

"An act to consolidate, revise, and amend the penal laws of this Commonwealth," is hereby amended to read as follows:

Section 141. [If] Any person, *who shall unlawfully, wantonly, wilfully, and maliciously, [place or throw] by the explosion of gunpowder, dynamite, nitroglycerine, or other explosive substance, placed or thrown* in, into, upon, *under*, against, or near any building, [or] *structure, vessel, [any gunpowder or other explosive mixture with intent] automobile, truck, engine, motor, car, vehicle, property, machinery, tools, goods, fixtures, or chattels, do, or attempt to do, bodily harm to any person, or [to] destroy, or attempt to destroy, damage, or injure, any building, structure, [or] vessel, [or any] automobile, truck, engine, motor, car, vehicle, property, machinery, [working] tools, fixtures, goods or chattels, [every such offender] shall, whether or not injury is effected to any person, or [any] damage or injury to any building, structure, vessel, [or] automobile, truck, engine, motor, car, vehicle, property, machinery, [working] tools, goods, fixtures, or chattels, be guilty of felony and, [being thereof convicted] upon conviction thereof, shall be sentenced to pay a fine not exceeding [five hundred dollars] one thousand dollars, and to undergo an imprisonment, by separate or solitary confinement at labor, not exceeding [three] ten years.*

Malicious destruction or attempt to destroy property by explosives.

APPROVED—The 20th day of April, A. D. 1927.

JOHN S. FISHER

No. 195

AN ACT

Relating to the extradition of persons charged with crime and to make uniform the law with reference thereto.

DEFINITIONS

Section 1. Be it enacted, &c., That, where appearing in this act, the term "Governor" includes any person performing the functions of Governor by authority of the law of this State. The term "executive authority" includes the Governor, and any person performing the functions of Governor, in a state other than this State. And the term "state," referring to a state other than this State, refers to any other state or territory, organized or unorganized, of the United States of America.

Extradition.

"Governor."

"Executive authority."

"State."

Section 2. Criminals to be Delivered Upon Requisition.—Subject to the qualifications of this act, and the provisions of the Constitution of the United States controlling, and acts of Congress in pursuance thereof, it is the duty of the Governor of this State to have

arrested and delivered up to the executive authority of any other state of the United States any person charged in that State with treason, felony, or other crime, who has fled from justice and is found in this State.

Form of demand.

Section 3. Form of Demand.—No demand for the extradition of a person charged with crime in another state shall be recognized by the Governor, unless in writing, and accompanied by a copy of an indictment found, or by an information, supported by affidavit, in the state having jurisdiction of the crime, or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereon. The indictment, information, or affidavit made before the magistrate, must substantially charge the person demanded with having committed a crime under the law of that state, and the copy must be authenticated by the executive authority making the demand, which shall be prima facie evidence of its truth.

Investigation.

Section 4. Governor May Investigate Case.—When a demand shall be made upon the Governor of this State, by the executive authority of another state, for the surrender of a person so charged with crime, the Governor may call upon the Attorney General, or any prosecuting officer in this State, to investigate, or assist in investigating, the demand and to report to him the situation and circumstances of the person so demanded and whether he ought to be surrendered.

Contents of papers.

Section 5. What Papers Must Show.—A warrant of extradition must not be issued, unless the documents presented by the executive authority making the demand show that the accused was present in the demanding state at the time of the commission of the alleged crime, and that he thereafter fled from justice in that state and is now in this State, and that he is lawfully charged, by indictment found, or by an information filed by a prosecuting officer and supported by affidavit to the facts, or by affidavit made before a magistrate in that state, with having committed a crime under the laws of that state, or that he has been convicted of crime in that state, or has escaped from confinement, or broken his parole.

Persons in this State guilty of crime in another state.

Section 6. Extradition of Persons Guilty of a Crime in Another State, Though Being in This State.—The Governor of this State may also surrender, on demand of the executive authority of any other state, any person in this State charged, on indictment found in such other state, with committing an act in this State, intentionally resulting in a crime in such other state, and the provisions of this act, not otherwise inconsistent, shall apply to such cases, notwithstanding that the accused was not in that state at the time of the commission of the crime and has not fled therefrom.

Section 7. Issue of Governor's Warrant of Arrest; Its Recitals.—If the Governor shall decide that the demand should be complied with, he shall sign a warrant of arrest which shall be sealed with the State seal and be directed to a sheriff, marshal, coroner, or other person whom he may think fit to entrust with the execution thereof, and the warrant must substantially recite the facts necessary to the validity of its issue.

Governor's warrant.

Section 8. Manner and Place of Execution.—Such warrant shall authorize the officer, or other person to whom directed, to arrest the accused at any place where he may be found within the State, and to command the aid of all sheriffs and other peace officers in the execution of the warrant, and to deliver the accused, subject to the provisions of this act, to the duly authorized agent of the demanding state.

Execution of warrant.

Section 9. Authority of Arresting Officer.—Every such officer, or other person empowered to make the arrest, shall have the same authority, in arresting the accused, to command assistance therein as sheriffs and other officers have by law in the execution of any criminal process directed to them, with the like penalties against those who refuse their assistance.

Authority of officer.

Section 10. Accused May Apply for Writ of Habeas Corpus.—No person arrested upon such warrant shall be delivered over to the agent, whom the executive authority demanding him shall have appointed to receive him, unless he has been informed of the demand made for his surrender, and of the crime with which he is charged, and that he has the right to demand legal counsel, and, if the prisoner, his friends or counsel, shall state that he or they desire to test the legality of the arrest, the prisoner shall be taken forthwith before a judge of a court of record in this State, who shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. And when such writ is applied for, notice thereof, and of the time and place of hearing thereon, shall be given to the public prosecuting officer of the county in which the arrest is made and in which the accused is in custody and to the said agent of the demanding state.

Habeas corpus.

Notice of application.

Section 11. Penalty for Noncompliance With Preceding Section.—Any officer who shall deliver, to the agent for extradition of the demanding state, a person in his custody under the Governor's warrant, in disobedience to the last section, shall be guilty of a misdemeanor and, on conviction, shall be fined not more than one thousand dollars or be imprisoned not more than six months or both.

Delivery of person in violation of section 10.

Section 12. Confinement in Jail, When Necessary.—The officer or person executing the Governor's warrant of arrest, or the agent of the demanding state to whom the prisoner may have been delivered, may, when nec-

Confinement in jail.

essary, confine the prisoner in the jail of any county or city or borough, through which he may pass, and the keeper of such jail must receive and safely keep the prisoner until the person having charge of him is ready to proceed on his route, such person being chargeable with the expense of keeping.

Arrest before
requisition.

Section 13. Arrest Prior to Requisition.—Whenever any person within this State shall be charged, on the oath of any credible person before any judge or other magistrate of this State, with the commission of any crime in any other state and with having fled from justice, or whenever complaint shall have been made before any judge or other magistrate in this State setting forth, on the affidavit of any credible person in another state, that a crime has been committed in such other state, and that the accused has been charged in such state with the commission of the crime and has fled from justice therefrom, and is believed to have been found in this State, the judge or magistrate shall issue a warrant, directed to the sheriff or other officer of the county in which the oath or complaint is filed, directing him to apprehend the person charged, wherever he may be found in this State, and bring him before the same or any other judge, court, or magistrate, who may be convenient of access to the place where the arrest may be made, to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit, upon which the warrant is issued, shall be attached to the warrant.

Arrest without
warrant.

Section 14. Arrest Without a Warrant.—The arrest of a person may be lawfully made also by an officer or a private citizen without a warrant, upon reasonable information that the accused stands charged with a crime punishable by death or life imprisonment in the courts of another state, but, when so arrested, the accused must be taken before a judge or magistrate with all practicable speed, and complaint must be made against him, under oath, setting forth the ground for the arrest, as in the last section, and thereafter his answer shall be heard as if he had been arrested on a warrant.

Commitment.

Section 15. Commitment to Await Requisition; Bail.—If, from the examination before the judge or magistrate, it appears that the person held is the person charged with having committed the crime alleged, and that he probably committed the crime, and, except in cases arising under section six, that he has fled from justice, the judge or magistrate must commit him to jail, by a warrant reciting the accusation, for such a time specified in the warrant as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the of-

fense, unless the accused give bail, as provided in the next section, or until he shall be legally discharged.

Section 16. Bail; Except in Capital and Life Imprisonment Cases; Condition and Requisites of Bond.— Unless the offense, with which the prisoner is charged, is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, the judge or magistrate must admit the person arrested to bail, by bond or undertaking, with sufficient sureties, and in such sum as he deems proper, for his appearance before him at the time at which he receives the warrant of the Governor of this State, not exceeding thirty days thereafter, and for his surrender to be arrested upon the warrant of the Governor of this State. Bail.

Section 17. If No Arrest Made On Governor's Warrant Before the Time Specified.—If the accused is not arrested under warrant of the Governor, by the expiration of the time specified in the warrant, bond, or undertaking, the judge or magistrate may discharge him, or may recommit him to a further day, or may again take bail for his appearance and surrender as provided in section sixteen, and at the expiration of the second period of commitment, or, if he has been bailed and appeared according to the terms of his bond or undertaking, the judge or magistrate may either discharge him, or may require him to enter into a new bond or undertaking to appear and surrender himself at another day. Extension of bail.

Section 18. Forfeiture of Bail.—If the prisoner is admitted to bail and fails to appear and surrender himself according to the condition of his bond, the court, by proper order, shall declare the bond forfeited, and recovery may be had thereon, in the name of the state, as in the case of other bonds or undertakings given by the accused in criminal proceedings within this State. Forfeiture of bail.

Section 19. If a Prosecution Has Already Been Instituted in This State.—If a criminal prosecution has been instituted against such person under the laws of this State, and is still pending, the Governor, at his discretion, either may surrender him on the demand of the executive authority of another state, or may hold him until he has been tried and discharged or convicted and punished in this State. Where prosecution pending.

Section 20. Guilt or Innocence of Accused, When Inquired Into.—The guilt or innocence of the accused, as to the crime of which he is charged, may not be inquired into by the Governor, or in any proceeding after the demand for extradition, accompanied by a charge of crime in legal form as above provided, shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime. Inquiry into guilt or innocence.

Recall of warrant.

Section 21. Governor May Recall Warrant or Issue Alias.—The Governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

Fugitives from this State.

Section 22. Fugitives From This State.—Whenever the Governor of this State shall demand a person, charged with crime in this State, from the chief executive of any other state, or from the Chief Justice or an associate justice of the Supreme Court of the District of Columbia, authorized to receive such demand under the laws of the United States, he shall issue a warrant, under the seal of this State, to some agent, commanding him to receive the person so charged, if delivered to him, and convey him to the proper officer of the county in this State in which the offense was committed.

Application for requisition.

Section 23. Manner of Applying for Requisition.—When the return to this State of a person charged with crime in this State is required, the prosecuting attorney of the county in which the offense is committed shall present to the Governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, and the approximate time, place, and circumstances of its committal, the state in which he is believed to be, including the location of the accused therein at the time the application is made, and certifying that, in the opinion of the said prosecuting attorney, the ends of justice require the arrest and return of the accused to this State for trial, and that the proceeding is not instituted to enforce a private claim. The application shall be verified by affidavit, shall be executed in duplicate, and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the magistrate, stating the offense with which the accused is charged. The prosecuting officer may also attach such further affidavits and other documents, in duplicate, as he shall deem proper to be submitted with such application. One copy of the application, with the action of the Governor indicated by endorsement thereon, and one of the certified copies of the indictment or complaint or information and affidavit, shall be filed in the office of the Secretary of the Commonwealth to remain of record in that office. The other copies of all papers shall be forwarded with the Governor's requisition.

Exemption from civil process.

Section 24. Exemption from Civil Process.—A person, brought into this State on extradition based on a criminal charge, shall not be subject to service of personal process in civil actions, arising out of the same facts as the criminal proceedings to answer which he is returned, until he has been convicted in the criminal proceeding, or, if acquitted, until he has had

ample opportunity to return to the state from which he was extradited.

Section 25. No Right of Asylum.—After a person has been brought back to this State upon extradition proceedings, he may be tried in this State for other crimes, which he may be charged with having committed here, as well as that specified in the requisition for his extradition.

No right of asylum.

Section 26. Interpretation.—This act shall be so interpreted and construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Interpretation.

Section 27. Constitutionality.—If any part of this act is for any reason declared void, such invalidity shall not affect the validity of the remaining portions of this act.

Severability of act.

Section 28. Repeal.—The following acts of Assembly are hereby repealed absolutely:

Repeal.

The act, approved the twenty-fourth day of May, one thousand eight hundred and seventy-eight (Pamphlet Laws, one hundred thirty-seven), entitled "An act to regulate proceedings under requisitions upon the Governor of this Commonwealth for the apprehension of fugitives from justice."

Act of May 24, 1878 (P. L. 137).

The act, approved the fourth day of June, one thousand eight hundred and seventy-nine (Pamphlet Laws, ninety-five), entitled "An act to amend the second and fifth sections of an act, entitled 'An act to regulate proceedings under requisition upon the Governor of this Commonwealth for the apprehension of fugitives from justice,' approved May twenty-fourth, Anno Domini one thousand eight hundred and seventy-eight."

Act of June 4, 1879 (P. L. 95).

All other acts or parts of acts and administrative rules inconsistent with this act are hereby repealed.

Other inconsistent acts.

Section 29. Short Title.—This act may be cited as the Uniform Criminal Extradition Act.

Title of act.

Section 30. Time of Taking Effect.—This act shall take effect on the first day of July, one thousand nine hundred and twenty-seven.

Effective date.

APPROVED—The 21st day of April, A. D. 1927.

JOHN S. FISHER

No. 196

AN ACT

Prescribing a uniform method of issuing notes, by building and loan associations, for money borrowed.

Section 1. Be it enacted, &c., That whenever any building and loan association, now incorporated or hereafter to be incorporated, borrows money, it shall issue to the lender its note for the amount borrowed, only in the following manner and form:

Building and loan associations.

Method of issuing notes.