

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2074 Session of
2007

INTRODUCED BY CONKLIN, KING, BRENNAN, YOUNGBLOOD, THOMAS,
SWANGER, SIPTROTH, KORTZ AND MAHONEY, NOVEMBER 29, 2007

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 29, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, imposing a surcharge in
3 cases involving local police action.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 3576. Surcharge.

9 (a) Levy and imposition.--In addition to any fines, fees or
10 penalties levied or imposed as provided by law, under this title
11 or any other statute, a surcharge shall be levied for
12 disposition in accordance with this section as follows:

13 (1) Upon conviction for a violation of the following
14 provisions of 18 Pa.C.S. (relating to crimes and offenses)
15 when prosecution of the offense is the result of local police
16 action, a surcharge of up to \$200:

17 Section 5503 (relating to disorderly conduct).

18 Section 6307 (relating to misrepresentation of age to

secure liquor or malt or brewed beverages).

Section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages).

Section 6309 (relating to representing that minor is of age).

Section 6310 (relating to inducement of minors to buy liquor or malt or brewed beverages).

Section 6310.1 (relating to selling or furnishing liquor or malt or brewed beverages to minors).

(2) Upon conviction for a violation of 75 Pa.C.S. Ch. 38 (relating to driving after imbibing alcohol or utilizing drugs) when prosecution of the offense is the result of local police action, a surcharge of up to \$200.

(b) Disposition.--

(1) Notwithstanding the provisions of sections 3571 (relating to Commonwealth portion of fines, etc.) and 3573 (relating to municipal corporation portion of fines, etc.), all surcharges levied and collected under subsection (a) by any division of the unified judicial system existing under section 1 of Article V of the Constitution of Pennsylvania and section 301 (relating to unified judicial system) shall be remitted for deposit to the municipal corporation where the local police action occurred, provided that the municipal corporation has adopted an ordinance under subsection (c).

(2) The surcharges levied and collected under subsection (a) shall not be deposited for the credit or use of, or otherwise allocated, directed or paid to, any entity other than a municipal corporation in accordance with this section.

(c) Ordinance and use of funds.--A municipal corporation,

1 other than a municipal corporation which has by ordinance
2 authorized the imposition of a tax on retail sales of liquor and
3 malt and brewed beverages, may adopt an ordinance to authorize
4 the deposit and use of the surcharges under subsection (a) when
5 prosecution of the offense is the result of local police action.
6 All money collected pursuant to this section shall be dedicated
7 by the municipal corporation to support programs that promote
8 public safety or protection, including, but not limited to,
9 police and fire departments that serve the municipal
10 corporation.

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