

(5) Is necessary to orderly community development.

In addition, each permit holder shall be allowed to retain the odd cents of all redistribution to be made on all mutuel contributions exceeding a sum equal to the next lowest multiple of ten, subject to a tax of fifty per centum of the total sum of such odd cents, which tax is hereby imposed and shall be paid by the permit holder to the Department of Revenue for credit to the State Harness Racing Fund.

Section 2. The provisions of this law shall be severable. If any provision is found by a court of record to be unconstitutional and void, the remaining provisions of the law shall, nevertheless, remain valid, unless the court finds the valid provisions of the law are so essentially and inseparably connected with, and so depend upon, the void provision, that it cannot be presumed the Legislature would have enacted the remaining valid provisions without the void one; or unless the court finds the remaining valid provisions, standing alone, are incomplete and are incapable of being executed in accordance with the legislative intent.

Section 3. This act shall take effect immediately.

APPROVED—The 25th day of January, A. D. 1966.

WILLIAM W. SCRANTON

No. 553

AN ACT

HB 1093

Reenacting and amending the act of May 16, 1921 (P. L. 579), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth and fifth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," extending the provisions of the act to certain sixth class counties.

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

Section 1. The title and section 1, act of May 16, 1921 (P. L. 579), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth and fifth classes by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and

by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," reenacted and amended July 29, 1953 (P. L. 1013), are reenacted and amended to read:

An Act

Providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, [and] fifth classes and in certain counties of the sixth class by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons.

Section 1. Be it enacted, &c., That the persons now holding the following offices, and their successors, in all counties of this Commonwealth of the third, fourth, and fifth classes, shall compose a board, to be known by the name and style of inspectors of the jail or county prisons, to wit: The judges of the court of quarter sessions, the district attorney, the sheriff, the controller, and the commissioners of each of said counties; in which board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners, and the government and management of said institution, shall be exclusively vested; and that the present responsibility of the sheriff of each of said counties in regard to the safe-keeping of the prisoners shall cease and determine on their committal to said prison, and such sheriff shall no longer be furnished a residence in said institution.

Any county of the sixth class may elect by resolution of the county commissioners to be governed by the provisions of this act.

Section 2. Section 2 of the act, reenacted and amended July 29, 1953 (P. L. 1013), is reenacted to read:

Section 2. That, within thirty days after this act shall become effective in any county, the above-named board shall meet and organize by the election of a president and secretary. A majority of the members of said board shall constitute a quorum for the transaction of business, and all actions of said board must be by the approval of a majority of all the members of said board. The board shall meet monthly, or oftener if required, and keep regular minutes of their proceedings in a book, to be filed with the financial records of each of said counties, and shall make such rules and regulations for the government and management of the prison, and the safe-keeping, discipline, and employment of the

prisoners, as may be deemed necessary. The board shall appoint a warden of the prison, who shall reside in the building. The warden, subject to the approval of the board, may appoint such deputy or deputies, assistant or assistants, keeper or keepers, as may be required in the taking care of the prison. The number and compensation of such deputies, assistants, or keepers shall be fixed by the salary board.

Section 3. Section 2.1 of the act, added February 10, 1956 (P. L. 1038), is reenacted to read:

Section 2.1. All wardens, deputy wardens, keepers, guards, turnkeys and matrons shall have, and may exercise, the powers of peace officers in the performance of their duties generally in guarding, protecting and delivering prisoners, in protecting the property and interests of the county, and in capturing and returning prisoners that may have escaped.

Section 4. Section 3 of the act, reenacted July 29, 1953 (P. L. 1013), and amended October 18, 1955 (P. L. 707), is reenacted to read:

Section 3. That all the expenditures required for the support and maintenance of prisoners, the repairs and ¹improvement of said prison, shall be paid from the county treasury by warrants drawn, in the mode now prescribed by law, on the regular appropriation for the purpose, but no warrant shall be certified by the controller for any expense connected with the prison unless on vouchers approved by a majority of said board and endorsed by the president and secretary thereof, and all contracts involving an expenditure of funds from the county treasury shall be made in accordance with the procedures set forth in Article XVIII of the act of August nine, one thousand nine hundred fifty-five (Pamphlet Laws 323), Act No. 130.

Section 5. Section 4 of the act, reenacted July 29, 1953 (P. L. 1013), is reenacted to read:

Section 4. That the warden, at the time of his appointment, shall give bond, with good and sufficient security to be fixed and approved by the board of inspectors, for the faithful performance of his duty, and may, at any time, be removed by said board for misconduct or inefficiency. All deputies, assistants, or keepers shall also give bond if required by said board, and may at any time be suspended by the warden or removed by the said board.

Section 6. The act of May 11, 1949 (P. L. 1191), entitled "An act for the government, management and control of county jails and prisons in counties of sixth, seventh and eighth classes," is repealed in so far

¹"improvements" in original.

as it relates to counties of the sixth class which elect to be governed by the provisions of this act.

Section 7. This act shall take effect immediately.

APPROVED—The 25th day of January, A. D. 1966.

WILLIAM W. SCRANTON

No. 554

AN ACT

HB 1616

Providing for post conviction hearings and establishing the procedure therefor.

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

Section 1. Short Title.—This act shall be known and may be cited as the “Post Conviction Hearing Act.”

Section 2. ¹ Post Conviction Procedure.—This act establishes a post conviction procedure for providing relief from convictions obtained and sentences imposed without due process of law. The procedure hereby established shall encompass all common law and statutory procedures for the same purpose that exist when this statute takes effect, including habeas corpus and coram nobis. However, nothing in this act limits the availability of remedies in the trial court or on direct appeal.

Section 3. Eligibility for relief.—To be eligible for relief under this act, a person must initiate a proceeding by filing a petition under section 5 and must prove the following:

- (a) That he has been convicted of a crime,
- (b) That he is incarcerated in the Commonwealth of Pennsylvania under a sentence of death or imprisonment, or on parole or probation,
- (c) That his conviction or sentence resulted from one or more of the following reasons:

- (1) The introduction of evidence obtained pursuant to an unlawful arrest;

- (2) The introduction of evidence obtained by an unconstitutional search and seizure;

- (3) The introduction of a coerced confession into evidence;

- (4) The introduction into evidence of a statement obtained in the

¹ “Post Conviction Procedure” not in original.