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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**

**No. 1012** Session of  
1987

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INTRODUCED BY SWEET, REBER, O'DONNELL, HAGARTY, RITTER, MELIO,  
BOYES, COY, PRESSMANN, PRESTON, SHOWERS, CAWLEY, ARTY, LLOYD,  
MERRY, JOHNSON, CORRIGAN, ANGSTADT, TRELLO, TIGUE, FARGO,  
FOX, BALDWIN, GAMBLE, HALUSKA, STABACK, CARLSON, McVERRY,  
LASHINGER, DURHAM, VAN HORNE, NAHILL, SCHEETZ, McCALL,  
CIVERA, DeLUCA, PISTELLA, BELFANTI, E. Z. TAYLOR, SAURMAN,  
DAWIDA, RAYMOND, PETRONE, SEMMEL, HUGHES, MICHLOVIC, KASUNIC,  
SALOOM, GODSHALL, ROBBINS, CORNELL AND OLASZ, APRIL 7, 1987

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REFERRED TO COMMITTEE ON JUDICIARY, APRIL 7, 1987

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AN ACT

1 Establishing a program of financial assistance to counties for  
2 the incarceration of certain offenders; providing for  
3 administration by the Pennsylvania Commission on Crime and  
4 Delinquency; providing for an audit of funds disbursed  
5 pursuant to such program; and making an appropriation.

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

8 Section 1. Short title.

9 This act shall be known and may be cited as the DUI County  
10 Implementation Assistance Act.

11 Section 2. Definitions.

12 The following words and phrases when used in this act shall  
13 have the meanings given to them in this section unless the  
14 context clearly indicates otherwise:

15 "Average daily population." The cumulative daily inmate  
16 population count as of midnight, divided by the number of days

1 in the fiscal year.

2 "Commission." The Pennsylvania Commission on Crime and  
3 Delinquency.

4 "DUI offender." Any individual convicted of and incarcerated  
5 for violation of 75 Pa.C.S. § 3731 (relating to driving under  
6 influence of alcohol or controlled substance).

7 "Fiscal year." The period beginning July 1 and ending June  
8 30.

9 Section 3. Establishment of program.

10 There is hereby established a program of financial subsidies  
11 to counties to assist them in meeting the expenses of  
12 incarcerating DUI offenders.

13 Section 4. Administration of program.

14 The commission shall have the following powers and duties:

15 (1) To compile, on a fiscal year basis, statistical data  
16 indicating the average daily population of DUI offenders in  
17 each county jail.

18 (2) To disburse such funds as the General Assembly may  
19 appropriate for this subsidy program. The commission shall  
20 devise a distribution formula based on the following:

21 (i) The total amount appropriated for the fiscal  
22 year.

23 (ii) The total average daily population of DUI  
24 offenders in all counties measured over the preceding  
25 fiscal year.

26 (iii) The average daily population of DUI offenders  
27 in each county measured over the preceding fiscal year.

28 (3) To make such other rules and regulations and perform  
29 other duties as may be reasonably necessary or appropriate to  
30 administer this program.

1           (4) To make an annual report to the Governor and to the  
2           General Assembly on the distribution of program funds and to  
3           recommend an amount to be appropriated for the next fiscal  
4           year which would provide a subsidy of approximately \$7,500  
5           times the average daily population of DUI offenders in each  
6           county jail.

7 Section 5. Audit.

8           The Auditor General shall conduct an audit of the expenditure  
9           of funds received by counties under this program as he may deem  
10          necessary or advisable, from time to time, but no less often  
11          than once every three years.

12 Section 6. Appropriation.

13          The sum of \$2,110,450 is hereby appropriated to the  
14          Pennsylvania Commission on Crime and Delinquency for the fiscal  
15          year July 1, 1987, to June 30, 1988, to carry out the provisions  
16          of this act.

17 Section 7. Effective date.

18          This act shall take effect July 1, 1987.