

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2316 Session of
1996

INTRODUCED BY WILLIAMS, L. I. COHEN, ROONEY, DeWEESE, TRELLO,
BELARDI, BATTISTO AND BELFANTI, JANUARY 31, 1996

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 1996

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for inquiry as
3 to the source of security for bail in drug offenses.

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

6 Section 1. Section 5749 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subsection to read:
8 § 5749. Prohibitions and penalties.

9 * * *

10 (g) Prohibited issuance of bond in drug offenses.--No person
11 licensed to operate as a bondsman shall accept as consideration
12 for the issuance of any bond or other surety, currency or other
13 property which such bondsman has reason to believe is or was,
14 directly or indirectly, derived from violations of the act of
15 April 14, 1972 (P.L.233, No.64), known as The Controlled
16 Substance, Drug, Device and Cosmetic Act. Any person who
17 violates this provision shall be subject to forfeiture of the
18 license issued under this chapter for a period of five years.

1 Section 2. Chapter 57 of Title 42 is amended by adding a
2 subchapter to read:

3 CHAPTER 57

4 BONDS AND RECOGNIZANCES

5 * * *

6 SUBCHAPTER C

7 SPECIAL PROVISIONS

8 Sec.

9 5761. Bail in drug offenses.

10 § 5761. Bail in drug offenses.

11 (a) Inquiry as to source.--When fixing and accepting bail
12 for a person charged with a violation of the act of April 14,
13 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
14 Device and Cosmetic Act, the district justice or judge shall
15 determine the source of the currency, bonds, realty or other
16 property used for the payment of the bail or the procurement of
17 a surety bond, as the case may be, being posted by or on behalf
18 of the defendant. The district justice or judge may request such
19 information as needed to identify the direct or indirect
20 sources, derivation or ownership of the currency or other
21 property used for the payment of bail or procurement of a bond.

22 (b) Drug proceeds unacceptable.--If the district justice or
23 judge determines that the bail or surety bond is being financed
24 from funds derived from violations of The Controlled Substance,
25 Drug, Device and Cosmetic Act, the security shall not be
26 accepted, and other security shall be required for the defendant
27 to be admitted to bail.

28 Section 3. This act shall take effect in 60 days.