

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 283

Session of
1985

INTRODUCED BY LESCOVITZ, PRATT AND VEON, FEBRUARY 11, 1985

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 11, 1985

AN ACT

1 Amending the act of April 9, 1929 (P.L.177, No.175), entitled
2 "An act providing for and reorganizing the conduct of the
3 executive and administrative work of the Commonwealth by the
4 Executive Department thereof and the administrative
5 departments, boards, commissions, and officers thereof,
6 including the boards of trustees of State Normal Schools, or
7 Teachers Colleges; abolishing, creating, reorganizing or
8 authorizing the reorganization of certain administrative
9 departments, boards, and commissions; defining the powers and
10 duties of the Governor and other executive and administrative
11 officers, and of the several administrative departments,
12 boards, commissions, and officers; fixing the salaries of the
13 Governor, Lieutenant Governor, and certain other executive
14 and administrative officers; providing for the appointment of
15 certain administrative officers, and of all deputies and
16 other assistants and employes in certain departments, boards,
17 and commissions; and prescribing the manner in which the
18 number and compensation of the deputies and all other
19 assistants and employes of certain departments, boards and
20 commissions shall be determined," further providing for the
21 powers and duties of the Department of Corrections.

22 The General Assembly of the Commonwealth of Pennsylvania
23 hereby enacts as follows:

24 Section 1. Section 901-B of the act of April 9, 1929
25 (P.L.177, No.175), known as The Administrative Code of 1929,
26 added December 30, 1984 (P.L. , No.245), is amended to read:

27 Section 901-B. General Powers and Duties of the

1 Department.--(a) The Department of Corrections which is hereby
2 established as an administrative department shall have the
3 powers and duties granted to and imposed upon it by this article
4 and by any other statutory provisions.

5 (b) In addition the Department and Secretary of Corrections
6 shall have all the powers and duties granted to and imposed upon
7 the former Bureau and Commissioner of Correction prior to the
8 effective date of this article and shall also have all the
9 powers and duties formerly vested in and exercised by the
10 General Counsel and the Office of General Counsel insofar as
11 such powers and duties related to the administration, management
12 and supervision of penal and correctional facilities, programs
13 and services.

14 (c) (1) The Department of Corrections shall have the power
15 and its duty shall be to regulate the establishment and the
16 operation of private prisons in this Commonwealth.

17 (2) To the extent possible, all regulations currently
18 contained in and hereinafter promulgated by the Department of
19 Corrections as set forth in 37 Pa.Code Chs. 91 through 95 shall
20 apply to all private prisons.

21 (3) The Department of Corrections shall have the power to
22 prepare and promulgate rules and regulations for the
23 establishment and operation of private prisons.

24 (4) As used in this subsection the term "private prisons"
25 means a facility for the incarceration of prisoners which is not
26 owned and operated by the Federal Government, by the
27 Commonwealth or by a political subdivision of the Commonwealth.
28 The term shall not include a facility for the detention of
29 juvenile offenders operated under contract with the Department
30 of Public Welfare.

1 Section 2. This act shall take effect in 60 days.