

of any injury mentioned in clauses (2) and (3) hereof, shall be brought against any person lawfully performing or furnishing the design, planning, supervision or observation of construction, or construction of such improvement more than twelve years after completion of such an improvement.

Section 2. Notwithstanding the provisions of section 1 of this act, in the case of such an injury to property or the person, or such an injury causing wrongful death, which injury occurred during the twelfth year after such completion, an action in tort to recover damages for such an injury or wrongful death may be brought within two years after the date on which such injury occurred: Provided, That in the case of wrongful death, such action shall also be brought within one year of the date of death. In no event, however, may any of such actions be brought more than fourteen years after the completion of construction of such an improvement.

Section 3. Nothing in this act shall be construed as extending the period prescribed by the laws of this Commonwealth for the bringing of any action.

Section 4. The limitation prescribed by this act shall not be asserted by way of defense by any person in actual possession or the control, as owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to bring action.

Section 5. As used in this act, the term "person" shall mean an individual, corporation, partnership, business trust, unincorporated organization, association, professional association or joint stock company.

Section 6. All acts or parts of acts are repealed in so far as they are inconsistent herewith.

Section 7. This act shall take effect July 1, 1966.

APPROVED—The 22d day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 470

AN ACT

SB 675

Amending the act of July 11, 1923 (P. L. 1044), entitled "An act to authorize and provide for the transfer and retransfer of person or persons confined in any penitentiary, prison; workhouse, house of correction, or any other institution for adult prisoners, under sentence of law, to some other prison, penitentiary, workhouse, house

of correction, or other institution for adult prisoners," making the act applicable to adult prisoners convicted but awaiting sentence, adult prisoners awaiting trial or persons confined for any other purpose.

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

Section 1. The title, act of July 11, 1923 (P. L. 1044), entitled "An act to authorize and provide for the transfer and retransfer of person or persons confined in any penitentiary, prison, workhouse, house of correction, or any other institution for adult prisoners, under sentence of law, to some other prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners," is amended to read:

AN ACT

To authorize and provide for the transfer and retransfer of person or persons confined in any penitentiary, prison, workhouse, house of correction, or any other institution for adult prisoners, under sentence of law, convicted but awaiting sentence, awaiting trial, or confined for any other purpose to some other prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners.

Section 2. Section 1 of the act, amended July 29, 1953 (P. L. 1449), is amended to read:

Section 1. Be it enacted, &c., That the Deputy Commissioner for Treatment of the Bureau of Correction in the Department of Justice is hereby authorized and empowered and, upon petition being presented to him by the board of inspectors, if there be such board, otherwise the superintendent or official in charge of any penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, located within any county, setting forth that the said penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, cannot, by reason of overcrowded condition or other existing conditions, furnish proper and sufficient accommodations for the care, custody, control, and safety of the inmates thereof, and that it is requested that a certain number of inmates, set forth in such petition, should be transferred therefrom, may make an order authorizing and directing the said board of inspectors, if there be such board, otherwise the superintendent or official in charge, to transfer to another prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners, such person or persons whom the board of inspectors, if there be such board, otherwise the superintendent or official in charge, shall specify and designate: Provided, however, That before any transfer is made as aforesaid, the court of quarter sessions of the county wherein any such peni-

penitentiary, prison, workhouse, house of correction, or any other institution for adult prisoners is located, shall give its consent to such transfer: And provided further, That prisoners awaiting trial shall not be transferred without their own consent. In the event of the overcrowded condition or other existing condition of such penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, be remedied, so that it shall again be able to furnish proper and sufficient accommodations for the care, custody, control, and safety of inmates thereof, the Deputy Commissioner is hereby authorized and empowered, upon petition being presented to him by the said board of inspectors, if there be such board, or by the superintendent or other official in charge, to re-transfer to said penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, any or all inmates heretofore transferred under the terms of this act.

Section 3. Sections 2 and 3 of the act, amended April 23, 1929 (P. L. 640), are amended to read:

Section 2. That said petition shall set forth the names of the persons whom the said board of inspectors, if there be such board, otherwise the superintendent or official in charge, deem it advisable to transfer or re-transfer, together with (1) in case of persons committed, the date of their commitment, and the term for which they were sentenced, or (2) in case of persons convicted but awaiting sentence, the date of conviction, or (3) in case of persons in custody while awaiting trial, the fact that they are so held, or (4) in case of persons otherwise confined, the reason for their confinement, and shall further set forth the reasons for which authority is desired to transfer or retransfer the persons therein named. A copy of such petition shall be sent, by registered mail, to the county commissioners of the county from which the prisoner [was committed] is transferred as well as to the county commissioners of the county to which the prisoner is transferred or retransferred.

Section 3. That it shall be the duty of the warden, sheriff, superintendent, board of managers, or board of inspectors of such institution to which transfer or retransfer is desired to be made to accept and receive the person or persons named in said order of the department to be transferred, and thereafter, in safe custody, to keep and provide for such persons, transferred or retransferred, until conviction, or sentence, or the expiration of the term of imprisonment [as set forth in the said

commitment, in accordance with law] or other disposition, as the case may be.

Section 4. Section 4 of the act, amended April 25, 1929 (P. L. 696), is amended to read:

Section 4. Such person or persons as may be so transferred or retransferred shall be subject to the same term of imprisonment as that imposed upon them at the time of sentence under law, as attached to sentence at the time the same was imposed, either as to parole or as to commutation by reason of good behavior. The expenses of transferring, retransferring, and keeping such prisoners so transferred or retransferred shall continue to be borne by the county in which such person was convicted, or by the county in which such person is being held for trial, or for any other purpose and the same shall be paid to the authorities having charge of the transferred or retransferred prisoner by the said county from time to time as bills are rendered: Provided, That where any prisoner is transferred to a State penitentiary or correctional institution, said expenses shall be paid by said county to the Department of Revenue to be by it transmitted to the State Treasurer, in like manner as provided by law for the payment of the expenses of keeping convicts in the State penitentiaries.

Section 5. Section 5 of the act is amended to read:

Section 5. It shall be the duty of the warden or keeper of the prison or institution to which a prisoner is transferred or retransferred immediately, upon such transfer or retransfer, to give notice, in writing, of the transfer or retransfer, to the county commissioners of the county in which the prisoner was sentenced or convicted or is being held, and to the clerk of the courts which sentenced or convicted the prisoner, or in which the trial of the prisoner is pending, or which directed the person be held, who shall file and enter the same of record.

APPROVED—The 22d day of December, A. D. 1965.

WILLIAM W. SCRANTON

No. 471

AN ACT

SB 683

Amending the act of March 31, 1860 (P. L. 427), entitled "An act to Consolidate, Revise and Amend the Laws of this Commonwealth relating to Penal Proceedings