

No. 265

AN ACT

HB 2222

Amending the act of May 16, 1921 (P.L.579), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth class by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," extending the act to provide for the management of the Dauphin County prison.

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

Section 1. Section 1, act of May 16, 1921 (P.L.579), entitled, as amended, "An act providing for the better management of the jails or county prisons in the several counties of this Commonwealth of the third, fourth, fifth classes and in certain counties of the sixth class by creating, in such counties, a board to be known by the name and style of inspectors of the jail or county prison, with authority to appoint a warden of such prison, and by vesting in said board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners and the government and management of said jails or county prisons," reenacted and amended January 25, 1966 (P.L.1577), is reenacted and amended to read:

Section 1. Be it enacted, &c., That the persons now holding the following offices, and their successors, in all counties of this Commonwealth of the third, fourth, and fifth classes, shall compose a board, to be known by the name and style of inspectors of the jail or county prisons, to wit: The judges of the court of [quarter sessions,] *common pleas*, the district attorney, the sheriff, the controller, and the commissioners of each of said counties; in which board, and the officers appointed by it, the safe-keeping, discipline, and employment of prisoners, and the government and management of said institution, shall be exclusively vested; and that the present responsibility of the sheriff of each of said counties in regard to the safe-keeping of the prisoners shall cease and determine on their committal to said prison, and such sheriff shall no longer be furnished a residence in said institution.

Any county of the sixth class may elect by resolution of the county commissioners to be governed by the provisions of this act.

Section 2. Sections 2, 2.1, 3, 4, and 5 of the act are reenacted to read:

Section 2. That, within thirty days after this act shall become effective in any county, the above-named board shall meet and organize by the election of a president and secretary. A majority of the members of said

board shall constitute a quorum for the transaction of business, and all actions of said board must be by the approval of a majority of all the members of said board. The board shall meet monthly, or oftener if required, and keep regular minutes of their proceedings in a book, to be filed with the financial records of each of said counties, and shall make such rules and regulations for the government and management of the prison, and the safe-keeping, discipline, and employment of the prisoners, as may be deemed necessary. The board shall appoint a warden of the prison, who shall reside in the building. The warden, subject to the approval of the board, may appoint such deputy or deputies, assistant or assistants, keeper or keepers, as may be required in the taking care of the prison. The number and compensation of such deputies, assistants, or keepers shall be fixed by the salary board.

Section 2.1. All wardens, deputy wardens, keepers, guards, turnkeys and matrons shall have, and may exercise, the powers of peace officers in the performance of their duties generally in guarding, protecting and delivering prisoners, in protecting the property and interests of the county, and in capturing and returning prisoners that may have escaped.

Section 3. That all the expenditures required for the support and maintenance of prisoners, the repairs and improvement of said prison, shall be paid from the county treasury by warrants drawn, in the mode now prescribed by law, on the regular appropriation for the purpose, but no warrant shall be certified by the controller for any expense connected with the prison unless on vouchers approved by a majority of said board and endorsed by the president and secretary thereof, and all contracts involving an expenditure of funds from the county treasury shall be made in accordance with the procedures set forth in Article XVIII of the act of August nine, one thousand nine hundred fifty-five (Pamphlet Laws 323), Act No. 130.

Section 4. That the warden, at the time of his appointment, shall give bond, with good and sufficient security to be fixed and approved by the board of inspectors, for the faithful performance of his duty, and may, at any time, be removed by said board for misconduct or inefficiency. All deputies, assistants, or keepers shall also give bond if required by said board, and may at any time be suspended by the warden or removed by the said board.

Section 5. Provided that in all counties to which this act applies, where the sheriff is now the acting warden or keeper of the county jail or prison and has his residence therein, this act shall not take effect until the expiration of the term of office of the sheriff now so acting as jail or prison warden or keeper.

Section 3. Section 6 of the act is reenacted and amended to read:

Section 6. **[This bill]** *Except as hereinafter provided, this act* shall not be construed to repeal any special laws relating to the management of jails or county prisons in the counties affected by this act.

Section 4. The act is amended by adding a section to read:

*Section 7. The following acts are repealed absolutely:*

*(1) Act of April 15, 1841 (P.L.189), entitled "An act relative to the Dauphin County Prison."*

*(2) Act of April 12, 1866 (P.L.865), entitled "A supplement to an act relating the Dauphin county prison, and relating to inspectors therein."*

APPROVED—The 26th day of October, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly No. 265.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive, flowing style.

Secretary of the Commonwealth.