

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2234 Session of
2001

INTRODUCED BY BENNINGHOFF, BASTIAN, BUNT, CAPPELLI, CLYMER,
CREIGHTON, EGOLF, GEIST, GRUCELA, HARPER, HERMAN, MCGEEHAN,
PALLONE, PICKETT, SATHER, SAYLOR, STEELMAN, E. Z. TAYLOR,
THOMAS, TURZAI, WANSACZ, WILT AND YUDICHAK, DECEMBER 11, 2001

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 11, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, imposing surcharges on
3 certain criminal convictions to fund construction and
4 renovation costs of local correctional facilities; imposing
5 powers and duties on the Department of Community and Economic
6 Development; and establishing the Local Correctional Facility
7 Construction and Renovation Fund.

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

10 Section 1. Title 42 of the Pennsylvania Consolidated
11 Statutes is amended by adding a section to read:

12 § 1725.5. Local correctional facility construction and
13 renovation fee.

14 (a) Imposition of fee.--A person who is placed on probation
15 without verdict pursuant to section 17 of the act of April 14,
16 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
17 Device and Cosmetic Act, or who receives Accelerated
18 Rehabilitative Disposition or who pleads guilty to or nolo
19 contendere to or who is convicted of a crime as defined in 75

Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), 3735 (relating to homicide by vehicle while driving under influence), 3735.1 (relating to aggravated assault by vehicle while driving under the influence) or a violation of The Controlled Substance, Drug, Device and Cosmetic Act shall, in addition to any fines, penalties or costs, in every case be sentenced to pay a local correctional facility construction and renovation fee.

(b) Amount of fee.--The fee under subsection (a) shall be \$50.

(c) Disposition of fee.--Fees collected under this section shall be paid into a special nonlapsing fund of the State Treasury, which is hereby established and shall be known as the Local Correctional Facility Construction and Renovation Fund. Money in this fund is hereby appropriated to the Department of Community and Economic Development and shall be used solely for providing grants to counties, which grants are to be used for the purpose of constructing or renovating local correctional facilities.

(d) Administration.--Counties shall apply for grants under this section in the manner and on the forms as prescribed by the Department of Community and Economic Development. Funds received under this section shall be in addition to and may be used in conjunction with funds received from any other public or private source.

(e) Other laws.--The fee under this section shall be imposed notwithstanding any other provision of law to the contrary.

(f) Definition.--As used in this section, the term "local correctional facility" means a jail, prison or detention facility operated by a county or jointly by more than one county

1 and used for the confinement of individuals for safe custody.
2 The term does not include any facility used for the detention or
3 confinement of juveniles.

4 Section 2. This act shall take effect in 60 days.