

No. 1980-208

AN ACT

HB 1374

Establishing a county prison board for any county of the second class and providing for the powers and duties thereof.

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 "Second Class County Prison Board Act."

Section 2. Definitions.

The following words and phrases when used in this act shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Board." The county prison board of a second class county.

Section 3. Establishment and composition.

(a) **Establishment.**—There is hereby established a county prison board in any county of the second class which shall be named the "County Prison Board."

(b) **Composition.**—The board shall be composed of:

(1) The county commissioners.

(2) Three judges of the court of common pleas, one of whom shall be the president judge, or his designee who shall be a judge, and two judges appointed by the president judge.

(3) The county sheriff.

(4) The county controller.

(5) The mayor of any city of the second class situate within the county.

(6) Two citizen members as provided in subsection (c).

(c) **Citizen members.**—The two citizen members shall not be employees of the county or of the Commonwealth. They shall serve for a term of three years, and shall be representative of the broad segments of the county's population and shall include persons whose background and experience indicate that they are qualified to act in the interest of the public. The citizen members shall be appointed by the chairman of the county commissioners.

Section 4. Powers and duties.

(a) **General rule.**—The board's administrative powers and duties shall include the operation and maintenance of the prison, the safe-keeping of inmates and the employment of a warden.

(b) **Living conditions.**—The board shall insure that the living conditions within the prison are healthful and otherwise adequate.

(c) **Inspection.**—The board shall, at least twice each year, conduct an unannounced inspection of the prison's physical plant. During such inspections the board shall interview a cross-section of inmates, out of the presence of the warden and his agents, to determine the conditions within the prison. After each inspection, the board shall prepare a written report setting forth its findings and determinations which shall be available for public inspection.

(d) **Compliance with laws and regulations.**—The board shall insure that the prison is being operated in accordance with its regulations, the laws and regulations of the Commonwealth and of the United States.

(e) **Investigations.**—The board shall investigate allegations of inadequate prison conditions and improper practices occurring within the prison and may make such other investigations or reviews of prison operation and maintenance. The books, papers and records of the prison, including but not limited to, the papers and records of the warden and those relating to individual inmates, shall at all times be available for inspection by the board.

Section 5. Rules and regulations.

The board shall, in the manner provided by law, promulgate such rules, regulations and forms it deems necessary for the proper administration of the board and for the operation of the prison.

Section 6. Warden.

(a) **Appointment.**—The board shall appoint a warden to serve at its pleasure and shall fix his salary.

(b) **Employees.**—Subject to the board's approval, the warden shall employ such deputies, assistants and other personnel required to adequately operate the prison.

(c) **Annual report.**—The warden shall submit an annual written report to the board which shall contain information on the population, conditions and practices in the prison, and other matters as specified by the board. The annual report shall be available for public inspection.

Section 7. Board meetings.

The board shall meet at least once each month and shall keep regular minutes of its proceedings which shall be open to public inspection.

Section 8. Contracts and purchases.

All expenditures, required for the maintenance and support of the prisoners, the repairs and improvement of said prison, shall be paid from the county treasury, by warrants, drawn in the manner provided by law, on the regular appropriation for the purpose. All contracts involving an expenditure exceeding \$100 shall be in writing and shall immediately after their execution be filed with the controller of the county. No contracts shall be made, nor the payment thereof be certified by the controller, for over \$2,500, unless made with the lowest and best bidder after due notice to be published by the

controller, if he approved the purpose of the proposals invited. All purchases of materials and supplies shall be made through the purchasing department of the county, and all bids shall be received by the controller under seal and shall be opened in his presence by the board and the contracts awarded thereof. The controller shall keep a record of all such awards and shall certify no warrant for contracts not made agreeable thereto.

Section 9. Transition provisions.

(a) **Certain boards abolished.**—Any board of prison inspectors or board of managers of prisons or workhouses are hereby abolished on the effective date of this act.

(b) **Books and records.**—All books, papers and records of these boards shall be transferred to the county prison board.

(c) **Property and contracts.**—The county prison board shall assume ownership of all real and personal property owned by the boards abolished in subsection (a) and shall assume all rights, duties and obligations of any contract entered into by the abolished boards.

Section 10. Repeals.

(a) **Specific repeals.**—The following acts and supplements to acts are hereby repealed absolutely:

Act of March 23, 1865 (P.L.607, No.599), entitled “An act for the better management of the Allegheny county prison.”

Act of February 1, 1866 (P.L.8, No.11), entitled “A supplement to an act, entitled ‘An act for the better management of the Allegheny county prison,’ approved the twenty-third day of March, Anno Domini one thousand eight hundred and sixty-five.”

Act of April 4, 1868 (P.L.691, No.640), entitled “A supplement to an act, entitled ‘A supplement to an act for the better management of the Allegheny county prison,’ approved the first day of February, eighteen hundred and sixty-six.”

Act of January 28, 1870 (P.L.94, No.71), entitled “A supplement to an act, entitled ‘A supplement to an act for the better management of Allegheny county prison,’ approved the first day of February, Anno Domini one thousand eight hundred and sixty-six.”

Act of February 14, 1871 (P.L.53, No.58), entitled “An act supplementary to an act, entitled ‘A supplement to an act for the better management of Allegheny county prison,’ approved the first day of February, Anno Domini one thousand eight hundred and sixty-six.”

Act of March 8, 1871 (P.L.184, No.192), entitled “A supplement to an act, entitled ‘A supplement to an act for the better management of the Allegheny county prison,’ approved the first day of February, Anno Domini one thousand eight hundred and sixty-six.”

Act of March 23, 1872 (P.L.559, No.517), entitled “A supplement to an act, entitled ‘A supplement to an act for the better management of the Allegheny County prison,’ approved the first day of February, one thousand eight hundred and sixty-six.”

Act of April 1, 1873 (P.L.470, No.492), entitled "A supplement to an act, entitled 'A supplement to an act for the better management of the Allegheny county prison,' approved the first day of February, Anno Domini one thousand eight hundred and sixty-six."

Act of August 5, 1941 (P.L.829, No.307), entitled "An act to amend section three of the act, approved the twenty-third day of March, one thousand eight hundred and sixty-five (Pamphlet Laws, six hundred seven), entitled, 'An act for the better management of the Allegheny county prison', by requiring all contracts involving an expenditure exceeding one hundred dollars to be in writing and filed with the county controller, and prohibiting the making of any contract involving the expenditure of over five hundred dollars unless made with the lowest and best bidder after due advertising, and requiring all purchases to be made through the purchasing department of the county, and providing for the opening of bids and the award of contracts."

Act of August 19, 1953 (P.L.1069, No.275), entitled "An act to amend section 5 of the act, approved the first day of February, one thousand eight hundred sixty-six (Pamphlet Laws 8), entitled 'A supplement to an act, entitled "An act for the better management of the Allegheny county prison," approved the twenty-third day of March, Anno Domini one thousand eight hundred and sixty-five,' by further regulating the transfer or removal of inmates from jails in Allegheny County, and further providing for the transfer of mentally ill inmates to State mental hospitals."

(b) General repeal.—All acts or parts of acts inconsistent herewith are hereby repealed to the extent of the inconsistency.

Section 11. Effective date.

This act shall take effect in six months.

APPROVED—The 10th day of December, A. D. 1980.

DICK THORNBURGH