

No. 1990-156

AN ACT

HB 612

Providing for official visitation of prisons.

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

Section 1. Short title.

This act shall be known and may be cited as the Official Visitation of Prisons Act.

Section 2. Definitions.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Official visitor.” The Governor, Lieutenant Governor, President pro tempore and members of the Senate, Speaker and members of the House of Representatives, justices and judges of the courts of record, General Counsel, Attorney General and his deputies, and authorized members of the Pennsylvania Prison Society who have been designated as official visitors, whose names shall be given to the correctional official in charge of the appropriate facility, in writing, together with the terms of their appointment under its corporate seal.

“Secretary.” The Secretary of Corrections of the Commonwealth.

Section 3. Visitation.

(a) Time.—Any official visitor is hereby authorized to enter and visit any local or State correctional facility on any and every day, including Sundays, between the hours of 9 a.m. and 5 p.m. Visits at any other time shall be made only with the special permission of the correctional official in charge of the facility.

(b) Denial of entry.—If the correctional official in charge of a State correctional facility is of the opinion that the visit would be dangerous to the discipline or welfare of the facility or the safety of the visitor, the correctional official in charge of the facility may temporarily deny entry to any official visitor if the Secretary of Corrections has previously declared that an emergency situation exists within the facility. If this temporary exclusion exceeds 72 hours, the official visitor may apply to Commonwealth Court for a ruling upon the Secretary of Corrections to show cause why the official visitor should not be permitted entry into the correctional facility.

(c) Temporary denial of visitation for local facilities.—If the correctional official in charge of a local correctional facility has previously determined that an emergency exists at the facility, the correctional official may, with the approval of the president judge of the court of common pleas for the district where the facility is located, temporarily deny entry to an official visitor. If this temporary exclusion exceeds 72 hours, the official visitor may

apply to Commonwealth Court for a ruling upon the president judge to show cause why the official visitor should not be permitted entry into the correctional facility.

(d) *Interviews.*—Official visitors shall have the right to interview privately any prisoner or inmate confined in any State or local correctional facility and for that purpose to enter the cell, room or apartment wherein any prisoners or inmates are confined. However, if the superintendent or person in charge of the facility at the time of the visit is of the opinion that entry into a cell would be dangerous to the discipline of the facility, then the superintendent or person in charge may conduct any inmates, with whom the official visitor may desire a private interview, into another cell or room as he may designate and there permit the private interview between the official visitor and the inmate to take place.

(e) *Official visitors and employees not exempt from prosecution.*—Official visitors and their employees shall not be exempt from prosecution for any criminal offense, including, but not limited to, a violation of 18 Pa.C.S. §§ 5121 (relating to escape), 5122 (relating to weapons or implements for escape) and 5123 (relating to contraband).

(f) *Decree of court.*—If an official visitor violates any provision of this section, any superintendent, warden or official in charge of a local or State correctional facility may apply to the appropriate court for a ruling upon the visitor to show cause why he or she should not be deprived of his or her official visitation status, and, upon proof to the satisfaction of the court, the court shall enter a decree against the official visitor depriving him or her of all rights, privileges and functions of official visitors.

Section 4. *Employees of official visitor.*

One employee of an official visitor may accompany the official visitor when visiting any prison, jail or State or regional correctional facility and may be present during an interview conducted by the official visitor.

Section 5. *Repeals.*

All acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 6. *Effective date.*

This act shall take effect in 60 days.

APPROVED—The 7th day of December, A. D. 1990.

ROBERT P. CASEY