

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2839 Session of
1992

INTRODUCED BY O'BRIEN, M. N. WRIGHT, KOSINSKI, TIGUE, FARGO,
VROON, JOHNSON, GEIST, KENNEY, COHEN, CLARK, DEMPSEY, TRELLO,
PERZEL, HAYDEN, MELIO, ARMSTRONG, KRUSZEWSKI, DONATUCCI,
NAHILL, HECKLER, BUNT, OLASZ, ARGALL, COLAFELLA, SAURMAN,
WOGAN, FAJT, STABACK, E. Z. TAYLOR, ADOLPH, BATTISTO,
KASUNIC, J. TAYLOR, MARSICO AND STURLA, JUNE 16, 1992

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 16, 1992

AN ACT

1 Amending the act of June 23, 1931 (P.L.1178, No.319), entitled
2 "An act declaring buildings and parts of buildings used for
3 purposes of fornication, lewdness, assignation, and
4 prostitution to be nuisances; providing a method of abating
5 same; establishing a method of procedure against those who
6 use said buildings, or parts thereof, for such purposes; and
7 providing penalties for violations of this act," declaring
8 the sale of controlled substances to be a common nuisance;
9 and providing penalties.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Sections 1 and 2 of the act of June 23, 1931
13 (P.L.1178, No.319), entitled "An act declaring buildings and
14 parts of buildings used for purposes of fornication, lewdness,
15 assignation, and prostitution to be nuisances; providing a
16 method of abating same; establishing a method of procedure
17 against those who use said buildings, or parts thereof, for such
18 purposes; and providing penalties for violations of this act,"
19 are amended to read:

1 Section 1. Be it enacted, &c., That any building, or part of
2 a building, used for the purpose of fornication, lewdness,
3 assignation, [and/or] prostitution, and/or the sale of a
4 controlled substance in violation of clause (30) of subsection
5 (a) of section 13 of the act of April 14, 1972 (P.L.233, No.64),
6 known as "The Controlled Substance, Drug, Device and Cosmetic
7 Act," is hereby declared to be a common nuisance; and any person
8 who maintains such a common nuisance shall be guilty of a
9 misdemeanor, and, upon conviction, shall be sentenced to
10 imprisonment for not more than one year, or pay a fine not
11 exceeding one thousand dollars, or both, at the discretion of
12 the court.

13 Section 2. If a person, being the owner of any building, has
14 knowledge of, or reason to believe, that such building, or a
15 part thereof, is used for the purposes of fornication, lewdness,
16 assignation, [and/or] prostitution, and/or the sale of a
17 controlled substance in violation of clause (30) of subsection
18 (a) of section 13 of the act of April 14, 1972 (P.L.233, No.64),
19 known as "The Controlled Substance, Drug, Device and Cosmetic
20 Act," and suffers the same to be so used, such building shall be
21 subject to a lien for and may be sold to pay all fines and costs
22 assessed against the person guilty of maintaining such nuisance
23 for such violation of this act; and the total amount of any such
24 fine and costs may be entered, by the filing of a certificate
25 thereof by the clerk of the court in which the same was imposed
26 in the court of common pleas of the county, and shall remain a
27 lien in favor of such county until paid. Judgment may be
28 obtained thereon and execution issued in the manner provided by
29 law in the case of municipal liens.

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