

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1430 Session of
1989

INTRODUCED BY ACOSTA, DALEY, SALOOM, HOWLETT, ANGSTADT, JAROLIN,
FOX, JOHNSON, KOSINSKI, KUKOVICH, JOSEPHS, ROBINSON,
PRESSMANN, OLASZ, MELIO, J. TAYLOR, PISTELLA, KASUNIC, NOYE,
BELARDI, CARN, FLICK, CORRIGAN, JAMES AND VEON, MAY 22, 1989

REFERRED TO COMMITTEE ON LIQUOR CONTROL, MAY 22, 1989

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for the powers and duties of the
18 enforcement officers.

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

21 Section 1. Section 211 of the act of April 12, 1951 (P.L.90,
22 No.21), known as the Liquor Code, reenacted and amended June 29,
23 1987 (P.L.32, No.14), is amended to read:

24 Section 211. Enforcement.--(a) There is created within the
25 Pennsylvania State Police a Bureau of Liquor Control Enforcement

1 which shall be responsible for enforcing this act and any
2 regulations promulgated pursuant thereto. Officers and
3 investigators assigned to the bureau shall have the power and
4 their duty shall be:

5 (1) To investigate whenever there are reasonable grounds to
6 believe liquor, alcohol or malt or brewed beverages are being
7 sold on premises not licensed under the provisions of this act.
8 If the investigation produces evidence of the unlawful sale of
9 liquor or malt or brewed beverages or any other violation of the
10 provisions of this act, the officer involved in the
11 investigation shall institute criminal proceedings against the
12 person or persons believed to have been criminally liable, as
13 otherwise provided by law or rule of court.

14 (2) To arrest on view, except in private homes, without
15 warrant, any person actually engaged in the unlawful sale,
16 importation, manufacture or transportation or having unlawful
17 possession of liquor, alcohol or malt or brewed beverages
18 contrary to the provisions of this act or any other law of this
19 Commonwealth or any person within a licensed premises who is
20 violating the act of April 14, 1972 (P.L.233, No.64), known as
21 "The Controlled Substance, Drug, Device and Cosmetic Act."

22 (3) Upon reasonable and probable cause, to search for and to
23 seize, without warrant or process, except in private homes, any
24 liquor, alcohol or malt or brewed beverages unlawfully
25 possessed, manufactured, sold, imported or transported and any
26 stills, equipment, materials, utensils, vehicles, boats,
27 vessels, animals, aircraft, or any of them, which are or have
28 been used in the unlawful manufacture, sale, importation or
29 transportation of the same. Such liquor, alcohol, malt or brewed
30 beverages, stills, equipment, materials, utensils, vehicles,

1 boats, vessels, animals or aircraft so seized shall be disposed
2 of as hereinafter provided.

3 (4) To investigate and issue citations for any violations of
4 this act or any laws of this Commonwealth relating to liquor,
5 alcohol or malt or brewed beverages, or any regulations of the
6 board adopted pursuant to such laws or any violation of any laws
7 of this Commonwealth or of the Federal Government, relating to
8 the payment of taxes on liquor, alcohol or malt or brewed
9 beverages by any licensee, his officers, servants, agents or
10 employes.

11 (5) To confiscate the license of any licensee where any
12 officer or investigator arrests the licensee or his agent for
13 any violation of "The Controlled Substance, Drug, Device and
14 Cosmetic Act," within the licensed premises. The licensed
15 establishment shall be closed and padlocked by the enforcement
16 officer or investigator until the licensee or his agent is
17 convicted or acquitted of the charges, or the charges are
18 otherwise disposed.

19 (b) Any equipment or appurtenance actually used in the
20 commission of the unlawful acts may be confiscated. The
21 confiscation shall not, in any manner, divest or impair the
22 rights or interest of any bona fide lienholder in the equipment
23 or appurtenance.

24 (c) The Pennsylvania State Police Commissioner shall assign
25 State Police Officers to such supervisory and other capacities
26 in the enforcement bureau as he deems necessary. All other
27 personnel of the enforcement bureau shall be civilians.

28 (d) The Office of Chief Counsel for the Pennsylvania State
29 Police shall represent the enforcement bureau in all enforcement
30 proceedings brought before the Office of Administrative Law

1 Judge or any other adjudicatory body.

2 Section 2. This act shall take effect immediately.