

Payment  
per diem.

When paid  
by county.

Defendant in  
county of  
first class.

Act effective  
immediately.

bursed by the said recipient as the order of court may direct, the sum of sixty-five cents for each day, Sundays and legal holidays only excepted, during which he remains imprisoned. Such sum shall be paid as wages, and shall be paid at such times and in such manner as other wages are paid by cities and counties, and shall be charged as one of the general running expenses of such institution; and, if the labor done in such institution is not sufficient to pay the running expenses of such institution, such sum shall be charged to and paid by the county from which such defendant was committed. *But in no instance shall, the defendant in any county of the first class, be required to give security for compliance, or be imprisoned for failure to give security for compliance, unless and until the court finds, on substantial evidence, (1) that the defendant is possessed of property, real or personal, in sufficient amount and in such form, as to enable him to give the required security, and (2) that the defendant is likely to dissipate his assets or flee the jurisdiction. In each instance in which security for compliance is ordered, the court shall enter upon the record the findings on the basis of which the order is made.*

Section 2. This act shall take effect immediately.

APPROVED—The 3rd day of July, A. D. 1957. .

GEORGE M. LEADER

No. 250

AN ACT

Amending the act of May 10, 1951 (P. L. 279), entitled "An act to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto," further regulating the procedure in such cases in counties of the first class.

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

Uniform reciprocal enforcement of support law.

Sections 15.1 and 21, act of May 10, 1951, P. L. 279, section 15.1 added, and section 21, amended, August 19, 1953, P. L. 1201, further amended.

Section 1. Sections 15.1 and 21, act of May 10, 1951 (P. L. 279), entitled "An act to improve and extend by reciprocal legislation the enforcement of duties of support and to make uniform the law with respect thereto," section 15.1 added, and section 21 amended, August 19, 1953 (P. L. 1201), are amended to read:

Section 15.1. Compelling Attendance.—(a) At all stages of proceedings provided under this act, the court may compel the attendance, by attachment process directed to the sheriff or other proper officer of the county, directing and commanding that the obligor be brought

before the court at such time as the court may direct, at which time the court may adjudge such person in contempt of court, and, in its discretion, may commit such person to the county jail or house of correction for a period not exceeding six (6) months. *Whenever an attachment is issued in counties of the first class, the obligor shall be brought before the court forthwith, but in any event within forty-eight (48) hours or two court working days, whichever is the longer from the time the obligor is taken in custody of law pursuant to the attachment; at which time, if the court shall find, after hearing, that the obligor has wilfully neglected or refused to comply with any order of the court, the court may adjudge such person in contempt of court and, in its discretion, may commit such person to the county jail or house of correction until compliance with said order, but in no case for a period exceeding six (6) months, and the court in its order shall state the condition upon which fulfillment will result in the release of the obligor.*

(b) At any stage of the proceedings under this act, upon affidavit of obligee that the obligor is about to leave the jurisdiction, an attachment may be issued, directed to the sheriff or other proper officer of the county, directing that the person named be brought before the court at such time as the court may direct, at which time the court may direct that the person named give security, by one or more sureties, to appear when directed by the court, or to comply with any order of the court.

*Whenever \*an attachment is issued in counties of the first class, the obligor shall be brought before the court forthwith, but in any event within forty-eight (48) hours or two court working days, whichever is the longer from the time the obligor is taken in custody of the law pursuant to the attachment; at which time, if the court shall find, after hearing, that the obligor is about to leave the jurisdiction, the court may direct that he give security, by one or more sureties, to appear when directed by the court, or to comply with any order of court.*

(c) The court in the responding state shall have the authority to issue a bench warrant for the immediate arrest of the obligor. The obligor shall have the right to post bail in an amount set by the court for the subsequent hearing. *In counties of the first class, the obligor shall have a hearing before the court forthwith, but in any event within forty-eight (48) hours or two court working days, whichever is the longer from the obligor's arrest; at which time, the obligor shall have a right to post bail in an amount set by the court for the subse-*

\* "at" in original.

quent hearing. In counties of the first class, if the obligor is unable to post bail in the amount set by the court for the subsequent hearing, said hearing shall be held as soon thereafter as is feasible, but in no case later than thirty (30) days subsequent to the obligor's arrest, except that, if the obligor on being informed of the right hereunder requests of the court a continuance, a continuance for thirty (30) days may be granted.

Section 21. Additional Powers of Court.—In addition to the foregoing powers, the court of this State, when acting as the responding state, has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders, and in particular—

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or other officers designated by the court, or the obligee, and to report personally to such clerk or other officer designated by the court at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court, to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court, *but in counties of the first class, no such punishment shall be administered until the court shall find, after hearing, that the violation was wilful.*

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 3rd day of July, A. D. 1957.

GEORGE M. LEADER

No. 251

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," further regulating the giving of security in desertion and non-support cases in counties of the first class.

The Penal Code.

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

Section 733, act of June 24, 1939, P. L. 872, amended September 26, 1951, P. L. 1494, further amended.

Section 1. Section 733, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended September 26, 1951 (P. L. 1494), is amended to read:

Section 733. Desertion and Nonsupport.—If any husband, or father, being within the limits of this Common-