

AMENDMENTS TO HOUSE BILL NO. 119

Sponsor: REPRESENTATIVE DAVIS

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1 Amend Bill, page 3, by inserting between lines 8 and 9

2 "Certificate of compliance" or "certification." Includes a
3 license to operate a drug and alcohol recovery house.

4 "Certified." Having a valid certificate of compliance from
5 the department or licensed by the department for the operation
6 of a drug and alcohol recovery house.

7 "Department." The Department of Drug and Alcohol Programs of
8 the Commonwealth.

9 Amend Bill, page 3, line 9, by striking out "Certified drug"
10 and inserting

11 Drug

12 Amend Bill, page 3, by inserting between lines 20 and 21

13 (4) Provides a peer-supported, alcohol-free and drug-
14 free living environment which may also be described as a
15 sober house or a house where there are residents in recovery
16 from alcohol or other drug addiction.

17 Amend Bill, page 3, lines 21 and 22, by striking out all of
18 said lines

19 Amend Bill, page 4, lines 1 and 2, by striking out "that
20 receives funds from a Federal or State agency"

21 Amend Bill, page 5, line 8, by inserting after "of"
22 meeting

23 Amend Bill, page 5, by inserting between lines 11 and 12

24 (13) Information regarding ownership.

25 Amend Bill, page 5, line 13, by striking out "may" and
26 inserting

27 shall

Amend Bill, page 5, line 17, by inserting after

"requirements"

and may be initiated as a result of a complaint to the
department for noncompliance

Amend Bill, page 5, line 27, by inserting after "ALL"

owners, directors, chief financial officers,

Amend Bill, page 6, line 4, by striking out all of said line
and inserting

(g) Denial, suspension or revocation.--

(1) The department shall

Amend Bill, page 6, lines 8 through 19, by striking out all
of said lines and inserting

(i) is not in compliance with this article;

(ii) has failed to remedy a deficiency identified by
the department within the time period specified;

(iii) provided false, misleading or incomplete
information;

(iv) has delinquent State taxes; or

(v) knowingly has a house administrator, an owner, a
director or a chief financial officer who is subject to
the disqualifying offenses under section 2304-C(b) or who
has been convicted of one of the following criminal
offenses within the past two years:

(A) An offense designated as a felony under 18
Pa.C.S. (relating to crimes and offenses).

(B) An offense designated as a felony under the
act of April 14, 1972 (P.L.233, No.64), known as The
Controlled Substance, Drug, Device and Cosmetic Act.

(C) Any attempt, solicitation or conspiracy to
commit an offense under clause (A) or (B).

(2) A certified drug and alcohol recovery house shall
remove a house administrator, an owner, a director or a chief
financial officer if the certified drug and alcohol recovery
house knows that the individual has been convicted of any of
the offenses under paragraph (1)(v) within the past two years
and shall notify the department of the removal. The
department shall review any denial, suspension or revocation
under this subsection in light of the removal.

Amend Bill, page 6, line 27, by inserting after "and"

an owner, a director, a chief financial officer, an

Amend Bill, page 6, line 27, by inserting after "or "

1 a

2 Amend Bill, page 7, line 1, by inserting after "every"

3 owner, director, chief financial officer,

4 Amend Bill, page 7, line 4, by inserting after "No"

5 certified

6 Amend Bill, page 7, line 4, by striking out "administrator"

7 Amend Bill, page 7, line 5, by inserting after

8 "ADMINISTRATOR"

9 , director or chief financial officer

10 Amend Bill, page 7, line 6, by striking out "applicant" and

11 inserting

12 individual

13 Amend Bill, page 7, line 7, by inserting after "offenses"

14 within the past two years:

15 (i) An offense designated as a felony under 18

16 Pa.C.S. (relating to crimes and offenses).

17 (ii) An offense designated as a felony under the act

18 of April 14, 1972 (P.L.233, No.64), known as the

19 Controlled Substance, Drug, Device and Cosmetic Act.

20 (iii) Any attempt, solicitation or conspiracy to

21 commit an offense under subparagraph (i) or (ii).

22 (2) No certified drug and alcohol recovery house may be

23 owned by an individual or hire a house administrator,

24 director or chief financial officer if the individual's

25 criminal history record indicates that the individual has

26 been convicted of one or more of the following offenses

27 Amend Bill, page 7, line 8, by striking out "Title 18

28 (relating to crimes and offenses)" and inserting

29 18 Pa.C.S.

30 Amend Bill, page 7, by inserting between lines 14 and 15

31 (vi) Section 3001 (relating to trafficking in

32 individuals).

33 (vii) Section 3012 (relating to involuntary

34 servitude).

35 Amend Bill, page 7, line 15, by striking out "(vi)" and

36 inserting

37 (viii)

1 Amend Bill, page 7, line 16, by striking out "(vii)" and
2 inserting

3 (ix)

4 Amend Bill, page 7, line 18, by striking out "(viii)" and
5 inserting

6 (x)

7 Amend Bill, page 7, line 20, by striking out "(ix)" and
8 inserting

9 (xi)

10 Amend Bill, page 7, line 21, by striking out "(x)" and
11 inserting

12 (xii)

13 Amend Bill, page 7, line 23, by striking out "(xi)" and
14 inserting

15 (xiii)

16 Amend Bill, page 7, line 24, by striking out all of said line
17 and inserting

18 (xiv) Section 3301 (relating to arson and related
19 offenses).

20 (xv) Section 3701 (relating to robbery).

21 (xvi) A felony offense under Chapter 41 (relating to
22 forgery and fraudulent practices), with the exception of
23 an offense under any of the following:

24 (A) Section 4101 (relating to forgery).

25 (B) Section 4106 (relating to access device
26 fraud).

27 (xvii) Section 4114 (relating to securing execution
28 of documents by deception).

29 Amend Bill, page 7, line 25, by striking out "(xiii)" and
30 inserting

31 (xviii)

32 Amend Bill, page 7, line 26, by striking out "(xiv)" and
33 inserting

34 (xix)

35 Amend Bill, page 7, line 28, by striking out "(xv)" and

1 inserting
2 (xx)
3 Amend Bill, page 7, line 30, by striking out "(xvi)" and
4 inserting
5 (xxi)
6 Amend Bill, page 8, by inserting between lines 1 and 2
7 (xxii) Section 4952 (relating to intimidation of
8 witnesses or victims).
9 (xxiii) Section 4953 (relating to retaliation
10 against witness, victim or party).
11 Amend Bill, page 8, line 2, by striking out "(xvii)" and
12 inserting
13 (xxiv)
14 Amend Bill, page 8, line 4, by striking out "(xviii)" and
15 inserting
16 (xxv)
17 Amend Bill, page 8, line 6, by striking out "(xix)" and
18 inserting
19 (xxvi)
20 Amend Bill, page 8, line 8, by striking out "(xx)" and
21 inserting
22 (xxvii)
23 Amend Bill, page 8, lines 10 and 11, by striking out all of
24 said lines and inserting
25 (xxviii) The attempt, solicitation or conspiracy to
26 commit any of the offenses under this paragraph.
27 Amend Bill, page 8, by inserting between lines 24 and 25
28 (c) Costs.--The costs associated with a criminal history
29 record check under this section shall be the responsibility of
30 the individual who is the subject of the criminal history record
31 check.
32 Amend Bill, page 9, by inserting between lines 29 and 30
33 (g) Management.--A house administrator may not actively
34 manage more than three drug and alcohol recovery houses at the

1 same time.

2 Amend Bill, page 12, lines 21 through 24, by striking out all
3 of said lines and inserting

4 (b) Posting.--The registry shall be posted on the
5 department's publicly accessible Internet website.

6 Amend Bill, page 13, line 4, by inserting after "a"
7 certified

8 Amend Bill, page 13, line 17, by striking out the period
9 after "article" and inserting

10 and shall consider developing ways to encourage the referral
11 to drug and alcohol recovery houses that are in full compliance
12 with this article.

13 Amend Bill, page 13, line 18, by striking out "60 days" and
14 inserting

15 six months