

**CHAPTER 96a. TEMPORARY TRANSFERS FOR COUNTY
COURTS—STATEMENT OF POLICY**

- Sec.
96a.1. Authority and purpose.
96a.2. Procedure for requesting temporary transfer.
96a.3. Multiple requests for transfer.

Authority

The provisions of this Chapter 96a issued under section 1(b) of the act of July 11, 1923 (P. L. 1044, 425), unless otherwise noted.

Source

The provisions of this Chapter 96a adopted June 19, 2009, effective June 20, 2009, 39 Pa.B. 3067, unless otherwise noted.

§ 96a.1. Authority and purpose.

On September 25, 2008, Governor Rendell signed into law Act 82 of 2008 that amended section 1 of the act of July 11, 1923 (P. L. 1044, No. 425), known as the Prisoner Transfer Law (61 P. S. § 72) (act). The legislation requires the Secretary of Corrections to temporarily transfer a State inmate to facilitate his transportation to a judicial proceeding. This chapter is published under the authority conferred under section 1(b)(4) of that act.

§ 96a.2. Procedure for requesting temporary transfer.

(a) A court may request that the Department of Corrections (Department) temporarily transfer a State inmate for purposes of attending a judicial proceeding by forwarding to the Department's Office of Population Management at least 14 days prior to the date of the judicial proceeding, an order that does the following:

- (1) Determines that the Constitution of the United States or the Constitution of Pennsylvania does not permit the inmate's testimony or participation in the judicial proceeding to be conducted by videoconferencing technology and that the inmate's presence is required for the judicial proceeding.
- (2) Directs that the inmate be returned to the institution from which he was temporarily transferred at the completion of the judicial proceeding.

(b) Upon receipt of an order under subsection (a), the Department will transfer the inmate to the State correctional institution nearest to the location of the judicial proceeding that the Department determines to be of an appropriate security level to house the inmate. The Department will select an alternate, reasonably accessible State correctional institution to which to transfer the inmate if bed space limitations at the nearest State correctional institution prevent the inmate's transfer to that institution.

(c) Annually, the Department will publish in the *Pennsylvania Bulletin* a notice setting forth the costs that will be charged to a county for transferring an inmate under section 1(b)(6) of the act of July 11, 1923 (P. L. 1044, No. 425) known as the Prisoner Transfer Law (61 P. S. § 72(b)(6)). Effective with the adoption of this chapter (June 20, 2009) until publication of the next annual notice, the cost for transferring an inmate on one of the Department's regularly scheduled transports shall be \$.16 per mile. Transports that require special arrangements for medical, security or other reasons shall be the actual cost of transportation including, mileage, security and staffing. Upon request, the Department will provide a court with an estimate of the costs of a special transport.

(d) An inmate may not request a transfer under the provisions of this chapter. (*Editor's Note:* Publication by the Department will be codified in this section.)

§ 96a.3. Multiple requests for transfer.

An inmate who has been removed from a State correctional institution by a government official authorized by the court directing the presence of the inmate for a judicial proceeding shall be detained in the county prison if the inmate has been temporarily transferred more than twice in the preceding 6 months or the judicial proceeding is scheduled to last more than 1 week.

[Next page is 97-1.]