

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1081 Session of
2003

INTRODUCED BY ROSS, TANGRETTI, COY, DALLY, BROWNE, BUNT,
CAPPELLI, CAWLEY, CIVERA, CORRIGAN, CRUZ, DALEY, DeWEESE,
FREEMAN, HARHAI, HARHART, HORSEY, KELLER, LAUGHLIN, McCALL,
McGEEHAN, R. MILLER, RUBLEY, SANTONI, SHANER, SOLOBAY,
STURLA, THOMAS, TIGUE AND VANCE, APRIL 8, 2003

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 8, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 Commonwealth portion of fines and for municipal corporation
4 portion of fines; defining "local police"; and further
5 providing for deposits into account.

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

8 Section 1. Section 3571(b) of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended and the section is amended by
10 adding a subsection to read:

11 § 3571. Commonwealth portion of fines, etc.

12 * * *

13 (b) Vehicle offenses.--

14 (1) All fines, forfeited recognizances and other
15 forfeitures imposed, lost or forfeited in connection with
16 matters arising under Chapter 77 of Title 75 (relating to
17 snowmobiles) shall unless otherwise provided in Chapter 77 of
18 Title 75 be payable to the Commonwealth.

1 (2) Except as provided in paragraph (4), when
2 prosecution under any other provision of Title 75 (relating
3 to vehicles) is the result of State Police action, all fines,
4 forfeited recognizances and other forfeitures imposed, lost
5 or forfeited shall be payable to the Commonwealth, for credit
6 to the Motor License Fund. One-half of the revenue [shall be]
7 which was formerly paid to municipalities [in the same ratio
8 provided in section 4 of the act of June 1, 1956 (P.L.1944,
9 No.655), relating to partial allocation of liquid fuels and
10 fuel use tax proceeds.] shall be allocated to the State
11 Police.

12 (3) Except as provided in section 3573 (relating to
13 municipal corporation portion of fines, etc.), when
14 prosecution under any other provision of Title 75 is the
15 result of local police action, one-half of all fines,
16 forfeited recognizances and other forfeitures imposed, lost
17 or forfeited shall be payable to the Commonwealth, for credit
18 to the Motor License Fund[.], subject to the following:

19 (i) The revenue payable to the Commonwealth and
20 credited to the Motor License Fund in accordance with
21 this paragraph which is in excess of the amount collected
22 from such source in the fiscal year 1986-1987 shall be
23 deposited in the Judicial Computer System Augmentation
24 Account.

25 (ii) After payment to the Judicial Computer System
26 Augmentation Account in accordance with subparagraph (i),
27 the remainder of the revenue shall be distributed, in
28 accordance with subparagraph (iii), among municipalities
29 that provide for local police.

30 (iii) The revenue to be distributed to a

1 municipality that provides for local police shall be the
2 product of:

3 (A) the net amount paid during the fiscal year,
4 in accordance with this paragraph, to all
5 municipalities that provide for local police, after
6 deducting the amount to be deposited in the Judicial
7 Computer System Augmentation Account; and

8 (B) a ratio established by dividing the amount
9 of fines from Title 75 violations designated in this
10 paragraph resulting from local police action in the
11 municipality by the total amount of all fines for
12 this same category of violations resulting from local
13 police action in all municipalities.

14 (4) When prosecution under 75 Pa.C.S. § 3731 (relating
15 to driving under influence of alcohol or controlled
16 substance) is the result of State Police action, 50% of all
17 fines, forfeited recognizances and other forfeitures imposed,
18 lost or forfeited shall be payable to the Commonwealth, for
19 credit to the Motor License Fund, and 50% shall be payable to
20 the county which shall be further divided as follows:

21 (i) Fifty percent of the moneys received shall be
22 allocated to the appropriate county authority which
23 implements the county drug and alcohol program to be used
24 solely for the purposes of aiding programs promoting drug
25 abuse and alcoholism prevention, education, treatment and
26 research. Programs under this subparagraph include
27 Project DARE (Drug and Alcohol Resistance Education).

28 (ii) Fifty percent of the moneys received shall be
29 used for expenditures incurred for county jails, prisons,
30 workhouses and detention centers.

1 (b.1) Summary offenses.--When prosecution for any of the
2 summary offenses delineated in section 3573(c) is a result of
3 State Police action, all fines, forfeited recognizances and
4 other forfeitures imposed, lost or forfeited shall be payable to
5 the Commonwealth for credit to the Motor License Fund and shall
6 be allocated to the State Police.

7 * * *

8 Section 2. Section 3573(b) and (c) of Title 42, amended
9 December 9, 2002 (P.L.1759, No.218), are amended and the section
10 is amended by adding a subsection to read:

11 § 3573. Municipal corporation portion of fines, etc.

12 * * *

13 (b) Vehicle offenses.--

14 (1) When prosecution under the provisions of Title 75
15 (relating to vehicles) for parking is the result of local
16 police action, all fines, forfeited recognizances and other
17 forfeitures imposed, lost or forfeited shall be payable to
18 the municipal corporation [under which the local police are
19 organized] that provides for local police.

20 (2) Except as provided in paragraph (3), when
21 prosecution under any other provision of Title 75 (except
22 Chapter 77 (relating to snowmobiles)) is the result of local
23 police action, one-half of all fines, forfeited recognizances
24 and other forfeitures imposed, lost or forfeited shall be
25 payable to the municipal corporation [under which the local
26 police are organized.] providing for local police. The
27 remaining one-half of all fines, forfeited recognizances and
28 other forfeitures imposed, lost or forfeited resulting from
29 prosecutions designated in this paragraph shall be paid to
30 the Commonwealth and distributed to municipalities that

1 provide for local police, subject to required payments to the
2 Judicial Computer System Augmentation Account, in accordance
3 with section 3571(b)(3) (relating to Commonwealth portion of
4 fines, etc.).

5 (3) When prosecution under 75 Pa.C.S. § 3731 (relating
6 to driving under influence of alcohol or controlled
7 substance) is the result of local police action, 50% of all
8 fines, forfeited recognizances and other forfeitures imposed,
9 lost or forfeited shall be payable to the municipal
10 corporation under which the local police are organized, and
11 50% shall be payable to the county which shall be further
12 divided as follows:

13 (i) Fifty percent of the moneys received shall be
14 allocated to the appropriate county authority which
15 implements the county drug and alcohol program to be used
16 solely for the purposes of aiding programs promoting drug
17 abuse and alcoholism prevention, education, treatment and
18 research. Programs under this subparagraph include
19 Project DARE (Drug and Alcohol Resistance Education).

20 (ii) Fifty percent of the moneys received shall be
21 used for expenditures incurred for county jails, prisons,
22 workhouses and detention centers.

23 (c) Summary offenses; local police action.--[Fines,] When
24 prosecution for a summary offense is a result of local police
25 action, all fines, forfeited recognizances and other forfeitures
26 imposed, lost or forfeited under the following provisions of law
27 shall, when any such offense is committed in a municipal
28 corporation, be payable to such municipal corporation if it
29 provides for local police:

30 (1) Under the following provisions of Title 18 (relating

to crimes and offenses):

Section 3304 (relating to criminal mischief).

Section 3503 (relating to criminal trespass).

Section 3929 (relating to retail theft).

Section 4105 (relating to bad checks).

Section 5503 (relating to disorderly conduct).

Section 5505 (relating to public drunkenness).

Section 5511 (relating to cruelty to animals).

Section 6308 (relating to purchase, consumption,
possession or transportation of intoxicating beverages).

Section 6501 (relating to scattering rubbish).

(2) Section 13, act of January 24, 1966 (1965 P.L.1535,
No.537), known as the Pennsylvania Sewage Facilities Act.

(c.1) Summary offenses; other instances.--When prosecution
for a summary offense is a result of neither State Police nor
local police action, all fines, forfeited recognizances and
other forfeitures imposed, lost or forfeited shall be payable to
the municipal corporation in which such offense is committed.

* * *

Section 3. Title 42 is amended by adding a section to read:

§ 3575. Definitions.

The following words and phrases when used in this subchapter
shall have the meanings given to them in this section unless the
context clearly indicates otherwise:

"Local police." Police provided by a municipality through
its municipal police department, its participation in a regional
police department or its contracts with other municipal or
regional police for police services.

Section 4. Section 3733(a) of Title 42 is amended by adding
paragraphs to read:

§ 3733. Deposits into account.

(a) General rule.--

* * *

(3) The following fines, fees and costs payable to the Commonwealth shall not be affected by this subchapter:

(i) All fines, fees or costs, which represent revenue that was formerly paid to municipalities, and which now are payable to the Commonwealth in accordance with section 3571(b.1) (relating to Commonwealth portion of fines, etc.), relating to summary offenses.

(ii) One-half of the fines, fees or costs, which represent revenue that was formerly paid to municipalities, and which now are payable to the Commonwealth in accordance with section 3571(b)(2), relating to vehicle offenses.

(4) The revenue from one-half of the fines, fees or costs which are payable to municipalities in accordance with section 3573(b)(2) (relating to municipal corporation portion of fines, etc.), and which formerly was paid to the Commonwealth, shall continue to be subject to this subchapter in accordance with section 3571(b)(3).

* * *

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