

Any person so arrested on any day, other than Sunday, shall be given the opportunity of having an immediate hearing, or of waiving a hearing, or of giving bail; and any person so arrested on Sunday shall be given the opportunity of giving bail, which shall be accepted by the magistrate the same as on any other day, as provided in this act, for a hearing before the magistrate to be held at a date not more than ten days from the date of such arrest, or of waiving a hearing and giving bail for his appearance in court.

Act effective
June 1, 1943.

Section 3. This act shall become effective the first day of June, one thousand nine hundred forty-three.

APPROVED—The 28th day of April, A. D. 1943.

EDWARD MARTIN

No. 59

AN ACT

To amend the title and sections four, five, six and eight of the act, approved the third day of July, one thousand nine hundred forty-one (Pamphlet Laws, two hundred forty-nine), entitled "A supplement to the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand four hundred twenty-three), as amended, entitled, 'An act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employes' Retirement Fund, under the Administration of the State Employes' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties,' " by changing the name Pennsylvania Motor Police Retirement System to Pennsylvania State Police Retirement System, and the name Pennsylvania Motor Police to Pennsylvania State Police.

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

Section 1. The title of the act, approved the third day of July, one thousand nine hundred forty-one (Pamphlet Laws, two hundred forty-nine), entitled "A supplement to the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand four hundred twenty-three), as amended, entitled, 'An act establishing a Pennsylvania Motor Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses

Pennsylvania
State Police.

Title and sections 4, 5, 6 and 8, act of July 3, 1941, P. L. 249, supplement to act of June 29, 1937, P. L. 2423, amended.

from the State Employees' Retirement Fund, under the Administration of the State Employees' Retirement Board; providing for contributions by members of the Pennsylvania Motor Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties,''' is hereby amended to read as follows:

A SUPPLEMENT

To the act, approved the twenty-ninth day of June, one thousand nine hundred thirty-seven (Pamphlet Laws, two thousand four hundred twenty-three), as amended, entitled "An act establishing a Pennsylvania [Motor] State Police Retirement System; providing for payments upon retirement, death, disability, involuntary retirement, and of certain medical expenses from the State Employees' Retirement Fund, under the Administration of the State Employees' Retirement Board; providing for contributions by members of the Pennsylvania [Motor] State Police and the Commonwealth; providing for the guarantee by the Commonwealth of certain of said funds; providing for the subrogation of the Commonwealth to the rights of the member or dependents against certain third parties; exempting annuities, allowances, returns, benefits, and rights from taxation and judicial processes; and providing penalties.'"

Section 2. Sections four, five, six and eight of said act, are hereby amended to read as follows:

Section 4. A member who complies with section two or section three of this act shall be classified by the board as a Pennsylvania [Motor] State Police member in active military service and shall thereafter during such active military service and for a period of forty (40) days after the completion of such active military service, be entitled to all the benefits to which he or she may be entitled upon the date of entry into active military service under the provisions of the act to which this is a supplement as fully as though such member continues to be in the actual employment and service of the Commonwealth of Pennsylvania at the salary such member had been receiving on the date of his or her entry into active military service: Provided, however, That such member and his dependent or dependents shall not have the right to those payments upon death for which provision is made in section eleven or to retire upon disability under the provisions of section thirteen

State employees taking advantage of this act to be entitled to all retirement benefits, except disability retirement, death benefits and medical and hospital expenses during military service and 40 days thereafter.

or to receive or to have paid for the member's benefit, medical, surgical and hospital expenses under the provisions of section twenty-two of the act to which this is a supplement, except, in each case as hereinafter provided. If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service, the head of the department shall certify such member as an employe with active military service.

Member not taking advantage of this act to enjoy retirement benefits to which he was entitled when entering military service, except disability rights, death benefits and medical and hospital expenses.

Section 5. A member who does not file with the board an election to pay his salary deductions into the fund as provided in section two of this act shall be classified as a nonpaying [motor] State police member in active military service of the Pennsylvania [Motor] State Police Retirement System until he or she shall return to the actual employ or service of the Commonwealth, or until such member complies with section three of this act in the manner provided, or for the period of such active military service and for forty (40) days after the completion of such active military service. Such member shall enjoy all the benefits to which the member was entitled upon the date of entry into active military service under the laws of the Commonwealth of Pennsylvania relating to the Pennsylvania [Motor] State Police Retirement System and the State Employees' Retirement Association and the State Employees' Retirement Fund: Provided, however, That such member and his dependent or dependents shall not have the right to the benefit of payments upon death for which provision is made in section eleven of the act to which this is a supplement or the right to the benefit of payment for medical, surgical or hospital expenses for which provision is made in section twenty-two of the act to which this is a supplement, or the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement, except in each case as hereinafter provided. If such member returns to the actual employ and service of the Commonwealth within a period of forty (40) days after such active military service, the head of the department shall certify such member as employe with active military service.

Member returning to State employment within 40 days after completion of military service shall, after satisfactory medical report, be entitled to all retirement benefits, except benefits for death, disability and medical and hospital expenses proximately resulting from military service.

Section 6. A member who shall have withdrawn from actual State employment or actual State service for active military service may after his or her return to actual State employment or actual State service, but not more than forty (40) days after the completion of such active military service request the board for a physical and mental* examination. At a time, a place and by an examiner or examiners to be designated by the board the applicant shall appear for and submit to such examination. If the examiner or examiners shall find as a fact that such member is free from physical or mental incapacity which renders him or her or is

* "medical" in original.

likely to render him or her incapable of performing the duties of his or her employment, the examiner or examiners shall so certify to the board, whereupon the board shall classify the applicant as a Pennsylvania [Motor] State Police member free from active military service disability and thereupon such member shall become entitled to enjoy all the benefits to which the member was entitled under the act to which this is a supplement on the date of entry into active military service including the retirement allowance payable upon the death of a contributor as a direct and proximate result of injuries received in the course of his employment under the provisions of section eleven of the act to which this is a supplement and the right to retire upon disability under the provisions of section thirteen of the act to which this is a supplement, if the cause for disability is not incurred in or related to the member's active military service, and the right to medical, surgical or hospital expenses thereafter incurred and for which provision is made in section twenty-two of the act to which this is a supplement. If the examiner or examiners find as a fact that such member is physically or mentally incapacitated for the performance of the duties of the employment which he had when last in the actual employ or service of the Commonwealth, the examiner or examiners shall certify to the board the nature and degree of such physical or mental incapacity or disability, whereupon the board shall classify the applicant as a member with active military service disability, and thereupon such member may elect to accept the benefit of the provisions of section eleven of the act, approved the twenty-seventh day of June, one thousand nine hundred twenty-three (Pamphlet Laws, eight hundred fifty-eight), as amended, or the benefit of section eight of this act or the benefits of the act to which this is a supplement, without disability rights, and shall be classified by the board as State employe without disability rights. Such State employe shall enjoy all the rights incident to membership in the retirement system except the right to retire for disability or upon disability and to receive a disability retirement allowance. Such member's salary deduction shall be reduced accordingly. Such election shall be in writing in form prescribed by the board and shall be filed with the board not later than fifty (50) days after the completion of such active military service.

Section 8. Every employe who shall have been engaged in active military service and who shall have returned to State employment or State service without examination or certification as required by sections six and seven of this act shall be classified by the board as Pennsylvania [Motor] State Police members without dis-

Members returning to State employment without medical examination shall enjoy full retirement rights, except for disability.

ability rights. Such member shall enjoy all rights incident to membership in the system except the right to retire for disability or upon disability and to receive a disability retirement allowance. Such member's salary deduction shall be reduced accordingly.

Section 3. This act shall become effective the first day of June, one thousand nine hundred forty-three.

APPROVED—The 28th day of April, A. D. 1943.

EDWARD MARTIN

No. 60

AN ACT

To amend the title and certain sections of the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, six hundred sixty), entitled "An act providing for the return of escaped prisoners and convicts after apprehension, to the penitentiary or state institution from which they escape, by the agents of the Department of Justice or the Pennsylvania Motor Police, and requiring the penitentiary or state institution to defray the expenses thereof," by changing the name Pennsylvania Motor Police to Pennsylvania State Police.

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

Title and sections 1 and 2, act of June 21, 1939, P. L. 660, amended.

Section 1. The title of the act, approved the twenty-first day of June, one thousand nine hundred thirty-nine (Pamphlet Laws, six hundred sixty), entitled "An act providing for the return of escaped prisoners and convicts after apprehension, to the penitentiary or state institution from which they escape, by the agents of the Department of Justice or the Pennsylvania Motor Police, and requiring the penitentiary or state institution to defray the expenses thereof," is hereby amended to read as follows:

AN ACT

Providing for the return of escaped prisoners and convicts after apprehension, to the penitentiary or state institution from which they escape, by the agents of the Department of Justice or the Pennsylvania [Motor] State Police, and requiring the penitentiary or state institution to defray the expenses thereof.

Section 2. Sections one and two of said act are hereby amended to read as follows:

Where escaping prisoner or convict caught.

Section 1. In all cases where a prisoner or convict, after an escape from a penitentiary or other state correctional institution, is apprehended or arrested by any officer having authority to make such arrest, the said