

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1949 Session of
1993

INTRODUCED BY PRESTON, ACOSTA AND CARN, JUNE 24, 1993

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 24, 1993

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for
3 distribution of controlled substances forfeitures in cities
4 of the second class.

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.--[Cash] Except as
12 provided in subsection (g), cash or proceeds of forfeited
13 property transferred to the custody of the district attorney
14 pursuant to subsection (e) shall be placed in the operating fund
15 of the county in which the district attorney is elected. The
16 appropriate county authority shall immediately release from the
17 operating fund, without restriction, a like amount for the use
18 of the district attorney enforcing the provisions of The

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

5 (g) Distribution of property among law enforcement
6 authorities.--If both municipal and State law enforcement
7 authorities were substantially involved in effecting the
8 seizure, the court having jurisdiction over the forfeiture
9 proceedings shall equitably distribute the property between the
10 district attorney and the Attorney General. In cities of the
11 second class, 50% of the total cash or proceeds of property
12 forfeited shall be distributed to the following entities as
13 follows:

14 (1) Twenty-five percent to the city police department.

15 (2) Twenty-five percent to nonprofit community-based
16 organizations that are actively confronting the drug problem
17 and are providing educational, health care, housing and
18 community development services and to nonprofit agencies
19 providing inpatient or outpatient drug rehabilitation
20 programs or drug crime prevention.

21 * * *

22 Section 2. This act shall take effect immediately.