

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 93

Session of  
2003

INTRODUCED BY GREENLEAF, KUKOVICH, RAFFERTY, C. WILLIAMS, FERLO,  
BOSCOLA AND CONTI, JANUARY 29, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
NOVEMBER 19, 2004

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <—  
2 ~~Consolidated Statutes, defining the offense of greyhound~~  
3 ~~racing; and prescribing a penalty.~~

4 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA <—  
5 CONSOLIDATED STATUTES, FURTHER PROVIDING FOR COSTS; IMPOSING <—  
6 A CRIMINAL JUSTICE SYSTEM ENHANCEMENT FEE FOR CONVICTIONS;  
7 ESTABLISHING THE CRIMINAL JUSTICE SYSTEM ENHANCEMENT FUND;  
8 AND FURTHER PROVIDING FOR THE OFFENSE OF BURGLARY AND FOR  
9 CERTAIN BULLETS PROHIBITED.

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

12 ~~Section 1. Title 18 of the Pennsylvania Consolidated~~ <—

13 ~~Statutes is amended by adding a section to read:~~

14 ~~§ 7516. Greyhound racing.~~

15 ~~A person who holds, conducts or operates a greyhound race for~~  
16 ~~public exhibition in this Commonwealth for monetary remuneration~~  
17 ~~commits a felony of the third degree.~~

18 ~~Section 2. This act shall take effect in 60 days.~~

19 ~~SECTION 1. SECTIONS 1109, 3502(A) AND 6121(A) OF TITLE 18 OF~~ <—

20 ~~THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:~~

SECTION 1. SECTION 1109 OF TITLE 18 OF THE PENNSYLVANIA  
CONSOLIDATED STATUTES IS AMENDED TO READ:

§ 1109. COSTS.

[IN ADDITION TO ANY OTHER SENTENCE IMPOSED, THE COURT MAY  
ORDER AN OFFENDER TO PAY THE COST OF ANY REWARD PAID FOR THE  
APPREHENSION AND CONVICTION OF THE OFFENDER.]

(A) GENERAL RULE.--IN ADDITION TO ANY OTHER SENTENCE  
IMPOSED, THE COURT MAY ORDER AN OFFENDER TO PAY ALL OF THE  
FOLLOWING:

(1) THE COST OF ANY REWARD PAID DURING THE COURSE OF THE  
INVESTIGATION FOR THE APPREHENSION AND CONVICTION OF THE  
OFFENDER.

(2) THE COST OF REPAIRING OR REPLACING ANY PROPERTY  
BELONGING TO A LAW ENFORCEMENT AGENCY OR OFFICER DAMAGED BY  
THE OFFENDER DURING THE COURSE OF THE INVESTIGATION OR DURING  
THE OFFENDER'S ARREST, TRANSPORT OR PROCESSING.

(3) THE COST OF ANY MONEYS EXPENDED BY A LAW ENFORCEMENT  
AGENCY IN CONNECTION WITH THE CASE WHICH WERE EXPENDED FOR  
THE PURCHASE OF, OR IN EXCHANGE FOR, CONTRABAND OR ANY  
ILLEGAL SERVICES.

(B) COLLECTION.--THE ASSESSMENT AND COLLECTION OF COSTS  
PURSUANT TO SUBSECTION (A) SHALL BE IN ACCORDANCE WITH SECTION  
1106 (RELATING TO RESTITUTION FOR INJURIES TO PERSON OR  
PROPERTY). MONEYS PAID BY THE OFFENDER FOR ASSESSMENTS IMPOSED  
IN ACCORDANCE WITH THIS SECTION SHALL REVERT TO THE LAW  
ENFORCEMENT AGENCY OR OTHER ORGANIZATION WHICH EXPENDED THE  
REWARD, TO THE LAW ENFORCEMENT AGENCY THAT PURCHASED THE  
CONTRABAND OR SERVICES, OR TO THE LAW ENFORCEMENT AGENCY OR  
OFFICER THAT SUFFERED THE DAMAGE TO PROPERTY.

(C) COSTS NOT EXCLUSIVE.--THE PROVISIONS OF THIS SECTION

1 SHALL NOT BE EXCLUSIVE AND SHALL BE IN ADDITION TO ANY OTHER  
2 REMEDIES, INCLUDING FORFEITURE, WHICH MAY BE PROVIDED FOR IN ANY  
3 OTHER LAW OR AVAILABLE UNDER COMMON LAW.

4 SECTION 2. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ: <—  
5 § 1110. CRIMINAL JUSTICE SYSTEM ENHANCEMENT FEE.

6 (A) GENERAL RULE.--UNLESS THE COURT FINDS THAT UNDUE  
7 HARDSHIP WOULD RESULT, A MANDATORY FEE EQUAL TO 10% OF THE FINE  
8 IMPOSED BUT NOT LESS THAN \$20, WHICH SHALL BE IN ADDITION TO ANY  
9 OTHER COSTS IMPOSED BY LAW, SHALL AUTOMATICALLY BE ASSESSED ON  
10 ANY INDIVIDUAL CONVICTED OR GRANTED ACCELERATED REHABILITATIVE  
11 DISPOSITION OR ANY INDIVIDUAL WHO PLEADS GUILTY OR NOLO  
12 CONTENDERE FOR A VIOLATION OF THE ACT OF APRIL 14, 1972  
13 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,  
14 DEVICE AND COSMETIC ACT, THIS TITLE OR 75 PA.C.S. CH. 38  
15 (RELATING TO DRIVING AFTER IMBIBING ALCOHOL OR UTILIZING DRUGS),  
16 WHICH FEE SHALL BE DEPOSITED INTO A SPECIAL FUND IN THE STATE  
17 TREASURY, TO BE KNOWN AS THE CRIMINAL JUSTICE SYSTEM ENHANCEMENT  
18 FUND. NO MORE THAN 5% OF THE FEE COLLECTED SHALL BE RETAINED BY  
19 THE COUNTY FOR ITS ADMINISTRATIVE COSTS RELATED TO COLLECTING  
20 THE FEE FOR DEPOSIT INTO THE CRIMINAL JUSTICE SYSTEM ENHANCEMENT  
21 FUND.

22 (B) USE OF FEE.--THE FUNDS OF THE CRIMINAL JUSTICE SYSTEM  
23 ENHANCEMENT FUND ARE HEREBY APPROPRIATED ON A CONTINUING BASIS  
24 TO THE DEPARTMENT OF COMMUNITY AND ECONOMIC DEVELOPMENT, WHICH  
25 SHALL USE THE FUNDS TO MAKE GRANTS AS FOLLOWS:

26 (1) (I) THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
27 DEVELOPMENT SHALL MAKE 35% OF THE CRIMINAL JUSTICE SYSTEM  
28 ENHANCEMENT FUND AVAILABLE THROUGH GRANTS TO LAW  
29 ENFORCEMENT AGENCIES TO MAINTAIN ARREST AND ARRAIGNMENT  
30 SYSTEMS AND OTHER FUTURE CRIMINAL DATA SYSTEMS AND

SERVICES.

(II) IF AT THE EXPIRATION OF THE GRANT PERIOD, THE  
LAW ENFORCEMENT AGENCY HAS NOT USED ANY PORTION OF THE  
GRANT FOR THE PURPOSES CONTAINED IN THIS PARAGRAPH, IT  
SHALL REMIT THE FUNDS TO THE DEPARTMENT OF COMMUNITY AND  
ECONOMIC DEVELOPMENT. FUNDS REMITTED UNDER THIS  
SUBPARAGRAPH SHALL BE REDISTRIBUTED TO LAW ENFORCEMENT  
AGENCIES ON A COMPETITIVE GRANT BASIS FOR THE PURPOSES  
DELINEATED IN SUBPARAGRAPH (I).

(2) (I) THE DEPARTMENT OF COMMUNITY AND ECONOMIC  
DEVELOPMENT SHALL MAKE 65% OF THE CRIMINAL JUSTICE SYSTEM  
ENHANCEMENT FUND AVAILABLE TO THE PENNSYLVANIA COMMISSION  
FOR COMMUNITY COLLEGES FOR THE PURPOSE OF ENHANCING LOCAL  
CRIMINAL JUSTICE SYSTEM POLICIES, PROCEDURES AND WORK  
PROCESS WHICH MAY INCLUDE:

(A) CRIMINAL CASE PROCESSING;

(B) OFFENDER PROCESSING;

(C) VICTIM AND WITNESS NOTIFICATION; AND

(D) HOMELAND SECURITY-RELATED ACTIVITIES.

(II) ANY PORTION OF THE MONEY THAT HAS NOT BEEN USED  
SHALL BE REMITTED TO THE DEPARTMENT OF COMMUNITY AND  
ECONOMIC DEVELOPMENT. MONEY REMITTED UNDER THIS  
SUBPARAGRAPH SHALL BE REDISTRIBUTED TO LAW ENFORCEMENT  
AGENCIES ON A COMPETITIVE GRANT BASIS FOR THE PURPOSES  
DELINEATED IN PARAGRAPH (1)(I).

SECTION 3. SECTIONS 3502(A) AND 6121(A) OF TITLE 18 ARE  
AMENDED TO READ:

§ 3502. BURGLARY.

(A) OFFENSE DEFINED.--A PERSON [IS GUILTY OF BURGLARY IF HE]  
WHO ENTERS A BUILDING OR OCCUPIED STRUCTURE, OR SEPARATELY

1 SECURED OR OCCUPIED PORTION THEREOF, WITH INTENT TO COMMIT A  
2 CRIME THEREIN, UNLESS THE PREMISES ARE AT THE TIME OPEN TO THE  
3 PUBLIC OR THE ACTOR IS LICENSED OR PRIVILEGED TO ENTER[.]

4 COMMITTS THE OFFENSE OF BURGLARY IF:

5 (1) THE STRUCTURE IS ADAPTED FOR OVERNIGHT  
6 ACCOMMODATIONS IN WHICH AT THE TIME OF THE OFFENSE ANY PERSON  
7 WAS PRESENT;

8 (2) THE STRUCTURE IS ADAPTED FOR OVERNIGHT  
9 ACCOMMODATIONS IN WHICH AT THE TIME OF THE OFFENSE NO PERSON  
10 WAS PRESENT;

11 (3) THE STRUCTURE IS NOT ADAPTED FOR OVERNIGHT  
12 ACCOMMODATIONS IN WHICH AT THE TIME OF THE OFFENSE ANY PERSON  
13 WAS PRESENT; OR

14 (4) THE STRUCTURE IS NOT ADAPTED FOR OVERNIGHT  
15 ACCOMMODATIONS IN WHICH AT THE TIME OF THE OFFENSE NO PERSON  
16 WAS PRESENT.

17 \* \* \*

18 § 6121. CERTAIN BULLETS PROHIBITED.

19 (A) OFFENSE DEFINED.--IT IS UNLAWFUL FOR ANY PERSON TO  
20 POSSESS, USE OR ATTEMPT TO USE A KTW TEFLON-COATED BULLET OR  
21 OTHER ARMOR-PIERCING AMMUNITION WHILE COMMITTING OR ATTEMPTING  
22 TO COMMIT [A CRIME OF VIOLENCE AS DEFINED IN SECTION 6102  
23 (RELATING TO DEFINITIONS)] AN OFFENSE UNDER SECTION 6105(B)  
24 (RELATING TO PERSONS NOT TO POSSESS, USE, MANUFACTURE, CONTROL,  
25 SELL OR TRANSFER FIREARMS).

26 \* \* \*

27 SECTION 2 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

28 (1) THE AMENDMENT OF 18 PA.C.S. §§ 3502(A) AND 6121(A)  
29 SHALL TAKE EFFECT IN 60 DAYS.

30 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT

1 IMMEDIATELY.