

have been discontinued by reason of the end of the three hundred fifty (350) week period or her remarriage or death, each unmarried child of the deceased member under eighteen (18) years of age shall thereafter receive payments equal to twenty-five per centum (25%) of the payments above provided for the widow, but in no case shall total payments to one family be more than two hundred fifty dollars (\$250). Where there is only one child, the minimum monthly payments shall be sixty dollars (\$60). Where the maximum amount is payable it shall be divided equally among the children entitled thereto. The payments for each child shall terminate upon his reaching the age of eighteen (18) years, or his marriage or death. The payments shall consist of any payments received under "The Pennsylvania Workmen's Compensation Act" or "The Pennsylvania Occupational Disease Act," supplemented by the necessary amount from the pension fund.

Effective date of payments.

Payments to the widows and children of members killed while on duty shall be made on and after July 1, 1959.

Payments to dependent parents.

*In the event there are no surviving children or no widow entitled to receive the payments provided for in this act, any dependent parents of the member shall receive the payments the widow would have received had she survived and not remarried.*

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 19th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 242

AN ACT

Relating to the uniform rendition of prisoners as witnesses in criminal proceedings.

Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act.

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

Section 1. Definitions.—As used in this act—

(1) "Witness" means a person who is confined in a penal institution in any state and whose testimony is desired in another state in any criminal proceeding or investigation by a grand jury or in any criminal action before a court.

(2) "Penal institution" includes a jail, prison, penitentiary, house of correction, correctional institution or other place of penal detention.

(3) "State" includes any state of the United States, the District of Columbia, the Commonwealth of Puerto Rico and any territory of the United States.

Section 2. Summoning Witness in this State to Testify in Another State.—A judge of a state court of record in another state, which by its laws has made provision for commanding persons confined in penal institutions within that state to attend and testify in this state, may certify, (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in this state may be a material witness in the proceeding, investigation or action, and (3) that his presence will be required during a specified time. Upon presentation of the certificate to any judge having jurisdiction over the person confined and upon notice to the Attorney General, the judge in this State shall fix a time and place for a hearing and shall make an order, directed to the person having custody of the prisoner, requiring that the prisoner be produced before him at the hearing.

Section 3. Court Order.—If at the hearing the judge determines, (1) that the witness may be material and necessary, (2) that his attending and testifying are not adverse to the interests of this State or to the health or legal rights of the witness, (3) that the laws of the state in which he is requested to testify will give him protection from arrest and the service of civil and criminal process because of any act committed prior to his arrival in the state under the order, and (4) that as a practical matter the possibility is negligible that the witness may be subject to arrest or to the service of civil or criminal process in any state through which he will be required to pass, the judge shall issue an order with a copy of the certificate attached, (a) directing the witness to attend and testify, (b) directing the person having custody of the witness to produce him in the court where the criminal action is pending, or where the \*grand jury investigation is pending, at a time and place specified in the order, and (c) prescribing such conditions as the judge shall determine.

Section 4. Terms and Conditions.—The order to the witness and to the person having custody of the witness shall provide for the return of the witness at the conclusion of his testimony, proper safeguards on his custody, and proper financial reimbursement or prepayment by the requesting jurisdiction for all expenses incurred in the production and return of the witness, and \*\*may

\* "ground" in original.

\*\* "many" in original.

prescribe such other conditions as the judge thinks proper or necessary. The order shall not become effective until the judge of the state requesting the witness enters \*an order directing compliance with the conditions prescribed.

Section 5. Exceptions.—This act does not apply to any person in this State confined as insane or mentally ill or as a defective delinquent or under sentence of death.

Section 6. Prisoner from Another State Summoned to Testify in this State.—If a person confined in a penal institution in any other state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this State, a judge of the court may certify, (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court, (2) that a person who is confined in a penal institution in the other state may be a material witness in the \*\*proceeding, investigation or action, and (3) that his presence will be required during a specified time. The certificate shall be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined and a notice shall be given to the Attorney General of the state in which the prisoner is confined.

Section 7. Compliance.—The judge of the court in this State may enter an order directing compliance with the terms and conditions prescribed by the judge of the state in which the witness is confined.

Section 8. Exemption from Arrest and Service of Process.—If a witness from another state comes into or passes through this State under an order directing him to attend and testify in this or another state, he shall not, while in this State pursuant to the order, be subject to arrest or the service of process, civil or criminal, because of any act committed prior to his arrival in this State under the order.

Section 9. Uniformity of Interpretation.—This act shall be so construed as to effectuate its general purpose to make uniform the law of those states which enact it.

Section 10. Short Title.—This act shall be known and may be cited as the “Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act.”

Section 11. Severability Clause.—If any provisions of this act, or the application thereof, to any person or circumstances is held invalid, the invalidity shall not

\* “and” in original.  
\*\* “proceed” in original.

affect other provisions or applications of the act which can be given effect without the invalid provision or application, and to this end the provisions of this act are severable.

Section 12. Effective Date.—This act shall take effect immediately.

APPROVED—The 19th day of June, A. D. 1961.

DAVID L. LAWRENCE

No. 243

AN ACT

Amending the act of May 22, 1933 (P. L. 853), entitled "An act relating to taxation; designating the subjects, property and persons subject to and exempt from taxation for all local purposes; providing for and regulating the assessment and valuation of persons, property and subjects of taxation for county purposes, and for the use of those municipal and quasi-municipal corporations which levy their taxes on county assessments and valuations; amending, revising and consolidating the law relating thereto; and repealing existing laws," exempting in certain cases and to a certain extent concert music halls maintained by public or private charities from taxation.

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

The General  
County Assess-  
ment Law.

Section 1. Clause (1) of section 204, act of May 22, 1933 (P. L. 853), known as "The General County Assessment Law," is amended to read:

Clause (1), section 204, act of May 22, 1933, P. L. 853, amended.

Section 204. Exemptions from Taxation.—The following property shall be exempt from all county, city, borough, town, township, road, poor and school tax, to wit:

\* \* \* \* \*

(1) All property, including buildings and the land reasonably necessary thereto, provided and maintained by public or private charity, and used exclusively for public libraries, museums, [or] art galleries, or concert music halls, and not used for private or corporate profit, so long as the said public use continues: *Provided, however, That in the case of concert music halls used partly for exempt purposes and partly for non-exempt purposes, that part measured either in area or in time, whichever is the lesser, which is used for non-exempt purposes, shall be valued, assessed and subject to taxation.* Except as otherwise provided in clause (k) of this section, all property real or personal, other than that