

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2718 Session of
1998

INTRODUCED BY PRESTON, BELARDI, DALEY, KIRKLAND, A. H. WILLIAMS,
WALKO, LAUGHLIN, TRELLO, MAHER, JAMES, RAMOS, HORSEY,
BOSCOLA, OLASZ, YOUNGBLOOD AND SERAFINI, JUNE 10, 1998

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 10, 1998

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 distribution of controlled substances forfeitures.

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

6 Section 1. Section 6801(f) and (g) of Title 42 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 6801. Loss of property rights to Commonwealth.

9 * * *

10 (f) Use of cash or proceeds of property.--[Cash] Except as
11 provided in subsection (g), cash or proceeds of forfeited
12 property transferred to the custody of the district attorney
13 pursuant to subsection (e) shall be placed in the operating fund
14 of the county in which the district attorney is elected. The
15 appropriate county authority shall immediately release from the
16 operating fund, without restriction, a like amount for the use
17 of the district attorney enforcing the provisions of The
18 Controlled Substance, Drug, Device and Cosmetic Act. The entity

1 having budgetary control shall not anticipate future forfeitures
2 or proceeds therefrom in adoption and approval of the budget for
3 the district attorney.

4 (g) Distribution of property among law enforcement
5 authorities.--If both [municipal and] State law enforcement
6 authorities and law enforcement authorities of a political
7 subdivision of this Commonwealth were substantially involved in
8 effecting the seizure, the court having jurisdiction over the
9 forfeiture proceedings shall equitably distribute the property
10 between the district attorney and the Attorney General. In all
11 counties 50% of the total cash or proceeds of property forfeited
12 shall be distributed as follows:

13 (1) One-half to the local police departments involved in
14 effecting the seizure under the authority of a political
15 subdivision of this Commonwealth. Recipients of this money
16 shall use it to provide law enforcement training and to
17 purchase law enforcement equipment.

18 (2) One-half to nonprofit community-based organizations
19 that are actively confronting the drug problem and are
20 providing educational, health care, housing and community
21 development services and to nonprofit agencies providing
22 inpatient or outpatient drug rehabilitation programs or drug
23 crime prevention.

24 * * *

25 Section 2. This act shall take effect immediately.