

qualified person to serve until a judge is elected and installed as the law provides.

If for any reason [the judge] either or both of said judges shall be temporarily absent from or incapacitated for service in the court and it shall become necessary to have another to act in [his] their stead, the president judge of the county court shall have the authority to meet such emergency either by serving in that capacity himself or by appointing a judge or judges from the county court to serve in the interim: Provided, however, That in such service or appointment the president judge of the county court may be guided by the recommendations of the judge or judges of the juvenile court, when such are offered.

Section 3. At the municipal election in November, 1965, the additional judge of the Juvenile Court of Allegheny County provided for by this act shall be elected by the qualified electors of the county, and the candidate who then receives the highest vote shall be declared elected.

Section 4. The Governor may appoint a competent person, learned in the law, as an additional judge of the Juvenile Court of Allegheny County, to serve until the first Monday of January, 1966.

Section 5. This act shall take effect immediately.

APPROVED—The 14th day of June, A. D. 1965.

WILLIAM W. SCRANTON

No. 90

AN ACT

HB 138

Amending the act of July 28, 1953 (P. L. 723), entitled "An act relating to counties of the second class; amending, revising, consolidating and changing the laws relating thereto," authorizing the creation, and prescribing the powers and duties of the office of public defender and removing the power of the county commissioners to make appropriations for payment of certain public defenders.

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

Section 1. Subdivision (p) of article XXI, act of July 28, 1953 (P. L. 723), known as the "Second Class County Code," added August 27, 1963 (P. L. 1284), is amended to read:

Article XXI

Special Powers and Duties of the County

* * *

(p) Public [Defenders] Defender

Section 2199.1. [Appropriations for Public Defenders.—The board of commissioners may appropriate moneys for payment to nonprofit public defender associations or societies, county bar associations or individual attorneys-at-law who act as public defenders for indigent persons charged with a felony other than murder or with a misdemeanor. Payment from such appropriations shall be made only upon order of court after proper notice to the county.] Establishment of Office.—The board of commissioners is hereby authorized to establish the office of public defender.

Section 2199.2. Appointment.—Upon the establishment of the office of public defender, the board of commissioners shall appoint a public defender who shall be an attorney-at-law admitted to practice in the courts of this Commonwealth.

Section 2199.3. Personnel of Office; Compensation.—(a) The public defender may appoint as many assistant attorneys, clerks, investigators, stenographers and other employes as the board of commissioners considers necessary to enable him to carry out his responsibilities. Appointments under this section shall be made in the manner prescribed by the board of commissioners. An assistant attorney must be an attorney-at-law admitted to practice in the courts of this Commonwealth. The compensation of the public defender and other persons appointed shall be fixed by the salary board.

(b) In addition to assistant attorneys provided for in this section, the public defender may arrange for and make use of the services of attorneys-at-law admitted to practice in the courts of this Commonwealth, when such attorneys volunteer to act as assistants without compensation, to enable him to carry out the duties of his office.

(c) The public defender may, with the consent of the board of commissioners, contract with any nonprofit legal aid or defender organization to assist him to carry out the duties of his office.

Section 2199.4. Facilities or Allowance Therefor.—The board of commissioners shall provide office space, furniture, equipment and supplies for the use of the public defender suitable for the conduct of the business of his office. The board of commissioners may provide for an allowance in place of facilities.

Section 2199.5. Duties.—(a) The public defender shall, in accordance with the Rules of Criminal Procedure of the Supreme and Superior Courts, represent without charge each indigent person who is under arrest or charged with an indictable offense, if

(1) the defendant requests it; or

(2) the court, on its own motion or otherwise, so orders in accordance with the Rules of Criminal Procedure of the Supreme and Superior Courts.

(b) The public defender may represent without charge indigent persons charged with other offenses.

(c) Before arraignment in court the determination of indigence may be made by the public defender in accordance with the requirements of the Rules of Criminal Procedure of the Supreme and Superior Courts. At or after arraignment in court the determination shall be made by the court, in accordance with the requirements of said Rules of Criminal Procedure.

Section 2199.6. Relationship to Indigent Persons.—When representing an indigent person, the public defender shall:

(1) Counsel and defend him at every stage of the proceedings in accordance with the Rules of Criminal Procedure of the Supreme and Superior Courts.

(2) Prosecute any appeals or other remedies before or after conviction that he considers to be in the interests of justice.

Section 2199.7. Appointment of Other Attorneys by Court.—For cause, the court may, on its own motion or upon the application of the public defender or the indigent person, appoint an attorney other than

the public defender to represent him at any stage of the proceedings or on appeal. The attorney so appointed shall be awarded reasonable compensation and reimbursement for expenses necessarily incurred, to be fixed by the court and paid by the county.

Section 2199.8. Inapplicability of Another Law.—Upon the establishment of the office of public defender under the provisions of this act, the provisions with respect to homicide cases, of the act of March 22, 1907 (P. L. 31), entitled “An act to provide for the assignment of counsel in murder cases, and for the allowance of expenses and compensation in such cases,” shall not be applicable in counties of the second class.

Section 2. This act shall take effect immediately.

APPROVED—The 15th day of June, A. D. 1965.

WILLIAM W. SCRANTON

No. 91

AN ACT

HB 381

Amending the act of March 10, 1949 (P. L. 30), entitled “An act relating to the public school system, including certain provisions applicable as well to private and parochial schools; amending, revising, consolidating and changing the laws relating thereto,” further providing for the health, welfare and safety of the children of the Commonwealth by requiring school districts under certain circumstances to provide free transportation of pupils attending nonpublic elementary and high schools not operated for profit.

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

Section 1. Section 1361, act of March 10, 1949 (P. L. 30), known as the “Public School Code of 1949,” is amended to read:

Section 1361. When Provided.—The board of school directors in any school district may, out of the funds of the district, provide for the free transportation of any resident pupil to and from the public schools and to and from any points in the Commonwealth in order to provide tours for any purpose connected with the educational pursuits of the pupils. [They] When provision is made by a board of school directors