

quent hearing. In counties of the first class, if the obligor is unable to post bail in the amount set by the court for the subsequent hearing, said hearing shall be held as soon thereafter as is feasible, but in no case later than thirty (30) days subsequent to the obligor's arrest, except that, if the obligor on being informed of the right hereunder requests of the court a continuance, a continuance for thirty (30) days may be granted.

Section 21. Additional Powers of Court.—In addition to the foregoing powers, the court of this State, when acting as the responding state, has the power to subject the defendant to such terms and conditions as the court may deem proper to assure compliance with its orders, and in particular—

(a) To require the defendant to furnish recognizance in the form of a cash deposit or bond of such character and in such amount as the court may deem proper to assure payment of any amount required to be paid by the defendant.

(b) To require the defendant to make payments at specified intervals to the clerk of the court or other officers designated by the court, or the obligee, and to report personally to such clerk or other officer designated by the court at such times as may be deemed necessary.

(c) To punish the defendant who shall violate any order of the court, to the same extent as is provided by law for contempt of the court in any other suit or proceeding cognizable by the court, *but in counties of the first class, no such punishment shall be administered until the court shall find, after hearing, that the violation was wilful.*

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 3rd day of July, A. D. 1957.

GEORGE M. LEADER

No. 251

AN ACT

Amending the act of June 24, 1939 (P. L. 872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," further regulating the giving of security in desertion and non-support cases in counties of the first class.

The Penal Code.

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

Section 733, act of June 24, 1939, P. L. 872, amended September 26, 1951, P. L. 1494, further amended.

Section 1. Section 733, act of June 24, 1939 (P. L. 872), known as "The Penal Code," amended September 26, 1951 (P. L. 1494), is amended to read:

Section 733. Desertion and Nonsupport.—If any husband, or father, being within the limits of this Common-

wealth, separates himself from his wife or from his children, or from wife and children, without reasonable cause, or neglects to maintain his wife or children, (1) his wife or children may file a petition, prepared by the district attorney and joined in and consented to by the husband or father, in the court of quarter sessions of the county in which the wife or children reside or in the county wherein the desertion or failure to maintain took place, setting forth the facts relating to the separation from or neglect to maintain his wife or children, or both, whereupon the court, or any judge thereof in chambers, shall enter an order fixing a time and place for hearing; or (2) any magistrate, upon information made before him under oath or affirmation, by his wife or children, or either of them, or by any person, may issue his warrant for the arrest of the person against whom the information shall have been made, and bind him over, with one sufficient surety, to appear at the court of quarter sessions or other court having jurisdiction, there to answer the said charge of desertion.

The said court, after hearing in a summary proceeding, may order the person against whom complaint has been made or petition filed, being of sufficient ability, to pay such sum as said court shall think reasonable and proper for the comfortable support and maintenance of the said wife or children, or both, and to commit such person to prison, there to remain until he shall comply with such order, or give security, by one or more sureties, to the Commonwealth, and in such sum as the court shall direct for the compliance therewith. *But in no instance shall the defendant be required in any county of the first class to give security for compliance, or be imprisoned for failure to give security for compliance, unless and until the court finds on substantial evidence, (1) that the defendant is possessed of property, real or personal, in sufficient amount and in such form, as to enable him to give the required security, and (2) that the defendant is likely to dissipate his assets or flee the jurisdiction. In each instance in which security for compliance is ordered, the court shall enter upon the record the findings on the basis of which the order is made.* The court may also issue the appropriate writ of execution against any property, real or personal, belonging to the defendant, and its writ of attachment execution against any money or property to which he may be in any way entitled, whether under what is known as a spendthrift trust or otherwise, which shall not exceed fifty per centum thereof, and shall remain a continuing levy until the order has been paid in full with costs. The person against whom an order is made shall not be entitled to the benefits of any exemption law now in force or hereafter passed.

The provisions of this section shall apply to any trust, whether it is known as a spendthrift trust or otherwise, whether such trust was created or came into existence before or after the passage of this act. Where an attachment execution is issued the further proceedings thereon shall be in the manner provided in the case of foreign attachments.

Any wife so deserted shall be a competent witness on the part of the Commonwealth, and the husband shall also be a competent witness.

Should any such person abscond, remove or be found in any other county of the Commonwealth than the one in which said warrant issued, he may be arrested by the said warrant being backed by any magistrate of the county in which such person may be found.

Whenever the court of quarter sessions of any county in the Commonwealth commits the person complained of to the county prison, there to remain until he complies with their order or give security, etc., the court may at any time after three (3) months, if it shall be satisfied of the inability of such person to comply with the said order and give such security, to discharge him from imprisonment.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 3rd day of July, A. D. 1957.

GEORGE M. LEADER

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No. 252

AN ACT

Amending the act of July 13, 1953 (P. L. 431), entitled "An act relating to support of dependents; providing a procedure for enforcement thereof, including attachment of property and earnings; conferring powers and imposing duties upon courts, district attorneys and probation officers," further regulating the procedure in such cases in counties of the first class.

The Pennsylvania Civil Procedural Support Law.

Sections 6, 8, subsections (a) and (b), section 9, and subsection (e), section 13, act of July 13, 1953, P. L. 431, amended.

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

Section 1. Sections 6, 8, subsections (a) and (b) of section 9, and subsection (e) of section 13, act of July 13, 1953 (P. L. 431), known as "The Pennsylvania Civil Procedural Support Law," are amended to read:

Section 6. Contempt of Court.—If a person duly served with a copy of a complaint and order shall fail to appear, the court may issue an attachment, directed to the sheriff or other proper officer of the county, directing and commanding that the person named as having failed to appear be brought before the court at such time