

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 2081 Session of
1993

INTRODUCED BY S. H. SMITH, FARGO, CLARK, HUTCHINSON, SCHULER,
WOZNIAK, MILLER, MAITLAND, TRELLO AND HENNESSEY,
OCTOBER 4, 1993

REFERRED TO COMMITTEE ON LOCAL GOVERNMENT, OCTOBER 4, 1993

AN ACT

1 Amending the act of August 9, 1955 (P.L.323, No.130), entitled
2 "An act relating to counties of the third, fourth, fifth,
3 sixth, seventh and eighth classes; amending, revising,
4 consolidating and changing the laws relating thereto,"
5 further providing for the location of certain public offices
6 and public records.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 405 of the act of August 9, 1955
10 (P.L.323, No.130), known as The County Code, amended October 17,
11 1974 (P.L.750, No.252), is amended to read:

12 Section 405. Location of Offices, Records and Papers.--(a)
13 The commissioners, auditors, controller, treasurer, sheriff,
14 recorder of deeds, prothonotary, clerk of courts of quarter
15 sessions and oyer and terminer, clerk of orphans' court,
16 register of wills, recorder of deeds and district attorney shall
17 keep their respective offices, and all public records and papers
18 belonging thereto, at the county seat or in a municipality
19 contiguous to the county seat, and in such buildings as may be

1 erected or appropriated for such purpose. The county
2 commissioners shall have the power to keep and maintain records
3 and to contract with persons, for storage, retrieval, and
4 transmission of county records within or outside the county
5 except that no records shall be stored outside the county seat
6 without the approval of the president judge and the officer in
7 charge of the office to which the records belong. Public records
8 stored outside of the county seat shall be made accessible to
9 the general public at the county seat by means of an electronic
10 telecopying system or facility which will permit the retrieval
11 of the records or exact copies thereof within three business
12 days.

13 County records used on a regular or frequent basis shall
14 remain in the county seat or in a municipality contiguous to the
15 county seat.

16 (b) The county commissioners shall furnish each of such
17 officers with an office in the county building, court house or
18 other building at the county seat or in a building in a
19 municipality contiguous to the county seat.

20 (c) Any person failing or refusing to maintain his office
21 and to keep all public records and papers belonging thereto in
22 the buildings appropriated for such purpose in accordance with
23 the provisions of this section, shall be guilty of a
24 misdemeanor, and, upon conviction thereof, shall be sentenced to
25 undergo imprisonment until he complies with the provisions of
26 this section, or until sooner discharged by order of the court,
27 and to pay a fine not exceeding five hundred dollars (\$500), to
28 be paid to the use of the county.

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