

STATEMENTS OF POLICY

Title 37—LAW

DEPARTMENT OF CORRECTIONS

[37 PA. CODE CH. 96a]

Guidelines for Temporary Transfers for County Courts

The Department of Corrections (Department) amends guidelines for the implementation of 61 Pa.C.S. § 1151(d) (relating to general transfer authorization) regarding temporary inmate transfers for court.

A. *Effective Date*

The amendments to Chapter 96a (relating to temporary transfers for county courts—statement of policy) will become effective upon publication in the *Pennsylvania Bulletin*.

B. *Contact Person*

Further information concerning the amendments to Chapter 96a may be obtained by contacting Jordan Kohler, Fiscal Division, Bureau of Administration, Department of Corrections, 1920 Technology Parkway, Mechanicsburg, PA 17050. The guidelines are published on the Department's web site at www.cor.pa.gov.

C. *Statutory Authority*

This chapter is published under 61 Pa.C.S. § 1151(d) which permits the Department to promulgate interim guidelines for implementation of this section.

D. *Purpose and Background*

Section 1151(d) of 61 Pa.C.S. requires that “[t]he department shall temporarily transfer an inmate confined in the State correctional system to a State correctional institution determined by the department to be of an appropriate security level that is nearest to the location of the judicial proceeding. The department shall have the discretion to select an alternative and reasonably accessible State correctional institution if bed space limitations in the nearest State correctional institution prevent the temporary transfer to that institution.” This section permits the Department to promulgate interim guidelines requiring a court order directing the presence of the inmate at a judicial proceeding upon a finding that either the United States Constitution or the Pennsylvania Constitution prohibits the inmate's participation in the proceeding by means of videoconferencing and permitting the Department to charge for the reasonable costs of transportation. The guidelines in Chapter 96a implement these provisions.

E. *Rate Update*

The Department is updating the mileage rate for regularly scheduled transports to \$.23 per mile from the established rate of \$.16 per mile.

F. *Paperwork*

The amended guidelines will require a court order directing the presence of the inmate at a judicial proceeding but will not otherwise appreciably increase the paperwork requirements for the courts of common pleas. The Department will issue an invoice for the costs of transportation and the counties will be required to process payment for those costs.

G. *Fiscal Impact*

The amended guidelines are not expected to appreciably increase costs for the counties or the Department.

LAUREL R. HARRY, PhD,
Secretary

(Editor's Note: Title 37 of the Pennsylvania Code is amended by amending §§ 96a.1 and 96a.2 to read as set forth in Annex A.)

Fiscal Note: 19-13. No fiscal impact; recommends adoption.

Annex A

TITLE 37. LAW

PART III. AGENCIES AND OFFICES

Subpart B. DEPARTMENT OF CORRECTIONS

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

§ 96a.1. Authority and purpose.

Section 1151(d) of 61 Pa.C.S. (relating to general transfer authorization) requires the Department to temporarily transfer an inmate confined in the State correctional system to a State correctional institution determined by the Department to be of an appropriate security level that is nearest to the location of the judicial proceeding. This chapter is published under the authority conferred under 61 Pa.C.S. § 1151(d).

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

(a) A court may request that the 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) Directs the presence of the inmate at a judicial proceeding and 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 the inmate 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. Until publication of the next annual notice, the cost for trans-

ferring an inmate on one of the Department's regularly scheduled transports shall be \$.23 per mile. The charge for 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.

(e) The mileage rate under subsection (c) shall be retroactive to January 1, 2024, and apply to billing periods beginning on or after that date.

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