THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 5

Session of
2007

INTRODUCED BY MARSICO, BAKER, BASTIAN, BENNINGHOFF, BRENNAN,
CAPPELLI, CLYMER, DALLY, DENLINGER, EVERETT, FABRIZIO,
FAIRCHILD, GIBBONS, HALUSKA, HARHAI, HARPER, HERSHEY,
HICKERNELL, KENNEY, KIRKLAND, KOTIK, KULA, MAHONEY, MANN,
McGEEHAN, O'NEILL, RAPP, ROHRER, SABATINA, SCAVELLO,
SCHRODER, SHAPIRO, SIPTROTH, SONNEY, STAIRS, THOMAS, TRUE,
WANSACZ, WATSON, YUDICHAK, D. O'BRIEN, MANDERINO, WALKO AND
CALTAGIRONE, JULY 6, 2007

SENATOR ARMSTRONG, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 28, 2008

AN ACT

1 Amending the act of July 11, 1923 (P.L.1044, No.425), entitled,
2   as amended, "An act to authorize and provide for the transfer
3   and retransfer of person or persons confined in any
4   penitentiary, prison, workhouse, house of correction, or any
5   other institution for adult prisoners, under sentence of law,
6   convicted but awaiting sentence, awaiting trial, or confined
7   for any other purpose to some other prison, penitentiary,
8   workhouse, house of correction, or other institution for
9   adult prisoners," further providing for transfer of inmates.

10   The General Assembly of the Commonwealth of Pennsylvania

11 hereby enacts as follows:

12   Section 1. Section 1 of the act of July 11, 1923 (P.L.1044,

13 No.425), referred to as the Prisoner Transfer Law, amended

14 December 14, 1992 (P.L.887, No.142), is amended to read:

15   Section 1. (a) Transfers.--At the request of the county

16 correctional administrator, the Secretary of Corrections or

17 designee is hereby authorized and empowered to transfer inmates

1   located in county prisons to the State correctional system for

2   such reasons and upon such terms and conditions as the secretary

3   may determine. The secretary or designee may transfer inmates in

4   the State correctional system to the jurisdiction of a county

5   correctional system upon such terms and conditions that the

6   secretary or designee and the county correctional administrator

7   determine to be in the best interests of the Commonwealth.

8   Inmates located in a county prison may be transferred to another

9   county prison upon such terms and conditions as the counties may

10 determine. The Department of Corrections and county correctional

11 facilities may contract with the Federal Government for the

12 housing of Federal inmates in State and county correctional

13 facilities.

14   (b) Temporary transfers.--The following shall apply to

15 temporary transfers:

16   (1) The Department of Corrections shall temporarily

17   transfer an inmate confined in the State correctional system

18   to a State correctional institution determined by the

19   Department of Corrections to be of an appropriate security

20   level that is nearest to the location of the judicial

21   proceeding. The Department of Corrections shall have the

22   discretion to select an alternative and reasonably accessible

23   State correctional institution if bed space limitations in

24   the nearest State correctional institution prevent the

25   temporary transfer to that institution.

26   (2) The Department of Corrections shall not be required

27   to temporarily transfer any inmate under this subsection

28   unless all of the following apply:

29   (i) A court order has been entered directing the

30   presence of the inmate at a judicial proceeding.

1   (ii) The court has found that the inmate's presence

2   is required at the judicial proceeding.

3   (iii) The Constitution of the United States or the

4   Constitution of Pennsylvania ~~do~~ DOES not permit the   <——

5   inmate's testimony or participation in the proceeding to

6   be conducted by videoconferencing technology.

7   (3) The Department of Corrections shall establish

8   regulations for the implementation of this subsection in

9   accordance with all of the following:

10   (i) The regulations may require up to 14 days'

11   notice prior to the entry of a temporary transfer order.

12   (ii) The regulations may require return of an inmate

13   to the inmate's home correctional institution upon

14   completion of the judicial proceeding.

15   (iii) The regulations may require that an inmate be

16   removed from the State correctional institution by a

17   government official authorized by the court directing the

18   presence of the inmate for a judicial preceding be

19   detained in the county prison if the inmate has been

20   temporarily transferred more than twice in the preceding

21   six months or the judicial proceeding is scheduled to

22   last more than one week.

23   (4) Pending implementation of the regulations required

24   under paragraph (3), the Department of Corrections shall

25   publish interim guidelines consistent with the provisions of

26   paragraph (3). The provisions of this section shall be in

27   full force and effect even if the Department of Corrections

28   has not yet published interim guidelines or implemented the

29   regulations required under this section.

30   (5) The Department of Corrections may presume that the

1   judicial proceedings have concluded when the inmate is

2   returned to the temporary correctional institution after a

3   judicial proceeding unless a court otherwise notifies the

4   Department of Corrections in the manner required by the

5   Department of Corrections.

6   (6) The Department of Corrections may require a county

7   to pay the reasonable cost of transportation between State

8   correctional facilities if a court of that county has

9   requested a temporary transfer under this section. The county

10   reimbursements for transportation costs shall be

11   automatically reappropriated to the Department of

12   Corrections. Nothing in this section shall prohibit the use

13   of alternative transportation methods authorized by law.

14   (7) This section shall not be construed to authorize a

15   court to designate a particular place of confinement or the

16   length of confinement in the temporary correctional

17   institution.

18   Section 2. This act shall take effect in 120 days.