss of religious programs, unless
13 the violation related directly to such an activity or unless
14 such participation would jeopardize human life or
15 institutional security.

16 (4) Restrictions or loss of visiting unless the
17 violation related directly to such an activity or unless such
18 participation would jeopardize human life or institutional
19 security.

20 (5) Restrictions or loss of food.

21 (f) An inmate placed in isolation shall be provided the same
22 food in the normal diet of inmates not in isolation and shall
23 receive adequate lighting, normal room temperatures, toilet,
24 bedding, water for drinking and washing, and clothing. The
25 removal of any of these items shall be only to prevent suicide
26 or self-destructive acts or damage to the cell or its equipment.

27 (g) An inmate shall not be placed in an isolation cell
28 without the approval of the highest ranking officer on duty in
29 the institution at the time. A record of all admissions,
30 releases, visits to the cell, and other events except those of a

1 routine nature shall be maintained at or near the solitary
2 cells.

3 Section 407. Medical care.

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

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

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

18 (1) Twenty-four hour-a-day care by a licensed health
19 care practitioner.

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

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

23 (4) Daily sick call made available to inmates confined
24 in isolation.

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

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

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

1 Section 408. Food protection and sanitation.

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

11 Section 409. Illness of inmates.

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

26 Section 410. Religious rights.

27 Any person confined or detained in any State or local
28 correctional facility shall have the right to receive religious
29 counselling and to participate in religious or liturgical
30 services according to the practices of the religion of his

1 choice. Each correctional facility shall reasonably accommodate
2 such religious counselling and services upon its own premises
3 including but not limited to providing nutritious meals that do
4 not violate the dietary laws of his religion and permit the
5 observance of religious holidays unless it violates the security
6 or safety of the correctional facility.

7 Section 411. Personal visits.

8 (a) The department shall establish a visiting schedule for
9 each correctional facility which shall provide minimum visiting
10 hours for inmates including holidays and weekends. Visits from
11 official visitors shall not be counted against the inmate's
12 minimum visiting period.

13 (b) The department shall permit each inmate at least two
14 hours of visiting time each week unless the inmate is in
15 isolation in which case the minimum visiting period shall be at
16 least one hour per week.

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

24 Section 412. Official visits.

25 (a) For the purpose of this section, "official visitor" is:
26 the Governor, the President pro tempore and members of the
27 Senate, the Speaker and members of the House of Representatives,
28 the judges of the Supreme Court, the General Counsel and his
29 deputies, the president and associate judges of all the courts
30 in the State and authorized members of the Pennsylvania Prison

1 Society. Names of the Pennsylvania Prison Society members who
2 have been designated as official visitors shall be given to the
3 appropriate correctional institution in writing under its
4 corporate seal. In addition, the Governor shall have the power
5 to appoint other official visitors provided no expense shall be
6 incurred thereby to the Commonwealth.

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

22 (c) Such official visitors shall have the right to interview
23 privately any prisoner or inmate confined in any State or local
24 correctional facility, and for that purpose to enter the cell,
25 room or apartment wherein any such person or inmate shall be
26 confined. However, if the superintendent or person in charge of
27 such facility at the time of such visit shall be of the opinion
28 that the entry into the cell would be dangerous to the
29 discipline of the facility, then the superintendent or person in
30 charge may conduct any inmate, with whom such official visitor

1 may desire a private interview, into such other cell or room as
2 he may designate and there permit the private interview between
3 the official visitor and such inmate to take place.

4 (d) An official visitor shall be subject to the provisions
5 of 18 Pa.C.S. §§ 5121 (relating to escape), 5122 (relating to
6 weapons or implements for escape) and 5123 (relating to
7 contraband).

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

18 Section 413. Mail.

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

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

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

24 (d) Incoming official mail shall not be opened by staff,
25 except in the presence of the inmate for the sole purpose of
26 insuring the absence of contraband.

27 Section 414. Discharge allowances.

28 Inmates released upon completion of their term or released on
29 parole may, in accordance with rules promulgated by the
30 department, be supplied with appropriate clothing,

1 transportation and financial assistance.

2 Section 415. Inmates General Welfare Board.

3 (a) There is hereby created a departmental administrative
4 board which shall be known as the "Inmates General Welfare
5 Board" and which shall consist of the General Counsel, the
6 Comptroller of the Department of Corrections and the Secretary
7 of the Department of Corrections. The board shall have the
8 power, and its duty shall be, to administer, manage, prudently
9 invest and account for:

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

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

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

19 ~~CHAPTER 5~~

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20 ~~ADMINISTRATION OF CORRECTIONAL FIELD SERVICES~~

21 ~~Section 501. Establishment of departmental offices.~~

22 ~~(a) The department may, with approval of the Governor,~~
23 ~~divide the Commonwealth for administrative purposes into a~~
24 ~~suitable number of regions, in each of which there shall be a~~
25 ~~department office which shall have immediate charge of all~~
26 ~~correctional field services.~~

27 ~~(b) As the occasion may require, the supervision of~~
28 ~~particular probationers, parolees and inmates of State~~
29 ~~correctional facilities participating in correctional field~~
30 ~~service programs may be transferred by the department to the~~

1 ~~appropriate regions.~~

2 ~~(c) The department shall fix and determine the location of~~
3 ~~the various offices within their respective regions having~~
4 ~~regard to local conditions and to the most convenient and~~
5 ~~efficient functioning of the office therein established.~~

6 ~~Section 502. Deputies.~~

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

19 ~~(b) Any deputization, pursuant to this section, shall be in~~
20 ~~writing and any person authorized to act as an agent of this~~
21 ~~Commonwealth pursuant thereto, shall carry formal evidence of~~
22 ~~the deputization and shall produce the same upon demand.~~

23 ~~Section 503. Correctional field service staff.~~

24 ~~Staff responsible for parole supervision and so designated by~~
25 ~~the secretary are hereby declared to be peace officers and are~~
26 ~~hereby given police power and authority throughout the~~
27 ~~Commonwealth to arrest without warrant, writ, rule or process~~
28 ~~any inmate, parolee or probationer under the supervision of the~~
29 ~~department, or when requested to do so by any court of this~~
30 ~~Commonwealth having criminal jurisdiction for failing to report~~

~~as required by terms of his probation or parole, or for any other violation thereof.~~

~~Section 504.— Notification of parole violations.~~

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

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

~~Section 505.— Absconding from parole.~~

~~The department shall notify the commission whenever a parolee has not made himself available for parole supervision as required by the commission. The commission may then declare the~~

~~individual an absconder from parole and may decide that the period during which such individual was not available for parole supervision shall not count as part of the sentence for which the parolee was originally sentenced.~~

~~Section 506.— Expense of returning parole violators.~~

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

~~Section 507.— Supervision of out of state parolees and — probationers.~~

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

~~Section 508.— Investigations for Board of Pardons.~~

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

~~CHAPTER 6~~

~~PENNSYLVANIA PAROLE COMMISSION~~

~~Section 601.— Establishment of commission.~~

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

~~Section 602. Members of the commission.~~

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

~~(b) The present members of the Pennsylvania Board of Probation and Parole as established by the act of August 6, 1941 (P.L.861, No.323), referred to as the Pennsylvania Board of Probation and Parole Law, shall become members of the new commission until the terms for which they were appointed shall expire and new members shall have been duly appointed, confirmed and certified. Vacancies occurring in an office of a member of the commission by expiration of term, death, resignation, removal or for any other reason shall be filled in the manner aforesaid for the remainder of the term.~~

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

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

~~Section 603. Chairman.~~

~~The Governor shall from time to time, as the occasion may arise, designate one of the members of the commission to be its chairman who shall direct the operations of the commission and fulfill the functions established by this act. He shall preside at all meetings of the commission and perform all the duties and functions of chairman thereof. The commission may designate one of its members to act as chairman during the absence or incapacity of the chairman and, when so acting, the member so designated shall have and perform all the powers and duties of chairman of the commission, but shall not receive any additional compensation for so acting. The chairman, in performing his duties, shall act in accordance with the policies and procedures established by the commission.~~

~~Section 604. Official seal.~~

~~The commission shall adopt an official seal by which its acts and proceedings shall be authenticated and of which the courts shall take judicial notice. The certificate of the chairman of the commission, under the seal of the commission and attested by the secretary, shall be accepted in evidence in any judicial proceeding in any court of this Commonwealth as adequate and~~

1 ~~sufficient proof of the acts and proceedings of the commission~~
2 ~~therein certified to.~~

3 ~~Section 605.—Salaries.~~

4 ~~The salary of the chairman of the commission and the members~~
5 ~~of the commission shall be determined by the Executive Board.~~

6 ~~Section 606.—Political activities restricted.~~

7 ~~(a) No member of the commission, or officer, clerk or~~
8 ~~employee thereof, or any person officially connected therewith,~~
9 ~~shall take any active part in politics or be a member of or~~
10 ~~delegate or alternate to any political convention or be present~~
11 ~~at such convention, except in the performance of his official~~
12 ~~duties hereunder. No member of the commission, officer, clerk or~~
13 ~~employee thereof, or any person officially connected therewith,~~
14 ~~shall serve as a member of or attend the meetings of any~~
15 ~~committee of any political party, or take any part in political~~
16 ~~management or political campaigns, or use his office to~~
17 ~~influence political movements, or to influence the action of any~~
18 ~~other officer, clerk or employee of said commission. No member~~
19 ~~of the commission, officer, clerk or employee thereof, or any~~
20 ~~person officially connected therewith, shall in any way or~~
21 ~~manner interfere with or participate in the conduct of any~~
22 ~~election or the preparation therefor at the polling place, or~~
23 ~~with the election officers while counting the votes or returning~~
24 ~~the ballot boxes, books, papers, election paraphernalia and~~
25 ~~machinery to the place provided by law, or be within any polling~~
26 ~~place, save only for the purpose of voting as speedily as it~~
27 ~~reasonably can be done, or be otherwise within 50 feet thereof,~~
28 ~~except for purposes of ordinary travel or residence during the~~
29 ~~period of time beginning with one hour preceding the opening of~~
30 ~~the polls for holding the election and ending with the time when~~

1 ~~the election officers shall have finished counting the votes and~~
2 ~~have left the polling place. No member of the commission,~~
3 ~~officer, clerk or employee thereof, or any person officially~~
4 ~~connected therewith, shall directly or indirectly make or give,~~
5 ~~demand or solicit, or be in any manner concerned in making,~~
6 ~~giving, demanding, soliciting or receiving any assessments,~~
7 ~~subscriptions or contributions, whether voluntary or~~
8 ~~involuntary, to any political party or for any political purpose~~
9 ~~whatsoever.~~

10 ~~(b) Any person or persons who shall violate any of the~~
11 ~~provisions of this section shall be guilty of a misdemeanor,~~
12 ~~and, upon conviction thereof, be punished by a fine not~~
13 ~~exceeding \$500 and imprisonment not exceeding one year, either~~
14 ~~or both, in the discretion of the court, and in addition~~
15 ~~thereto, shall forfeit his office or employment, as the case may~~
16 ~~be, and shall not thereafter be appointed or employed by the~~
17 ~~commission in any position or capacity whatsoever. It shall be~~
18 ~~the duty of the commission to dismiss from his office or~~
19 ~~employment any officer, clerk or employee thereof who shall~~
20 ~~violate this section.~~

21 ~~Section 607. Employees and offices.~~

22 ~~(a) The commission shall appoint a parole secretary, who~~
23 ~~shall not be a member of the commission, who shall have such~~
24 ~~powers and perform such duties not inconsistent with any law of~~
25 ~~this Commonwealth as the commission shall prescribe. In the~~
26 ~~absence or incapacity of the parole secretary to act the~~
27 ~~commission may designate such other person as it may choose to~~
28 ~~perform temporarily the duties of the parole secretary.~~

29 ~~(b) The commission shall appoint and employ such number and~~
30 ~~character of employees and establish such number of offices as~~

~~may be necessary to carry out the purpose of this act. Such employees shall be appointed, suspended, discharged or otherwise disciplined in accordance with the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," and the act of August 5, 1941 (P.L.752, No.286), known as the "Civil Service Act."~~

~~Section 608. Quorum.~~

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

~~Section 609. Powers and duties.~~

~~(a) The commission shall have exclusive power to parole and reparole, commit and recommit for violations of parole, and to discharge from parole all persons sentenced by any court in this Commonwealth to imprisonment in any State or local correctional facility. However, the powers and duties conferred on the commission shall not extend to persons sentenced for a maximum period of less than two years, and nothing in this act shall prevent any court of this Commonwealth from paroling any person sentenced by it for a maximum period of less than two years. The period of two years shall mean the entire continuous term of sentence to which a person is subject, whether the same be by one or more sentences, either to simple imprisonment or to an indeterminate imprisonment at hard labor, as authorized by law to be imposed for criminal offenses. The power of the commission to parole shall extend to prisoners sentenced to definite or~~

1 flat sentences.

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

23 ~~(c) The commission shall have the power during the period~~
24 ~~for which a person shall have been sentenced to recommit one~~
25 ~~paroled for violation of the terms and conditions of his parole~~
26 ~~and from time to time to reparole and recommit in the same~~
27 ~~manner and with the same procedure as in the case of an original~~
28 ~~parole or recommitment, if, in the judgment of the said~~
29 ~~commission, there is a reasonable probability that the convict~~
30 ~~will be benefited by again according him liberty and it does not~~

~~appear that the interests of the Commonwealth will be injured
thereby.~~

~~(d) The commission shall have the power, subject to the
provisions and limitations set forth in this section, to grant
paroles of its own motion whenever in its judgment the interests
of justice require the granting of the same. In addition
thereto, the commission shall have the power, and it shall be
its duty, to consider applications for parole by a prisoner or
by his attorney, relatives or friends or by any person properly
interested in the matter. Hearings of applications shall be held
by the commission whenever in its judgment hearings are
necessary. Reasonable rules and regulations shall be adopted by
the commission for the presentation and hearing of applications
for parole. Whenever any prisoner is paroled by the commission,
whether of its own motion or after hearing of an application
therefor, or whenever an application for parole is refused by
the commission, a brief statement of the reasons for the
commission's action shall be filed of record in the offices of
the commission and shall be at all reasonable times open to
public inspection; in no case shall a parole be granted, or an
application for parole be dismissed, unless a hearing examiner
or commissioner shall have seen and heard him in person in
regard thereto within six months prior to the granting or
dismissal thereof. Application shall be disposed of by the
commission within six months of the filing thereof. Except in
cases where the Board of Pardons has reduced a minimum term by
commutation, the commission shall initially act on the
application, if possible, before the expiration of the minimum
term so fixed, and in no case more than 30 days thereafter.~~

~~(e) In granting and revoking paroles, and in discharging~~

1 ~~from parole, the members of the commission acting thereon shall~~
2 ~~not be required to personally hear or see all the witnesses and~~
3 ~~evidence submitted to them for their action, but they may act on~~
4 ~~report submitted to them by their agents and employees, together~~
5 ~~with any pertinent and adequate information furnished to them by~~
6 ~~fellow members of the commission or by others.~~

7 ~~(f) At least ten days before paroling a prisoner on its own~~
8 ~~motion the commission shall give written notice of such~~
9 ~~contemplated parole to the district attorney of the county~~
10 ~~wherein the prisoner shall have been sentenced, or to the~~
11 ~~Attorney General if he or she is the prosecuting attorney, and,~~
12 ~~in cases of hearings on applications for parole as herein~~
13 ~~provided for, at least ten days written notice of the time and~~
14 ~~place fixed for such hearing shall be given either by the~~
15 ~~commission or by the applicant, as the commission shall direct,~~
16 ~~to the court and district attorney of the county wherein the~~
17 ~~applicant shall have been sentenced or to the Attorney General~~
18 ~~if he or she is the prosecuting attorney.~~

19 ~~(g) It shall be the duty of the commission, upon the~~
20 ~~commitment to prison of any person whom said commission is~~
21 ~~herein given the power to parole, to investigate and inform~~
22 ~~itself respecting the circumstances of the offense for which~~
23 ~~said person shall have been sentenced, and, in addition thereto,~~
24 ~~it shall procure information as full and complete as may be~~
25 ~~obtainable with regard to the character, mental characteristics,~~
26 ~~habits, antecedents, connections and environment of such person.~~
27 ~~The commission shall further procure the stenographic record, if~~
28 ~~any, of the trial, conviction and sentence, together with such~~
29 ~~additional information regarding the crime for which sentence~~
30 ~~was imposed as may be available. The commission shall further~~

1 ~~cause the conduct of the person while in prison and his~~
2 ~~physical, mental and behavior condition and history and his~~
3 ~~complete criminal record, as far as the same may be known, to be~~
4 ~~investigated and reported. All public officials having~~
5 ~~possession of such records or information are hereby required~~
6 ~~and directed to furnish the same to the commission upon its~~
7 ~~request and without charge therefor. Said investigation shall be~~
8 ~~made by the commission so far as may be practicable while the~~
9 ~~case is recent, and in granting paroles the commission shall~~
10 ~~consider the nature and character of the offense committed and~~
11 ~~any recommendation made by the trial judge as well as the~~
12 ~~general character and history of the prisoner.~~

13 ~~(h) The commission shall, in all cases, consider the~~
14 ~~recommendations of the trial judge and of the district attorney~~
15 ~~or of the Attorney General if he or she is the prosecuting~~
16 ~~attorney and of each warden or superintendent, as the case may~~
17 ~~be, who has had charge of an applicant, each of whom is directed~~
18 ~~to submit to the commission his recommendation and the reasons~~
19 ~~therefor, with respect to each parole application.~~

20 ~~(i) The commission shall have free and ready access to all~~
21 ~~probation and parole records of the counties of this~~
22 ~~Commonwealth.~~

23 ~~(j) The commission shall have the power, and it shall be its~~
24 ~~duty, to make general rules for the conduct and supervision of~~
25 ~~persons heretofore or hereafter placed upon parole. In addition~~
26 ~~to the power to make general rules and regulations hereby~~
27 ~~granted, the commission may, in particular cases, as it deems~~
28 ~~necessary to effectuate the purpose of parole, prescribe special~~
29 ~~regulations for particular parolees.~~

30 ~~(k) It shall be the duty of all prison and parole~~

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

15 ~~(1) It shall be the duty of the court sentencing any person~~
16 ~~for a term, as to which power to parole is herein given to the~~
17 ~~commission, to transmit to the said commission, within 30 days~~
18 ~~after the imposition of such sentence, a full and complete copy~~
19 ~~of the record upon which sentence is imposed, including any~~
20 ~~notes of testimony which may have been filed of record in the~~
21 ~~case, together with copies of any criminal identification~~
22 ~~records secured from the Federal Bureau of Investigation, copies~~
23 ~~of presentence investigation reports and of behavior clinic~~
24 ~~reports, if any were submitted to the court, the last two of~~
25 ~~which records, being confidential records of the court, are to~~
26 ~~be treated confidentially by the members of the commission, who~~
27 ~~shall not permit examination of the same by any one other than~~
28 ~~its duly appointed agents or representatives, except upon court~~
29 ~~order. A judge in his discretion may make at any time any~~
30 ~~recommendation he may desire to the commission respecting the~~

1 ~~person sentenced and the term of imprisonment said judge~~
2 ~~believes such person should be required to serve before a parole~~
3 ~~is granted to him, and no order in respect thereto made or~~
4 ~~attempted to be made as a part of a sentence shall be binding~~
5 ~~upon the commission in performing the duties and functions~~
6 ~~herein conferred upon it.~~

7 ~~Section 610. Parole violators and recommitment.~~

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

27 ~~If a new sentence is imposed upon such parolee, the service~~
28 ~~of the balance of said term originally imposed shall precede the~~
29 ~~commencement of the new term imposed in the following cases:~~

30 ~~(1) If a person is paroled from any State correctional~~

1 ~~facility under the control and supervision of the department~~
2 ~~and the new sentence imposed upon him is to be served in a~~
3 ~~State correctional facility.~~

4 ~~(2) If a person is paroled from a local correctional~~
5 ~~facility and the new sentence imposed upon him is to be~~
6 ~~served in the same local correctional facility.~~

7 ~~In all other cases, the service of the new term for the~~
8 ~~latter crime shall precede commencement of the balance of the~~
9 ~~term originally imposed.~~

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

19 ~~(b) Any parolee under the jurisdiction of the commission~~
20 ~~released from any penal institution in the Commonwealth who,~~
21 ~~during the period of parole, violates the terms and conditions~~
22 ~~of his parole, other than by the commission of a new crime of~~
23 ~~which he is convicted or found guilty by a judge or jury or to~~
24 ~~which he pleads guilty or nolo contendere in a court of record,~~
25 ~~may be recommitted after hearing before the commission. If he is~~
26 ~~so recommitted, he shall be given credit for the time served on~~
27 ~~parole in good standing but with no credit for delinquent time,~~
28 ~~and may be reentered to serve the remainder of his original~~
29 ~~sentence or sentences. Said remainder shall be computed by the~~
30 ~~commission from the time his delinquent conduct occurred for the~~

~~unexpired period of the maximum sentence imposed by the court without credit for the period the parolee was delinquent on parole, and he shall be required to serve such remainder so computed from the date he is taken into custody on the warrant of the commission. Such prisoner shall be subject to reparole by the commission whenever in its opinion the best interests of the prisoner justify or require his being repared and it does not appear that the interests of the Commonwealth will be injured thereby.~~

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

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

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

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

~~(4) If paroled from any other State correctional facility, to the nearest Correctional Diagnostic and Classification Center wherein the person shall be classified for service of the balance of the term in such institution as shall be designated by the secretary.~~

~~Section 611. Applicability.~~

~~(a) Anything herein contained to the contrary notwithstanding, this act shall not apply to institutions for the discipline or correction of juveniles, as defined by~~

~~existing laws, or persons imprisoned in any county jail,
workhouse or other penal or correctional institution under
sentence by an alderman, district justice, or committed in
default of payment of any fine or of bail.~~

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

CHAPTER 7 5

JOINT COUNTY DETENTION FACILITIES

Section 701 501. Establishment of joint county detention
facilities.

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

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

(c) Whenever the commissioners of any two or more adjoining
counties shall decide and agree to construct such joint
detention facilities, they shall acquire a suitable site for the
same. Such site may be selected from suitable lands already held
by any county of the district for county purposes, or from lands
donated for such purposes, or any quantity of land within the

1 respective districts. In the selection of a site, there shall be
2 taken into consideration the objects and purposes of the
3 institution. Title to such land shall be approved by the county
4 solicitor of the county in which the land is located, or such
5 other title guarantee corporation or attorney at law as may be
6 designated by the commissioners of the counties and shall be
7 taken in the name of the county or counties comprising the
8 district. The site, before purchase, shall be approved by the
9 department.

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

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

24 Section ~~702~~ 502. Advisory board.

<—

25 (a) After such joint detention facilities have been erected
26 and equipped and are ready for occupancy, president judges of
27 the judicial districts encompassing the counties joining in the
28 construction of such detention facilities shall appoint an
29 advisory board, to consist of three persons from each of the
30 participating counties. Each president judge shall appoint one

1 member of the advisory board to serve for one year, one to serve
2 for two years and one to serve for three years, or until their
3 successors are appointed and qualified. All appointments at the
4 expiration of any term shall be for a term of three years.

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

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

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

23 Section ~~703~~ 503. Administration of facilities.

<—

24 (a) The county commissioners of the participating counties
25 may, after consultation with the advisory board, employ a
26 superintendent and such other employees as may be necessary to
27 conduct and manage properly such detention facilities, and shall
28 fix their compensation. The duties of such employees shall be
29 prescribed by the rules and regulations of the detention
30 facilities. They shall hold their offices, respectively, during

1 the pleasure of, and their compensation shall be fixed by, the
2 appointing power.

3 (b) The county commissioners of the participating counties
4 shall, before any inmate may be admitted to this institution,
5 after consulting with the advisory board, make general rules and
6 regulations for the management of the detention facilities which
7 rules and regulations shall be effective after they are approved
8 by the department.

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

13 Section ~~704~~ 504. Employment of inmates.

<—

14 Every person sentenced to detention facilities under the
15 provisions of this chapter unless disqualified by sickness or
16 otherwise, shall as deemed necessary and reasonable be kept at
17 some useful employment, such as may be suited to his or her age
18 and capacity, and such as may tend to promote the best interest
19 of the inmate.

20 Section ~~705~~ 505. Costs.

<—

21 (a) The cost of transporting inmates committed to the
22 detention facilities shall be paid by the counties,
23 respectively, from which the prisoners are committed. The
24 sheriff of the county, for prisoners committed by the court and
25 constables for prisoners committed by district justices, shall
26 receive for such prisoners committed to the detention facilities
27 no mileage or traveling expenses on writs, except the actual
28 cost of transporting said prisoners so committed to the
29 detention facilities, together with any other fees for their
30 services allowed by law.

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

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

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

23 (e) The county commissioners of each county joining in
24 establishing detention facilities as provided for in this
25 chapter, may make appropriations or incur or increase the
26 indebtedness of the county, in the manner now provided by law,
27 to an amount sufficient to pay its proportionate part of the
28 cost of acquiring a site and of erecting, constructing and
29 equipping the said detention facilities, by issuing bonds
30 payable within 30 years from the date of issue. The county

1 commissioners of such county shall levy an annual tax in an
2 amount necessary to pay interest and sinking fund charges upon
3 such bonds.

4 Section ~~706~~ 506. Property exempt from taxation. <—

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

7 CHAPTER 8 6 <—

8 MISCELLANEOUS PROVISIONS

9 Section ~~801~~ 601. Transfer of personnel, appropriations, <—
10 records, etc.

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

27 (b) Until such time as a secretary of the department shall
28 be appointed and confirmed, the Governor shall appoint such
29 personnel as shall be necessary to implement the purposes of
30 this act.

1 (c) The department ~~and the commission~~ may request from any <—
2 person such relevant information as the department ~~or the~~ <—
3 ~~commission~~ deems necessary to exercise its duties. All public
4 officials are hereby required and directed to furnish such
5 information upon request of the department ~~and the commission~~ <—
6 ~~and~~ without charge therefor.

7 Section ~~802~~ 602. Savings provisions. <—

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

12 Section ~~803~~ 603. Transfers. <—

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

20 Section ~~804~~ 604. Repeals. <—

21 (a) The following acts and parts of acts are repealed
22 absolutely:

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

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

29 Section 1, act of January 17, 1831 (P.L.12, No.12), entitled
30 "A further supplement to an act entitled, 'An act to reform the

1 penal laws of this Commonwealth.'"

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

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

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

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

17 Section 1, act of February 27, 1847 (P.L.172, No.131),
18 entitled "An act requiring the inspectors of prisons, sheriffs,
19 prothonotaries and clerks of criminal courts and others, to make
20 annual returns to the secretary of the commonwealth, and for
21 other purposes."

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

24 Act of April 16, 1866 (P.L.105, No.93), entitled "An act to
25 authorize the inspectors and warden of any of the penitentiaries
26 to permit the use of tobacco, by convicts, as a reward for good
27 conduct."

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

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

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

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

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

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

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

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

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

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

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

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

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

23 Act of May 2, 1901 (P.L.126, No.92), entitled "An act to
24 provide for the sale of unserviceable machinery in the
25 Industrial Reformatory at Huntingdon, Pennsylvania, and the
26 other State Reformatories, when said machinery has been
27 purchased by appropriations made from the State Treasury for the
28 purpose."

29 Section 1, act of March 20, 1903 (P.L.45, No.48), entitled
30 "An act to make active or visiting committees, of societies

1 incorporated for the purpose of visiting and instructing
2 prisoners, official visitors of penal and reformatory
3 institutions."

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

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

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

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

22 Act of July 25, 1913 (P.L.1311, No.816), entitled "An act
23 providing for the establishment of a State Industrial Home for
24 Women; authorizing the purchase of a site, and the erection
25 thereon and equipment of necessary buildings; providing for the
26 commitment to said State Industrial Home for Women of females
27 between the ages of sixteen and thirty years, convicted of, or
28 pleading guilty to, the commission of any criminal offense; and
29 providing for the government and management of said institution;
30 and making an appropriation to carry out the purposes of this

1 act."

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

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

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

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

29 Subsection (b) of section 10, act of May 25, 1921 (P.L.1144,
30 No.425), entitled "An act creating a Department of Public

1 Welfare; defining its powers and duties; abolishing the Board of
2 Public Charities, the Committee on Lunacy, and the Prison Labor
3 Commission, and all offices thereunder, and vesting all the
4 powers of said board, committee, and commission in the
5 Department of Public Welfare; requiring all reports, notices,
6 statements, or matters, heretofore required to be made, given,
7 or submitted to the Board of Public Charities or the Committee
8 on Lunacy, to be made, given, or submitted to the Department of
9 Public Welfare; and providing penalties."

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

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

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

27 Section 4, act of May 4, 1927 (P.L.761, No.399), entitled "An
28 act providing for the preparation of plans and specifications
29 and for the erection of the Eastern State Penitentiary on lands
30 acquired therefor; imposing duties in connection therewith upon

1 the Governor, the Board of Trustees of Eastern State
2 Penitentiary, and the Department of Welfare; and making an
3 appropriation."

4 Sections 911, 912, 913, 914, 914.1, 915 and 916, act of April
5 9, 1929 (P.L.177, No.175), known as "The Administrative Code of
6 1929."

7 ~~Act of May 1, 1929 (P.L.1182, No.414), entitled "An act~~ <—
8 ~~providing the procedure and the powers of the State Board of~~
9 ~~Pardons and boards of trustees of penitentiaries where prisoners~~
10 ~~released on parole violate the terms of such parole; and fixing~~
11 ~~the penalty for such violation."~~

12 ~~Act of May 1, 1929 (P.L.1183, No.415), entitled "An act~~
13 ~~relating to persons paroled from the Pennsylvania Industrial~~
14 ~~Reformatory at Huntingdon; and regulating the procedure when~~
15 ~~such persons violate the terms of paroles, and the effect of~~
16 ~~such violations."~~

17 Sections 1, 2, 3, 4, 4.1, 5 and 6, act of June 21, 1937
18 (P.L.1944, No.376), entitled, as amended, "An act providing for
19 the erection, construction and equipment of a new Pennsylvania
20 Industrial School, to take the place of the present Pennsylvania
21 Industrial School at Huntingdon; designating the manner of
22 acquiring or setting aside of land for the erection and
23 construction of the new school by The General State Authority;
24 authorizing the Commonwealth to lease the new school and its
25 grounds from The General State Authority upon its completion;
26 providing that the cost of maintaining inmates therein be borne
27 by the Commonwealth and the counties to the extent and in the
28 manner provided by law in the case of inmates maintained in the
29 Pennsylvania Industrial School at Huntingdon; creating the Board
30 of Trustees of the Pennsylvania Industrial School; defining its

1 powers and duties, and conferring powers, and imposing duties
2 upon certain State departments, boards, commissions, and
3 officers."

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

20 Section 3, act of March 26, 1945 (P.L.60, No.34), entitled
21 "An act to amend the title and sections four and six of the act,
22 approved the twenty-first day of June, one thousand nine hundred
23 thirty-seven (Pamphlet Laws, one thousand nine hundred forty-
24 four), entitled 'An act providing for the erection, construction
25 and equipment of a new Pennsylvania Industrial School, to take
26 the place of the present Pennsylvania Industrial School at
27 Huntingdon; designating the manner of acquiring or setting aside
28 of land for the erection and construction of the new school by
29 The General State Authority; authorizing the Commonwealth to
30 lease the new school and its grounds from The General State

1 Authority upon its completion, and the Department of Welfare to
2 manage and operate the same; providing that the cost of
3 maintaining inmates therein be borne by the Commonwealth and the
4 counties to the extent and in the manner provided by law in the
5 case of inmates maintained in the Pennsylvania Industrial School
6 at Huntingdon; and conferring powers, and imposing duties upon
7 certain State departments, boards, commissions, and officers,'
8 by changing the provisions of the act authorizing the Department
9 of Welfare to manage and operate the same; creating the Board of
10 Trustees of the new Pennsylvania Industrial School, and defining
11 its powers and duties."

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

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

22 Act of July 29, 1953 (P.L.1435, No.411), entitled "An act
23 relating to the more effective treatment of persons convicted of
24 crime or committed as defective delinquents; creating in the
25 Department of Justice correctional diagnostic and classification
26 centers; providing for the diagnosis and classification of
27 persons sentenced or committed by the courts to a State
28 institution; fixing the responsibility for costs of
29 transportation and maintenance of such persons; prescribing
30 duties of the courts and the powers and duties of the Department

1 of Justice relative thereto; making civil and criminal laws
2 applicable to penitentiaries and persons therein or responsible
3 therefor applicable in the case of the said institutions."

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

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

16 ~~Act of September 2, 1961 (P.L.1177, No.525), entitled "An act~~ <—
17 ~~fixing the salaries and compensation of members of certain~~
18 ~~boards and commissions, and repealing inconsistent acts,"~~
19 ~~insofar as it provides salaries for members of the Pennsylvania~~
20 ~~Board of Probation and Parole.~~

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

25 Act of December 27, 1965 (P.L.1237, No.502), entitled "An act
26 establishing regional correctional facilities administered by
27 the Bureau of Correction as part of the State correctional
28 system; establishing standards for county jails, and providing
29 for inspection and classification of county jails and for
30 commitment to State correctional facilities and county jails."

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

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

13 42 Pa.C.S. § 9107 (relating to administrator and information
14 agent).

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

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

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

26 (c) All other acts and parts of acts, general, local and
27 special are repealed insofar as they are inconsistent with the
28 provisions of this act.

29 Section ~~805~~ 605. Effective date. <—

30 This act shall take effect on July 1, 1982. However, the

1 Governor may immediately nominate, and with the advice and
2 consent of a majority of all members elected to the Senate,
3 appoint the Secretary of Corrections, whose term of office shall
4 begin as soon as he shall be confirmed.