

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 416 Session of  
2007

INTRODUCED BY MARKOSEK, BELFANTI, BENNINGTON, BISHOP, BOYD,  
CALTAGIRONE, CARROLL, COSTA, CURRY, DALEY, FRANKEL, HARHAI,  
HORNAMAN, JAMES, JOSEPHS, KORTZ, MAHONEY, MANN, McCALL,  
McGEEHAN, PALLONE, PETRONE, READSHAW, ROSS, SAINATO, SONNEY,  
STABACK, THOMAS, WALKO, WHEATLEY AND GEIST, FEBRUARY 13, 2007

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 13, 2007

AN ACT

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

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

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

8 § 6801. Controlled substances forfeiture.

9 \* \* \*

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

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

4       (1) An amount equal to 85% of the amount transferred to  
5       the operating fund to the district attorney to enforce the  
6       provisions of The Controlled Substance, Drug, Device and  
7       Cosmetic Act, which amount shall never be reduced lower than  
8       85%.

9       (2) An amount equal to 15% of the amount transferred to  
10       the operating fund to the Department of Health's Emerging  
11       Needs Grants for the purpose of street level drug treatment  
12       and rehabilitation.

13 The entity having budgetary control shall not anticipate future  
14 forfeitures or proceeds therefrom in adoption and approval of  
15 the budget for the district attorney or the Department of  
16 Health.

17       \* \* \*

18       (h) Authorization to utilize property.--The district  
19 attorney and the Attorney General shall utilize forfeited  
20 property or proceeds thereof for the purpose of enforcing the  
21 provisions of The Controlled Substance, Drug, Device and  
22 Cosmetic Act. [In appropriate cases, the district attorney and  
23 the Attorney General may designate proceeds from forfeited  
24 property to be utilized by community-based drug and crime-  
25 fighting programs and for relocation and protection of witnesses  
26 in criminal cases.] In appropriate cases, the district attorney  
27 and the Attorney General may designate proceeds from forfeited  
28 property to be utilized for relocation and protection of  
29 witnesses in criminal cases.

30       \* \* \*

1       (k) Proceeds and appropriations.--The proceeds or future  
2 proceeds from forfeited property under this chapter shall be in  
3 addition to any appropriation made to the Office of Attorney  
4 General, the district attorney or the Department of Health.

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