

No. 60

AN ACT

SB 329

Amending the act of July 11, 1923 (P. L. 1044), entitled, as amended, "An act to authorize and provide for the transfer and retransfer of person or persons confined in any penitentiary, prison, workhouse, house of correction, or any other institution for adult prisoners, under sentence of law, convicted but awaiting sentence, awaiting trial, or confined for any other purpose to some other prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners," authorizing county commissioners to petition for transfer or retransfer, making an editorial correction and authorizing transfers of certain prisoners without their consent.

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

Section 1. Sections 1 and 2, act of July 11, 1923 (P. L. 1044), entitled, as amended, "An act to authorize and provide for the transfer and retransfer of person or persons confined in any penitentiary, prison, workhouse, house of correction, or any other institution for adult prisoners, under sentence of law, convicted but awaiting sentence, awaiting trial, or confined for any other purpose to some other prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners," amended December 22, 1965 (P. L. 1184), are amended to read:

Section 1. Be it enacted, &c., That the Deputy Commissioner for Treatment of the Bureau of Correction in the Department of Justice is hereby authorized and empowered and, upon petition being presented to him by the board of inspectors, if there be such board, otherwise the superintendent or official in charge of any penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, located within any county, *or by the county commissioners of the county in which the institution is located*, setting forth that the said penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, cannot, by reason of overcrowded condition or other existing conditions, furnish proper and sufficient accommodations for the care, custody, control, and safety of the inmates thereof, and that it is requested that a certain number of inmates, set forth in such petition, should be transferred therefrom, may make an order authorizing and directing the said board of inspectors, if there be such board, otherwise the superintendent or official in charge, to transfer to another prison, penitentiary, workhouse, house of correction, or other institution for adult prisoners, such person or persons whom the board of inspectors, if there be such board, otherwise the superintendent or official in charge, shall specify and designate: Provided, however, That before any transfer is made as aforesaid the court of [quarter sessions] *common pleas* of the county wherein any such penitentiary, prison, workhouse, house of

correction, or any other institution for adult prisoners is located, shall give its consent to such transfer. [**And provided further, That prisoners awaiting trial shall not be transferred without their own consent.**] In the event of the overcrowded condition or other existing condition of such penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, be remedied, so that it shall again be able to furnish proper and sufficient accommodations for the care, custody, control, and safety of inmates thereof, the Deputy Commissioner is hereby authorized and empowered, upon petition being presented to him by the said board of inspectors, if there be such board, or by the superintendent or other official in charge, *or by the county commissioners of the county in which the institution is located*, to retransfer to said penitentiary, prison, workhouse, house of correction, or other institution for adult prisoners, any or all inmates heretofore transferred under the terms of this act.

Section 2. That said petition shall set forth the names of the persons whom the said board of inspectors, if there be such board, otherwise the superintendent or official in charge, deem it advisable to transfer or retransfer, together with (1) in case of persons committed, the date of their commitment, and the term for which they were sentenced, or (2) in case of persons convicted but awaiting sentence, the date of conviction, or (3) in case of persons in custody while awaiting trial, the fact that they are so held, or (4) in case of persons otherwise confined, the reason for their confinement, and shall further set forth the reasons for which authority is desired to transfer or retransfer the persons therein named. A copy of such petition shall be sent, by registered mail, to the county commissioners of the county from which the prisoner is transferred, *except when the county commissioners petition the Deputy Commissioner*, as well as to the county commissioners of the county to which the prisoner is transferred or retransferred.

APPROVED—The 10th day of July, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 60.



Secretary of the Commonwealth.