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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1735 Session of  
2017

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INTRODUCED BY KINSEY, DONATUCCI, MURT, CALTAGIRONE, RABB,  
MARSHALL, THOMAS, MILLARD, D. COSTA, PASHINSKI AND GILLEN,  
SEPTEMBER 5, 2017

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REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 5, 2017

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AN ACT

1 Amending the act of August 26, 1971 (P.L.351, No.91), entitled  
2 "An act providing for a State Lottery and administration  
3 thereof; authorizing the creation of a State Lottery  
4 Commission; prescribing its powers and duties; disposition of  
5 funds; violations and penalties therefor; exemption of prizes  
6 from State and local taxation and making an appropriation,"  
7 in State lottery, further providing for assignability of  
8 prizes drawn and providing for withholding prize winnings.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 306(f) of the act of August 26, 1971  
12 (P.L.351, No.91), known as the State Lottery Law, is amended by  
13 adding a paragraph to read:

14 Section 306. Assignability of prizes drawn.

15 \* \* \*

16 (f) Assignment limitation.--Notwithstanding any other  
17 provision of this section, no prizewinner shall have the right  
18 to assign prize payments upon:

19 \* \* \*

20 (3) The withholding of prize winnings by the secretary

1 in accordance with section 306.1.

2 \* \* \*

3 Section 2. The act is amended by adding a section to read:

4 Section 306.1. Withholding prize winnings.

5 (a) Withholding prize winnings.--

6 (1) The right of a person to a prize drawn shall be  
7 withheld by the secretary if it is determined that the prize  
8 winner of a jackpot prize, annuity prize or any other prize  
9 of \$2,500 or more is subject to registration under 42 Pa.C.S.  
10 § 9799.13 (relating to applicability).

11 (2) The authority of the secretary to withhold prize  
12 winnings in accordance with paragraph (1) shall extend for a  
13 six-month period beginning on the date the prize winner  
14 presents the ticket or share to claim prize winnings.

15 (b) Release of winnings.--

16 (1) The secretary may release prize winnings withheld in  
17 accordance with subsection (a) before the expiration of the  
18 six-month period if the person who is the prize winner  
19 provides documentation from the court verifying that the  
20 person has paid fully all restitution, reparations, fees,  
21 costs, fines and penalties in accordance with 42 Pa.C.S. Ch.  
22 97 Subch. C (relating to sentencing alternatives).

23 (2) If the secretary determines that a person who is a  
24 prize winner and who is subject to registration pursuant to  
25 42 Pa.C.S. § 9799.13 has an arrangement with the court to pay  
26 restitution, reparations, fees, costs, fines and penalties in  
27 installment payments, is delinquent in making the installment  
28 payments or is in default in the payment of restitution,  
29 reparation, fees, costs, fines and penalties, the secretary  
30 shall withhold payment of prize winnings to the person and

1 forward the prize winnings to the court or other issuing  
2 authority for credit to the person's outstanding or unpaid  
3 restitution, fines and costs and other court ordered  
4 obligations imposed after conviction in accordance with 42  
5 Pa.C.S. Ch. 97 Subch. C.

6 (3) The amount of prize winnings remaining after payment  
7 of a prize winner's court-ordered obligations shall be  
8 immediately paid to the prize winner.

9 (4) The six-month period under subsection (a) may be  
10 extended for an additional six months if the secretary  
11 determines that circumstances exist to warrant the additional  
12 time.

13 (c) Duties of the secretary.--It shall be the duty of the  
14 secretary to:

15 (1) Modify the State Lottery's prize claim form to  
16 include a statement and check-off box which a prize winner  
17 may use to disclose whether the prize winner is subject to  
18 registration under 42 Pa.C.S. § 9799.13.

19 (2) The statement required under paragraph (1) shall:

20 (i) be conspicuously located above the form's  
21 signature line; and

22 (ii) be in 16-point boldface font type in a form  
23 similar to the following:

24 If you are a registered sex offender under 42  
25 Pa.C.S. Ch. 97 Subch. H (relating to registration  
26 of sexual offenders), all or a portion of your  
27 prize winning may be withheld to pay any  
28 outstanding or delinquent court ordered  
29 obligations. If you fail to disclose your  
30 registration status or provide false information,

1                   you will be subject to prosecution.

2                   (I) I am a registered sex offender in (name  
3                   of county) \_\_\_\_\_.

4                   (II) I am not a registered sex offender \_\_\_\_\_.

5                   (3) Collaborate with the Administrative Office of  
6                   Pennsylvania Courts to develop a process or procedure to  
7                   ensure that, upon sentencing, all judgments for court ordered  
8                   obligations imposed upon a person subject to registration  
9                   under 42 Pa.C.S. § 9799.13 are transmitted to the Department  
10                  of Revenue.

11                  (4) Implement procedures to ensure that the information  
12                  transmitted to the Department of Revenue in accordance with  
13                  paragraph (2) is used to identify persons subject to  
14                  registration under 42 Pa.C.S. § 9799.13.

15                  (d) Penalty.--

16                  (1) A person subject to registration under 42 Pa.C.S. §  
17                  9799.13 who knowingly fails to disclose the person's  
18                  registration status in accordance with this section commits a  
19                  misdemeanor of the second degree.

20                  (2) A person who, with the intent to mislead, falsifies  
21                  a claim form by indicating that the person is not subject to  
22                  registration under 42 Pa.C.S. § 9799.13 shall be subject to  
23                  prosecution under 18 Pa.C.S. § 4904 (relating to unsworn  
24                  falsification to authorities).

25                  (e) Definition.--As used in this section, the term "court-  
26                  ordered obligation" shall mean restitution, reparation, fees,  
27                  costs, fines and penalties imposed by the court in accordance  
28                  with 42 Pa.C.S. Ch. 97 Subch. C.

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