
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 612

Session of
1989

INTRODUCED BY RICHARDSON, HAGARTY, LINTON, DeWEESE, ACOSTA,
BISHOP, CARN, EVANS, HARPER, HUGHES, JAMES, OLIVER, PRESTON,
ROBINSON, ROEBUCK, THOMAS, WILLIAMS, R. C. WRIGHT, KOSINSKI,
KUKOVICH, CAWLEY, TIGUE, BILLOW, DALEY, HECKLER, HAYDEN,
BORTNER, REBER, McVERRY AND MILLER, FEBRUARY 15, 1989

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
FEBRUARY 6, 1990

AN ACT

1 Providing for official visitation of prisons.

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

4 Section 1. Short title.

5 This act shall be known and may be cited as the Official
6 Visitation of Prisons Act.

7 Section 2. Definitions.

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

11 "Official visitor." The Governor, Lieutenant Governor,
12 PRESIDENT PRO TEMPORE AND members of the Senate ~~and~~, SPEAKER AND <—
13 MEMBERS OF THE House of Representatives, justices and judges of
14 the courts of record, ~~the~~ General Counsel, ~~the~~ Attorney General <—
15 and his deputies, and authorized members of the Pennsylvania

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

5 "SECRETARY." THE SECRETARY OF CORRECTIONS OF THE
6 COMMONWEALTH.

7 Section 3. Visitation.

8 (a) ~~Day and time~~ TIME.--Any official visitor is hereby
9 authorized to enter and visit any local or State correctional
10 facility on any AND EVERY day, including Sundays, between the
11 hours of 9 a.m. and 5 p.m., ~~but shall not be authorized to enter~~
12 ~~and visit at any other time except~~ VISITS AT ANY OTHER TIME
13 SHALL BE MADE ONLY with the special permission of the
14 correctional official in charge of the facility.

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

26 (c) Temporary denial of visitation for local facilities.--If
27 the correctional official in charge of a local correctional
28 facility has previously determined that an emergency exists at
29 the facility, the correctional official may, with the approval
30 of the president judge of the court of common pleas for the

1 district where the facility is located, temporarily deny entry
2 to an official visitor. If this temporary exclusion exceeds 72
3 hours, the official visitor may apply to Commonwealth Court for
4 a ruling upon the president judge to show cause why the official
5 visitor should not be permitted entry into the correctional
6 facility.

7 (d) Interviews ~~with inmates~~.--Official visitors shall have <—
8 the right to interview privately any prisoner or inmate confined
9 in any State or local correctional facility, and for that
10 purpose to enter the cell, room or apartment wherein any
11 ~~prisoner or inmate is~~ PRISONERS OR INMATES ARE confined. <—
12 However, if the ~~correctional officer~~ SUPERINTENDENT OR PERSON in <—
13 charge of the facility at the time of the visit is of the
14 opinion that ~~the~~ entry into ~~the~~ A cell would be dangerous to ~~the~~ <—
15 ~~safety of the visitor, then the correctional officer in~~ THE <—
16 DISCIPLINE OF THE FACILITY, THEN THE SUPERINTENDENT OR PERSON IN
17 charge may conduct any ~~inmate~~ INMATES, with whom the official <—
18 visitor may desire a private interview, into another cell or
19 room as he may designate and there permit the private interview
20 between the official visitor and the inmate to take place.

21 (e) Official visitors and employees not exempt from
22 prosecution.--Official visitors and their employees shall not be
23 exempt from prosecution for any criminal offense including, but
24 not limited to, a violation of 18 Pa.C.S. ~~§ 5121~~ §§ 5121 <—
25 (relating to escape), 5122 (relating to weapons or implements
26 for escape) ~~or~~ AND 5123 (relating to contraband). <—

27 (f) ~~Revocation of visitor rights~~ DECREE OF COURT.--If an <—
28 official visitor violates any provision of this section, any
29 ~~correctional~~ SUPERINTENDENT, WARDEN OR official in charge of a <—
30 local or State correctional facility may apply to the ~~court of~~ <—

1 ~~common pleas in the county wherein the institution is located~~
2 APPROPRIATE COURT for a ruling upon the visitor to show cause <—
3 why he or she should not be deprived of his or her official
4 visitation status, and, upon proof to the satisfaction of the
5 court, ~~it~~ THE COURT shall enter a decree against the official <—
6 visitor depriving him or her of all rights, privileges and
7 functions of official visitors.

8 Section 4. Employees of official visitor.

9 One employee of an official visitor may accompany the
10 official visitor when visiting any ~~State or local~~ PRISON, JAIL <—
11 OR STATE OR REGIONAL correctional facility and may be present
12 during an interview conducted by the official visitor.

13 ~~Section 5. Powers and duties of Attorney General.~~ <—

14 ~~Nothing contained in this act shall be construed in anywise~~
15 ~~to diminish the power and authority, as otherwise provided by~~
16 ~~law, of the Attorney General.~~

17 ~~Section 6. Repeals.~~

18 ~~The following acts and parts of acts are repealed:~~

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

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

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

30 ~~Section 7. Effective date.~~

1 ~~This act shall take effect immediately.~~

2 SECTION 5. REPEALS.

<—

3 ALL ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS THEY ARE
4 INCONSISTENT WITH THIS ACT.

5 SECTION 6. EFFECTIVE DATE.

6 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.