

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1374

Session of
1979

INTRODUCED BY RHODES, CESSAR, IRVIS, ITKIN, KNIGHT, SEVENTY,
PISTELLA, MURPHY, DAWIDA, MICHLOVIC, KNEPPER, AUSTIN,
TADDONIO, POTT, McVERRY, GOEBEL, FISHER, GAMBLE AND ZORD,
MAY 22, 1979

REFERRED TO COMMITTEE ON URBAN AFFAIRS, MAY 23, 1979

AN ACT

1 Establishing a county prison board for any county of the second
2 class and providing for the powers and duties thereof.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the "Second Class
7 County Prison Board Act."

8 Section 2. Definitions.

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

12 "Board." The county prison board of a second class county.

13 Section 3. Establishment and composition.

14 (a) Establishment.--There is hereby established a county
15 prison board in any county of the second class which shall be
16 named the " County Prison Board."

17 (b) Composition.--The board shall be composed of:

- 1 (1) The county commissioners.
- 2 (2) The president judge of the court of common pleas of
3 the county.
- 4 (3) The county sheriff.
- 5 (4) The county controller.
- 6 (5) The mayor of any city of the second class situate
7 within the county.
- 8 (6) Four citizen members as provided in subsection (c).

9 (c) Citizen members.--The four citizen members shall not be
10 employees of the county or of the Commonwealth. They shall serve
11 for a term of three years. Two citizen members shall be
12 appointed by the chairman of the county commissioners and two
13 shall be appointed by the president judge of the court of common
14 pleas.

15 Section 3. Powers and duties.

16 (a) General rule.--The board shall administer the county
17 prison to include the operation and maintenance of the prison,
18 the safekeeping of inmates and the employment of a warden.

19 (b) Living conditions.--The board shall insure that the
20 living conditions within the prison are healthful and otherwise
21 adequate.

22 (c) Inspection.--The board shall, at least twice each year,
23 conduct an unannounced inspection of the prison's physical
24 plant. During such inspections the board shall interview a
25 cross-section of inmates, out of the presence of the warden and
26 his agents, to determine the conditions within the prison.

27 (d) Compliance with laws and regulations.--The board shall
28 insure that the prison is being operated in accordance with its
29 regulations, the laws and regulations of the Commonwealth and of
30 the United States.

1 (e) Investigations.--The board shall investigate allegations
2 of inadequate prison conditions and improper practices occurring
3 within the prison and may make such other investigations or
4 reviews of prison operation and maintenance. The books, papers
5 and records of the prison, including but not limited to, the
6 papers and records of the warden and those relating to
7 individual inmates, shall at all times be available for
8 inspection by the board.

9 Section 4. Rules and regulations.

10 The board shall, in the manner provided by law, promulgate
11 such rules, regulations and forms it deems necessary for the
12 proper administration of the board and for the operation of the
13 prison.

14 Section 5. Warden.

15 (a) Appointment.--The board shall appoint a warden to serve
16 at its pleasure and shall fix his salary.

17 (b) Employees.--Subject to the board's approval, the warden
18 shall employ such deputies, assistants and other personnel
19 required to adequately operate the prison.

20 Section 6. Board meetings.

21 The board shall meet at least once each month and shall keep
22 regular minutes of its proceedings which shall be open to public
23 inspection.

24 Section 7. Contracts and purchases.

25 All expenditures, required for the maintenance and support of
26 the prisoners, the repairs and improvement of said prison, shall
27 be paid from the county treasury, by warrants, drawn in the
28 manner provided by law, on the regular appropriation for the
29 purpose. All contracts involving an expenditure exceeding \$100
30 shall be in writing and shall immediately after their execution

1 be filed with the controller of the county. No contracts shall
2 be made, nor the payment thereof be certified by the controller,
3 for over \$500, unless made with the lowest and best bidder after
4 due notice to be published by the controller, if he approved the
5 purpose of the proposals invited. All purchases of materials and
6 supplies shall be made through the purchasing department of the
7 county, and all bids shall be received by the controller under
8 seal and shall be opened in his presence by the board and the
9 contracts awarded thereof. The controller shall keep a record of
10 all such awards and shall certify no warrant for contracts not
11 made agreeable thereto.

12 Section 8. Transition provisions.

13 (a) Certain boards abolished.--Any board of prison
14 inspectors or board of managers of prisons or workhouses are
15 hereby abolished on the effective date of this act.

16 (b) Books and records.--All books, papers and records of
17 these boards shall be transferred to the county prison board.

18 (c) Property and contracts.--The county prison board shall
19 assume ownership of all real and personal property owned by the
20 boards abolished in subsection (a) and shall assume all rights,
21 duties and obligations of any contract entered into by the
22 abolished boards.

23 Section 9. Repeals.

24 (a) Specific repeals.--The following acts and supplements to
25 acts are hereby repealed absolutely:

26 Act of March 23, 1865 (P.L.607, No.599), entitled "An act for
27 the better management of the Allegheny county prison."

28 Act of February 1, 1866 (P.L.8, No.11), entitled "A
29 supplement to an act, entitled 'An Act for the better management
30 of the Allegheny county prison,' approved the twenty-third day

1 of March, Anno Domini one thousand eight hundred and sixty-
2 five."

3 Act of April 4, 1868 (P.L.691, No.640), entitled "A
4 supplement to an act, entitled 'A supplement to an act for the
5 better management of the Allegheny county prison,' approved the
6 first day of February, eighteen hundred and sixty-six."

7 Act of January 28, 1870 (P.L.94, No.71), entitled "A
8 supplement to an act, entitled 'A supplement to an act for the
9 better management of Allegheny county prison,' approved the
10 first day of February, Anno Domini one thousand eight hundred
11 and sixty-six."

12 Act of February 14, 1871 (P.L.53, No.58), entitled "An act
13 supplementary to an act, entitled 'A supplement to an act for
14 the better management of Allegheny county prison,' approved the
15 first day of February, Anno Domini one thousand eight hundred
16 and sixty-six."

17 Act of March 8, 1871 (P.L.184, No.192), entitled "A
18 supplement to an act, entitled 'A supplement to an act for the
19 better management of the Allegheny county prison,' approved the
20 first day of February, Anno Domini one thousand eight hundred
21 and sixty-six."

22 Act of March 23, 1872 (P.L.559, No.517), entitled "A
23 supplement to an act, entitled 'A supplement to an act for the
24 better management of the Allegheny County prison,' approved the
25 first day of February, one thousand eight hundred and sixty-
26 six."

27 Act of April 1, 1873 (P.L.470, No.492), entitled "A
28 supplement to an act, entitled 'A supplement to an act for the
29 better management of the Allegheny county prison,' approved the
30 first day of February, Anno Domini one thousand eight hundred

1 and sixty-six."

2 Act of August 5, 1941 (P.L.829, No.307), entitled "An act to
3 amend section three of the act, approved the twenty-third day of
4 March, one thousand eight hundred and sixty-five (Pamphlet Laws,
5 six hundred seven), entitled, 'An act for the better management
6 of the Allegheny county prison', by requiring all contracts
7 involving an expenditure exceeding one hundred dollars to be in
8 writing and filed with the county controller, and prohibiting
9 the making of any contract involving the expenditure of over
10 five hundred dollars unless made with the lowest and best bidder
11 after due advertising, and requiring all purchases to be made
12 through the purchasing department of the county, and providing
13 for the opening of bids and the award of contracts."

14 Act of August 19, 1953 (P.L.1069, No.275), entitled "An act
15 to amend section 5 of the act, approved the first day of
16 February, one thousand eight hundred sixty-six (Pamphlet Laws
17 8), entitled 'A supplement to an act, entitled "an Act for the
18 better management of the Allegheny county prison," approved the
19 twenty-third day of March, Anno Domini one thousand eight
20 hundred and sixty-five,' by further regulating the transfer or
21 removal of inmates from jails in Allegheny County, and further
22 providing for the transfer of mentally ill inmates to State
23 mental hospitals."

24 (b) General repeal.--All acts or parts of acts inconsistent
25 herewith are hereby repealed to the extent of the inconsistency.
26 Section 10. Effective date.

27 This act shall take effect in six months.