

No. 234

AN ACT

Providing for the mandatory disposition of detainees lodged against persons imprisoned in any state, county or municipal penal or correctional institution.

Criminal procedure.

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

Mandatory provision of trial for persons imprisoned.

Section 1. (a) Whenever any person has entered upon any term of imprisonment in any state, county or municipal penal or correctional institution of this Commonwealth, and whenever during the continuance of the term of imprisonment there is pending in this Commonwealth any untried indictment against any such prisoner, he shall be brought to trial within one hundred eighty (180) days after he shall have caused to be delivered to the District Attorney of the County in which the indictment is pending and the appropriate court written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment: Provided, That for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the warden, superintendent, commissioner of correction or other official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, if any, the time of parole eligibility of the prisoner, and any decisions of the Pennsylvania Board of Parole relating to the prisoner.

Proviso for continuance.

Requirements of request of prisoner.

Method of making request.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, superintendent, commissioner of correction or other official having custody of him, who shall promptly forward it (together with the certificate) to the appropriate District Attorney and the court by registered or certified mail, return receipt requested.

Duty of official having custody of prisoner.

(c) The warden, superintendent, commissioner of correction or other officials having custody of the prisoner shall promptly inform him, in writing, of the source and contents of any untried indictment against him concerning which the warden, superintendent, commissioner of correction or other official has knowledge and of his right to make a request for final disposition thereof.

Escape voids request.

(d) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

Section 2. In the event that the action is not brought to trial within the period of time as herein provided, no court of this state shall any longer have jurisdiction thereof, nor shall the untried indictment be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

Loss of jurisdiction by the court.

Section 3. The provisions of this act shall not apply to any person adjudged to be mentally ill.

Mentally ill.

Section 4. The costs of transporting any prisoner between the place of his confinement and the county wherein the untried indictment is pending shall be borne by the said county. It shall be the responsibility of the Sheriff (or his deputy) of the said county to transport such prisoner.

Transportation costs.

Section 5. This Act shall become effective July 1, 1957.

Effective date.

APPROVED—The 28th day of June, A. D. 1957.

GEORGE M. LEADER

No. 235

AN ACT

Amending the act of August 6, 1941 (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole,' conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its members; regulating the appointment, removal and discharge of its officers, clerks and employes; dividing the Commonwealth into administrative districts for purposes of parole; fixing the salaries of members of the board and of certain other officers and employes thereof; making violations of certain provisions of this act misdemeanors; providing penalties therefor; and for other cognate purposes, and making an appropriation," changing the order of service of sentences of persons who are recommitted upon conviction of a crime, committed while on parole, and further defining the jurisdiction, duties, powers and functions of the Pennsylvania Board of Parole.

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

Pennsylvania Board of Parole.

Section 1. Section 21.1, act of August 6, 1941 (P. L. 861), entitled "An act to create a uniform and exclusive system for the administration of parole in this Commonwealth; establishing the 'Pennsylvania Board of Parole,' conferring and defining its jurisdiction, duties, powers and functions, including the supervision of persons placed upon probation in certain designated cases; providing for the method of appointment of its

Section 21.1, act of August 6, 1941, P. L. 861, added August 24, 1951, P. L. 1401, further amended.