

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1973 Session of  
2017

---

INTRODUCED BY ENGLISH, MILLARD, RAVENSTAHL, ORTITAY, READSHAW,  
CORBIN, D. COSTA, WARD, WATSON, NEILSON, DeLUCA AND DEASY,  
DECEMBER 19, 2017

---

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 19, 2017

---

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in minors, further providing for  
3 purchase, consumption, possession or transportation of liquor  
4 or malt or brewed beverages and for predisposition  
5 evaluation.

6 The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8 Section 1. Section 6308(a) and (c) of Title 18 of the  
9 Pennsylvania Consolidated Statutes are amended and the section  
10 is amended by adding a subsection to read:

11 § 6308. Purchase, consumption, possession or transportation of  
12 liquor or malt or brewed beverages.

13 (a) Offense defined.--A person commits a summary offense for  
14 a first or second violation and a misdemeanor of the third  
15 degree for any subsequent violations if he, being less than 21  
16 years of age, attempts to purchase, purchases, consumes,  
17 possesses or knowingly and intentionally transports any liquor  
18 or malt or brewed beverages, as defined in section 6310.6  
19 (relating to definitions). For the purposes of this section, it

1 shall not be a defense that the liquor or malt or brewed  
2 beverage was consumed in a jurisdiction other than the  
3 jurisdiction where the citation for underage drinking was  
4 issued.

5 \* \* \*

6 [(c) Preadjudication disposition.--

7 (1) When a person is charged with violating subsection  
8 (a), the magisterial district judge may admit the offender to  
9 the adjudication alternative as authorized in 42 Pa.C.S. §  
10 1520 (relating to adjudication alternative program) or any  
11 other preadjudication disposition if the offender has not  
12 previously received a preadjudication disposition for  
13 violating subsection (a).

14 (2) The use of a preadjudication disposition shall be  
15 considered a first or subsequent offense, whichever is  
16 applicable, for the purpose of further adjudication under  
17 this section or under section 6310.4.]

18 (c.1) Preadjudication disposition.--

19 (1) If a person is charged with a first violation of  
20 subsection (a), the magisterial district judge or the  
21 judicial authority with jurisdiction over the violation shall  
22 give first consideration to referring a person to a  
23 diversionary program under 42 Pa.C.S. § 1520 (relating to  
24 adjudication alternative program) and the Pennsylvania Rules  
25 of Criminal Procedure if the offender has not previously  
26 received a preadjudication disposition for violating  
27 subsection (a). As part of the diversionary program, the  
28 magisterial district judge or judicial authority with  
29 jurisdiction over the violation may order the person to  
30 participate in an age-appropriate alcohol awareness program

1 approved by the Department of Drug and Alcohol Programs. If  
2 the person successfully completes the diversionary program,  
3 the person's records of the charge of violating subsection  
4 (a) shall be expunged as provided for under Pa.R.C.P. No.320  
5 (relating to Expungement Upon Successful Completion of ARD  
6 Program) or under section 9123 (relating to juvenile  
7 records).

8 (2) If a person is charged with a second or subsequent  
9 violation of subsection (a), the magisterial district judge  
10 or the judicial authority with jurisdiction over the  
11 violation shall require the person to undergo an assessment  
12 for alcohol or other drug dependency under section 6310.5  
13 (relating to predisposition evaluation) to determine the  
14 extent of the person's involvement with alcohol or other drug  
15 dependency and to assist the court in determining what type  
16 of sentence would benefit the person or the public. Based on  
17 the results of the evaluation and any additional information,  
18 the court shall require that the person successfully complete  
19 a prescribed program of education, intervention or treatment  
20 based on the person's individualized assessment and in  
21 accordance with clinical criteria approved by the Department  
22 of Drug and Alcohol Programs. If the person successfully  
23 completes the prescribed program, the person's records of the  
24 charge of violating subsection (a) shall be expunged as  
25 provided for under Pa.R.C.P. No.320 or section 9123.

26 (3) The use of a preadjudication disposition shall be  
27 considered a first or subsequent offense, whichever is  
28 applicable, for the purpose of further adjudication under  
29 this section or under section 6310.4.

30 (4) The costs of the requirements applied under this

1 section shall be in addition to any other penalty required or  
2 allowed by law and shall be the responsibility of the person  
3 upon whom the requirement is placed.

4 \* \* \*

5 Section 2. Section 6310.5(a)(3) and (b) of Title 18 are  
6 amended to read:

7 § 6310.5. Predisposition evaluation.

8 (a) General rule.--If an individual is convicted,  
9 adjudicated delinquent or offered preadjudication disposition  
10 for a violation of section 6307 (relating to misrepresentation  
11 of age to secure liquor or malt or brewed beverages), 6308  
12 (relating to purchase, consumption, possession or transportation  
13 of liquor or malt or brewed beverages) or 6310.3 (relating to  
14 carrying a false identification card), the following shall  
15 apply:

16 \* \* \*

17 (3) Evaluation under this subsection may consist of  
18 evaluation techniques if deemed appropriate by the court to  
19 determine the extent of the individual's involvement with  
20 alcohol or other drug dependency.

21 (b) Program of education, intervention and [counseling]  
22 treatment.--Based on the results of the evaluation authorized  
23 under subsection (a) and any additional information, the court  
24 may require that the person successfully complete a prescribed  
25 program of education, intervention or [counseling] treatment  
26 approved by the Department of [Health] Drug and Alcohol  
27 Programs.

28 \* \* \*

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