

*department or agency of the Commonwealth, and procurement therefrom is required by the provisions of any other section of this act or of any other law of this Commonwealth, procurement of such products shall be made in accordance with such other provisions of law.*

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE

No. 417

AN ACT

To amend section three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," by defining imprisonment, making the crime of prison breach a felony and fixing the penalty therefor.

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

Section 1. Section three hundred nine of the act, approved the twenty-fourth day of June, one thousand nine hundred thirty-nine (Pamphlet Laws 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," is hereby amended to read as follows:

Section 309. Prison Breach.—[Whoever, being charged with an indictable offense, breaks prison, or escapes, or shall break prison, although no escape is actually made, is guilty of prison breach, a misdemeanor, and on conviction thereof, shall be sentenced to undergo imprisonment, by separate and solitary confinement at labor, not exceeding two (2) years, if the charge on which such person stood committed was an offense punishable, on conviction, by imprisonment by separate and solitary confinement at labor; or to imprisonment not exceeding one (1) year, if such charge was an offense punishable, on conviction, by simple imprisonment without labor.

Whoever, being imprisoned after conviction, of an offense other than murder in the first degree, or where the sentence is imprisonment for life, breaks prison, although no escape is actually made by him, is guilty of prison breach, a misdemeanor, and upon conviction thereof, shall be sentenced to undergo imprisonment, to commence from the expiration of his original sentence, of the like nature, and for a period of time not exceeding the original sentence, by virtue of which he was imprisoned.

"The Penal Code."

Section 309, act of June 24, 1939, P. L. 872, amended.

The judges of the courts of oyer and terminer, quarter sessions and general jail delivery may sentence any prisoner who may be convicted of prison breach to the penitentiary for said offense, and add to said sentence for prison breach a further sentence to the said penitentiary for the remainder of the term which said prisoner was serving at the time of his escape or attempt to escape, and said sentence shall release the prisoner from serving the remainder of the term he was serving at the time of his escape or attempt to escape.] *Any person undergoing imprisonment who breaks prison and escapes, or shall break prison although no escape is actually made, is guilty of prison breach, a felony, and, on conviction thereof, shall be sentenced to undergo imprisonment, by separate and solitary confinement at labor, for a term not exceeding ten (10) years.*

*Said sentence shall commence from the expiration of the original sentence and any other sentences previously imposed which remained to be served at the time the offense of prison breach was committed.*

*If the offense of prison breach is committed while such person is undergoing imprisonment in any institution other than a State penal or correctional institution, the judges of the courts of oyer and terminer, general jail delivery and quarter sessions of the peace may sentence such prisoner to the proper penitentiary for the crime of prison breach, and add to said sentence for prison breach a further sentence to the said penitentiary for a period of time equal to the term or terms which remained to be served at the time of the offense of prison breach on the original sentence and any other sentences previously imposed.*

*The word "imprisonment," as used in this section, means actual confinement in any penal or correctional institution located in this Commonwealth, or any restraint by lawful authority pursuant to a court order or after conviction of any crime.*

Inconsistent acts repealed.

Section 2. All acts or parts of acts inconsistent herewith are hereby repealed.

Act effective immediately.

Section 3. This act shall become effective immediately upon final enactment.

APPROVED—The 29th day of July, A. D. 1953.

JOHN S. FINE