

regulating the procedure therein, and appeals therefrom, and providing for the expenses thereof," or the amendments thereto.

Section 8. The provisions of this act shall become effective immediately upon final enactment.

Act effective immediately.

APPROVED—The 8th day of January, A. D. 1952.

JOHN S. FINE

No. 495

AN ACT

Providing for the sentencing of persons convicted of certain crimes to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases; authorizing the criminal courts to impose such a sentence and certain temporary confinement in connection therewith; requiring psychiatric examinations of such persons before the imposition of such a sentence; conferring powers and imposing duties upon the Department of Welfare and the Pennsylvania Board of Parole; and providing for the parole and reparole or absolute discharge of persons so sentenced and the procedure relating thereto.

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

Crimes.

Section 1. For the better administration of justice and the more efficient punishment, treatment and rehabilitation of persons convicted of the crime of indecent assault, incest, assault with intent to commit sodomy, solicitation to commit sodomy, sodomy, assault with intent to ravish or rape, if the court is of the opinion that any such person, if at large, constitutes a threat of bodily harm to members of the public, or is an habitual offender and mentally ill, the court, in lieu of the sentence now provided by law, for each such crime, may sentence such person to a State institution for an indeterminate term having a minimum of one day and a maximum of his natural life.

Declaration of policy with respect to persons convicted of indecent assault and related crimes.

Court authorized to sentence such persons to an indeterminate sentence having a minimum of one day and a maximum of life in certain cases.

Section 2. No person, convicted of a crime punishable in the discretion of the court, under the provisions of this act, with imprisonment in a State institution for an indeterminate term having a minimum of one day and a maximum of his natural life, shall be so sentenced until (1) a complete psychiatric examination shall have been made of him through the facilities of the Department of Welfare, as hereinafter provided, or by a psychiatrist designated by the court, the results of whose examination shall be transmitted to and accepted by the Department of Welfare in lieu of an examination made through its own facilities, and (2) a complete written report thereof shall have been submitted to the court. Such report shall include all facts and findings necessary to assist the court

Psychiatric examinations of such persons required before imposition of such sentence.

Report of examination.

in determining whether it shall impose sentence under the provisions of this act upon the person convicted in lieu of the sentence otherwise provided by law.

Postponement of sentence in order that such examination may be made.

Section 3. (a) To enable the court to procure such a psychiatric examination and to afford the Department of Welfare time in which to make the same, the court is hereby authorized and empowered to postpone sentence upon any person convicted of any one or more of the crimes enumerated in section one of this act, and to order the person so convicted to temporary confinement in the prison or jail in which such person was confined prior to this trial or would have been confined if not free on bail. Such period of temporary confinement shall not exceed a period of sixty (60) days unless the court, on the request of the psychiatric examiner, extends the observation period for an additional time not exceeding thirty (30) days. It shall be the duty of the Department of Welfare to make a psychiatric examination of the prisoner and report to the court thereon within the period allowed by the court.

Temporary confinement.

Period of temporary confinement.

Department of Welfare to make such psychiatric examination.

Procedure where examination not made and report given to court within period of temporary confinement.

(b) If, for any reason, such examination is not made and a report thereon given to the court within such period of temporary confinement, the provisions of this act shall thereupon not be available to the court, and it shall sentence the prisoner to such sentence as provided by law; and the period of temporary confinement herein provided for shall be considered as a part of the sentence so imposed, whether it be for the purpose of determining the length of the sentence by the court or for the purpose of parole.

Court may order department to make examination.

Section 4. Whenever a court shall desire the Department of Welfare to make a psychiatric examination of and a report on a person convicted of any one or more of the crimes enumerated in section one of this act, it shall make an order to that effect; and it shall be the duty of the clerk of court to promptly notify the Department of Welfare of such order. The Department of Welfare shall thereupon make such a psychiatric examination of the person so convicted, either at a clinic, State hospital, or other State institution designated by the court, or at the place where such person is in temporary confinement, or it may request that he be brought to any clinic established by the Department of Welfare for such purposes, or State hospital, or other State institution. In the latter event, if agreeable to the court, it shall order the person so convicted to be taken in custody to such institution.

Duty of department upon being so ordered by court.

Duty of court after examination of person and receipt of report thereon.

Section 5. (a) Whenever a court, after psychiatric examination of and report on a person convicted of any one or more of the crimes enumerated in section one of this act, shall be of the opinion that it would be to the

best interests of justice to sentence such person under the provisions of this act, he shall cause such person to be arraigned before him and sentenced to such State institution as shall have been designated by the Department of Welfare in its report to the court. The cost of transporting such person to the State institution designated by the department and the cost of his maintenance therein shall be borne by the Commonwealth and the several counties to the extent and in the manner provided by law.

Liability for cost of transporting person to State institution and his maintenance therein.

(b) The costs of maintenance of any person so convicted, while in temporary confinement as hereinbefore provided, and costs of transportation, shall be borne by the county, and the cost of the psychiatric examination of and report on such person shall be borne by the Department of Welfare: Provided, That where the psychiatric examination is made by a psychiatrist designated by the court, the costs thereof shall be borne by the county.

Costs of maintenance while person in temporary confinement, and costs of transportation, to be borne by county.

Cost of examination and report thereon to be borne by department.

Proviso.

(c) The Department of Welfare, in its report to the court, is hereby authorized to designate a county jail, penitentiary, industrial school, or any other State institution, as the place of confinement of the person who is the subject of such report, if the court elects to sentence such person under the provisions of this act.

Department authorized to designate place of confinement.

Section 6. It shall be the duty of the Department of Welfare, from funds appropriated to it, to provide psychiatric and psychological services to the courts, as provided in section four of this act, and to the Pennsylvania Board of Parole in the further examination, diagnosis and treatment of persons sentenced under the provisions of this act, during their confinement and parole as hereinafter provided for.

Duty of department to provide certain psychiatric and psychological services to courts and Board of Parole.

The department may, in its discretion, establish one or more psychiatric clinics for the examination, diagnosis and treatment of persons convicted of any one or more of the crimes enumerated in section one of this act, when so ordered by a court or sentenced under the provisions hereof, or may use existing clinics or services for such work: Provided, That such clinics or services shall provide qualified personnel experienced in the field of psychiatry and psychology as it relates to crimes involving sexual perversion, maladjustment, or aberration.

Department authorized to establish psychiatric clinics.

Proviso.

Section 7. Within three months after a person shall have been sentenced under the provisions of this act for an indeterminate term having a minimum of one day and a maximum of his natural life, and at least every six months thereafter, the Pennsylvania Board of Parole shall cause to be brought before it, with respect to each such person, all reports, records and information con-

Duties of Board of Parole with respect to persons sentenced under this act.

cerning such person, for the purpose of determining whether such person shall be paroled, as hereinafter provided, and it shall be the duty of the Board thereupon to make a ruling with respect to each such person, who shall be notified in writing of such ruling. Nothing in this section shall be construed to prohibit a person sentenced under the provisions of this act from making application for parole in the manner now provided by law.

Board of Parole granted exclusive control over parole and re-parole of such persons.

Powers of Board of Parole.

Section 8. The Pennsylvania Board of Parole is hereby granted exclusive control over the parole and reparole of persons sentenced under the provisions of this act, whether imprisoned in a county jail, penitentiary, or other State institution. The Board is hereby authorized and empowered to parole and reparole, and commit and recommit for violation of parole, any person sentenced under the provisions of this act, at such time and under such conditions as the interest of justice may dictate. In considering the parole or reparole or an application for parole of any person sentenced under the provisions of this act, the Board shall give serious consideration to the original report and subsequent reports of the psychiatric and psychological examination of the person so sentenced, the recommendations contained in such reports, and the view of the committing court.

General powers of Board of Parole.

Section 9. Except as otherwise provided in this act, the Pennsylvania Board of Parole shall have all the powers conferred and duties imposed upon it with respect to the parole of prisoners generally in the parole and supervision of persons sentenced under the provisions of this act.

Inconsistent acts repealed.

Section 10. All acts and parts of acts are hereby repealed in so far as they are inconsistent with the provisions of this act.

APPROVED—The 8th day of January, A. D. 1952.

JOHN S. FINE

No. 496

AN ACT

Providing for the registration of professional bondsmen in cities of the first class; providing for criminal offenses and penalties.

Cities of the first class; registration of professional bondsmen in such cities.

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

Section 1. Definition.—(a) The words “professional bondsman,” when used in this act, apply to any person who, for a consideration, has, in more than six criminal