

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1480 Session of
1993

INTRODUCED BY BUXTON, JOSEPHS, VEON, STABACK, STURLA, FAIRCHILD,
MANDERINO, KENNEY, STISH, ARGALL, CAPPABIANCA, TIGUE, ROONEY,
WOGAN, DeLUCA, RAYMOND, LAUB, KASUNIC, PRESTON, SCHEETZ,
STERN, TULLI, CLYMER, JAROLIN, STEELMAN, COWELL, FAJT,
BATTISTO, WAUGH, GEIST, PISTELLA, PICCOLA, WOZNIAK, EGOLF,
PHILLIPS AND BELFANTI, MAY 3, 1993

REFERRED TO COMMITTEE ON JUDICIARY, MAY 3, 1993

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for
3 reimbursement of all welfare benefits received by a person
4 who simultaneously engaged in an illegal profitable activity.

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

7 Section 1. Section 6801(f) and (g) of Title 42 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 6801. Loss of property rights to Commonwealth.

10 * * *

11 (f) Use of cash or proceeds of property.--

12 (1) Cash or proceeds of forfeited property transferred
13 to the custody of the district attorney pursuant to
14 subsection (e) shall be, prior to being placed in the
15 operating fund of the county in which the district attorney
16 is elected[.], released to the Department of Public Welfare
17 for repayment of all public assistance benefits which were

1 received by a person convicted under The Controlled
2 Substance, Drug, Device and Cosmetic Act. It shall be the
3 duty of the district attorney to release sufficient funds to
4 reimburse all moneys due the Department of Public Welfare, up
5 to the value of the forfeited property.

6 (2) The appropriate county authority shall immediately
7 release from the operating fund, without restriction, a like
8 amount for the use of the district attorney enforcing the
9 provisions of The Controlled Substance, Drug, Device and
10 Cosmetic Act. The entity having budgetary control shall not
11 anticipate future forfeitures or proceeds therefrom in
12 adoption and approval of the budget for the district
13 attorney.

14 (g) Distribution of property among law enforcement
15 authorities.--If both municipal and State law enforcement
16 authorities were substantially involved in effecting the
17 seizure, the court having jurisdiction over the forfeiture
18 proceedings shall equitably distribute the property between the
19 district attorney and the Attorney General[.] after all moneys
20 owed the Department of Public Welfare have been paid as
21 specified in subsection (f).

22 * * *

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