

No. 411

AN ACT

Relating to the more effective treatment of persons convicted of crime or committed as defective delinquents; creating in the Department of Justice correctional diagnostic and classification centers; providing for the diagnosis and classification of persons sentenced or committed by the courts to a State institution; fixing the responsibility for costs of transportation and maintenance of such persons; prescribing duties of the courts and the powers and duties of the Department of Justice relative thereto; making civil and criminal laws applicable to penitentiaries and persons therein or responsible therefor applicable in the case of the said institutions.

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

Section 1. For the more effective treatment of persons convicted of crime in this Commonwealth and sentenced to a State institution and to make possible the more intelligent treatment of persons determined under the law to be defective delinquents, two classification centers for the diagnosis and classification for assignment to the proper State institution are hereby established. They shall be known as the Eastern Correctional Diagnostic and Classification Center and the Western Correctional Diagnostic and Classification Center.

Crimes.
Eastern Correctional Diagnostic and Classification Center and Western Correctional Diagnostic and Classification Center established.

Section 2. The Commissioner of Correction, with the approval of the Attorney General, is hereby authorized and directed to designate, set apart and equip so much of the land and buildings of the Eastern and Western Penitentiaries as may be requisite for use by the Bureau of Correction of the Department of Justice for the Eastern Correctional Diagnostic and Classification Center and for the Western Correctional Diagnostic and Classification Center.

Commissioner of Correction, with approval of Attorney General, to designate, set apart and equip certain land and buildings of Eastern and Western penitentiaries for purpose.

Section 3. Every person hereafter sentenced by any court in this Commonwealth to a State institution and every person hereafter committed as a defective delinquent shall be sent to and received by the Eastern Correctional Diagnostic and Classification Center, if sentenced from a county in the Eastern District, and by the Western Correctional Diagnostic and Classification Center, if sentenced from a county in the Western District: Provided, however, That the provisions of this section shall not apply to persons sentenced to the Pennsylvania Industrial School at Camp Hill, State Industrial Home for Women at Muncy, and those persons condemned to death.

Assignment of persons sentenced to State institutions or committed as defective delinquents.

Proviso.

Section 4. Every person delivered to and received by either Diagnostic and Classification Center in accord-

Diagnosis and classification.

- ance with this act shall be herein confined, diagnosed and classified by the Deputy Commissioner for Treatment for incarceration or care in the State institution deemed by him to be appropriate, and transferred to such institution, either for service of sentence or for custody as a defective delinquent, as the case may be, and such person may be retransferred at any time to the proper Diagnostic and Classification Center for reclassification. The Deputy Commissioner for Treatment shall have complete authority to make transfers from any State institution under the control and supervision of the Department of Justice to any other State institution under said Department's control and supervision.
- Section 5. Upon transfer of each person from either Diagnostic and Classification Center, the Deputy Commissioner for Treatment shall make a written report of his examination and findings, which shall include a designation of the institution of transfer and the date of transfer. Within forty-eight (48) hours after the transfer, this report shall be filed with the clerks of the court from which the person was sentenced or committed. A copy of such report shall be sent to the institution to which the person was transferred, to the Pennsylvania Board of Parole and to the Bureau of Correction of the Department of Justice. The report in the office of the clerk of court shall be impounded and shall be accessible only upon authorization in writing by a judge of the court from which the person was sentenced or committed.
- Section 6. The Bureau of Correction, subject to the approval of the Department of Justice, shall have the power to make such rules and regulations as may be necessary to effectuate the purpose of this act.
- Section 7. The cost of transporting persons to the Diagnostic and Classification Centers and the cost of the first transfer therefrom, pursuant to section four of this act, shall be borne by the county which convicted and sentenced such persons. The cost of their maintenance in any State institution shall be borne by the Commonwealth and the several counties to the extent and in the manner now provided by law.
- Section 8. Nothing herein contained shall be construed to limit the authority which the Deputy Commissioner for Treatment of the Department of Justice now has by law to transfer persons from one institution to another.
- Section 9. All laws, civil and criminal, not inconsistent herewith, which are applicable to penitentiaries and to persons in charge thereof, responsible therefor or working or incarcerated therein, shall be applicable in the cases of the Diagnostic and Classification Centers.
- Transfer to appropriate institution.
- Retransfers.
- Authority of Deputy Commissioner for Treatment to make transfers.
- Report of examination and findings to be made.
- Filing report.
- Distribution of copies of report.
- Report filed with court to be impounded.
- Rules and regulations.
- Costs of transportation and first transfer.
- Cost of maintenance.
- Present law relating to transfers of persons from one institution to another not limited by this act.
- Applicability of all laws, civil and criminal, in cases of Diagnostic and Classification Centers.

Section 10. This act shall become effective on the date fixed by the Governor in a proclamation or proclamations declaring the establishment of the Eastern Correctional Diagnostic and Classification Center and the Western Correctional Diagnostic and Classification Center, or either of them.

Effective date of act.

Section 11. The act, approved the fifteenth day of May, one thousand nine hundred forty-five (Pamphlet Laws 570), will become ineffective and repealed as of the date or dates of the proclamation or proclamations hereinbefore referred to.

Act of May 15, 1945, P. L. 570, repealed.

Effective date of repeal.

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

JOHN S. FINE

No. 412

AN ACT

To amend the title and section one of the act, approved the twenty-fourth day of March, one thousand nine hundred twenty-one (Pamphlet Laws 48), entitled "An act providing for the transfer of convicts from the Eastern Penitentiary to the Western Penitentiary, and from the Western Penitentiary to the Eastern Penitentiary, and their imprisonment in the penitentiary to which transferred; imposing the cost of the maintenance of convicts so transferred upon the counties in which they were convicted; directing that certain notice of such transfer of a convict be given; and making appropriations," by eliminating reference to specific penitentiaries; imposing costs of transfers upon the Commonwealth; and placing the authority for making transfers in the Deputy Commissioner for Treatment of the Bureau of Correction of the Department of Justice.

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

Penal institutions.

Section 1. The title of the act, approved the twenty-fourth day of March, one thousand nine hundred twenty-one (Pamphlet Laws 48), entitled "An act providing for the transfer of convicts from the Eastern Penitentiary to the Western Penitentiary, and from the Western Penitentiary to the Eastern Penitentiary, and their imprisonment in the penitentiary to which transferred; imposing the cost of the maintenance of convicts so transferred upon the counties in which they were convicted; directing that certain notice of such transfer of a convict be given; and making appropriations," is hereby amended to read as follows:

Title, act of March 24, 1921, P. L. 48, amended.

An Act

Providing for the transfer of convicts from the [Eastern Penitentiary to the Western Penitentiary, and from the Western Penitentiary to the Eastern Penitentiary,]

Amended title.