

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1451 Session of
1985

INTRODUCED BY CIMINI, LETTERMAN AND TRELLO, JUNE 19, 1985

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 19, 1985

AN ACT

1 Relating to the State correctional institutions and the care and
2 maintenance of prisoners therein; and providing for the
3 reimbursement for the Commonwealth in certain cases.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Prison
8 Reimbursement Act.

9 Section 2. Reports of prisoner's financial responsibility to
10 Auditor General.

11 The superintendents of the various State correctional
12 institutions shall forward to the Auditor General a list
13 containing the name of each prisoner, the county from which the
14 prisoner was sentenced, the term of sentence, the date of
15 admission and information available on the financial
16 responsibility of the prisoner. The report shall be made on
17 blanks to be furnished by the Auditor General and shall be made
18 on or before the tenth day of each month.

1 Section 3. Investigation.

2 The Auditor General shall investigate or cause to be
3 investigated reports furnished by superintendents for the
4 purpose of securing reimbursement for the expense of the
5 Commonwealth for the care, custody and control of prisoners.

6 Section 4. Appointment of guardian; procedure; additional
7 remedy.

8 (a) General rule.--Whenever it shall be found that a person
9 has been admitted to a State correctional institution as a
10 prisoner, the Auditor General or the district attorney of the
11 county from which the person was so sentenced shall, if the
12 prisoner be possessed of an estate or shall thereafter while
13 remaining in an institution become possessed thereof, petition
14 the court of common pleas of the county from which the person
15 was sentenced stating that the person is a prisoner in a State
16 correctional institution; stating that the petitioner has good
17 reason to believe and does believe that the prisoner has an
18 estate; praying for the appointment of a guardian of the
19 prisoner if a guardian has not already been so appointed; and
20 seeking that the estate may be subjected to payment to the
21 Commonwealth of the expenses paid and to be paid by it on behalf
22 of the person as a prisoner. The court shall thereupon issue a
23 citation to show cause why the prayer of the petitioner should
24 not be granted. If the prisoner has a guardian, it shall be
25 served upon the guardian. If the prisoner has no guardian, it
26 shall be served upon the prisoner by delivering a copy thereof
27 personally or by certified mail to the superintendent of the
28 correctional institution where the prisoner is being detained at
29 least 14 days before the date of hearing. The court may appoint
30 a guardian of the prisoner. At the time of the hearing, if it

1 appears that the prisoner has an estate which ought to be
2 subjected to the claim of the Commonwealth, the court shall
3 without further notice appoint a guardian of the person and
4 estate of the prisoner if the court deems one necessary for the
5 protection of the rights of all parties so concerned. The court
6 shall make an order requiring the guardian or person or
7 corporation possessed of the estate belonging to the prisoner to
8 appropriate and apply as much of the estate as the court deems
9 proper to the reimbursement of the Commonwealth for expenses
10 incurred by it on behalf of the prisoner prior to the hearing
11 and to appropriate and apply as much of the estate as the court
12 deems proper to the reimbursement of the Commonwealth for future
13 expenses which it must pay on behalf of the prisoner, which
14 later reimbursement shall not be in excess of the per capita
15 cost of maintaining prisoners in the institution in which the
16 prisoner is an inmate, regard being had to claims of persons
17 having a moral or legal right to maintenance out of the estate
18 of the prisoner. If a guardian, person or corporation shall
19 neglect or refuse to comply with the order, the court shall cite
20 the guardian, person or corporation to appear before the court
21 at a time it may direct and to show cause why the guardian,
22 person or corporation should not be sentenced for contempt of
23 court. As an additional remedy, the Auditor General or district
24 attorney may enforce payment of the sums provided in the
25 original order by a proper action in the name of the
26 Commonwealth. If, in the opinion of the court, the estate of the
27 prisoner is sufficient to pay the cost of the proceeds, the
28 estate shall be made liable therefor by order of the court.

29 (b) Time period.--The proceedings provided for by this
30 section may be begun at any time after a prisoner admitted to a

1 State correctional institution, and recovery may be had for the
2 expense incurred on behalf of the prisoner during the entire
3 period the person has been confined as a prisoner in the State
4 correctional institution.

5 Section 5. Future maintenance of prisoner.

6 (a) Claim.--When a prisoner is admitted to a State
7 correctional institution, the Attorney General may file a claim
8 for future maintenance and support of the prisoner with the
9 court from which the prisoner was sentenced. Thereupon, the
10 court may make an order making the prisoner's estate or property
11 liable for the prisoner's future care and support and providing
12 that the claim shall constitute a lien upon all property, real
13 and personal, of the prisoner.

14 (b) Procedure.--All proceedings to enforce liens under this
15 act against property shall be instituted by complaint in the
16 name of the people of the Commonwealth addressed to the court of
17 common pleas of the county in which the property is situated.
18 The complaint shall be signed by the Attorney General and need
19 not be otherwise verified. The complaint shall show the name of
20 the prisoner, date and place of sentence, length of time set
21 forth in the sentence, description of the property against which
22 the lien exists, and the amount due the Commonwealth for the
23 care, support and maintenance of the prisoner. In no case shall
24 the property be sold to satisfy the claim of the Commonwealth
25 within 60 days after the entry of the decree. The lien may be
26 removed by filing a bond approved by the court for payment of
27 the claim or by payment of the claim itself. Otherwise the sale
28 of the property shall be conducted the same as in cases of
29 enforcement of liens.

30 Section 6. Certified copy of order filed with recorder of

1 deeds; lien on property; fee.

2 Upon the issuance of a decree or order, it shall be the duty
3 of the Auditor General or the district attorney of the county in
4 which the decree or order was issued to record a certified copy
5 of the decree or order in the office of the recorder of deeds in
6 the county where property of the prisoner is located. When the
7 decree or order is so recorded, it shall operate as a lien
8 against the property until removed under section 5(b). The
9 decree or order shall be recorded without payment of any
10 recording fee by the Auditor General or district attorney.

11 Section 7. Assistance in securing reimbursement of State.

12 It shall be the duty of the sentencing judge, the sheriff of
13 the county and the superintendent of the correctional
14 institution to furnish, on inquiry, to the Auditor General or
15 district attorney all information and assistance possible to
16 enable the Auditor General or district attorney to secure
17 reimbursement for the Commonwealth.

18 Section 8. Investigation costs; reimbursements credited to
19 General Fund.

20 The costs of investigations shall be paid from the
21 reimbursements secured under this act, and the balance of the
22 reimbursements shall be credited to the General Fund to be
23 available for General Fund purposes. The Auditor General is
24 hereby authorized to determine the amount due the Commonwealth
25 in the cases and render statements thereof, and the sworn
26 statements shall be considered prima facie evidence of the
27 account. The Auditor General is further authorized to carry out
28 this act and employ assistance as may be necessary to do so.

29 Section 9. Construction of act relative to moneys saved from
30 earnings.

1 This act shall not apply to any moneys saved from earnings by
2 the prisoner during the period of incarceration.

3 Section 10. Effective date.

4 This act shall take effect in 90 days.