

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1769 Session of
2011

INTRODUCED BY FARRY, AUMENT, D. COSTA, CREIGHTON, DIGIROLAMO,
DONATUCCI, EVERETT, GINGRICH, HESS, KNOWLES, MURT, O'NEILL,
PETRI, SWANGER, VULAKOVICH, WATSON, DELOZIER, PERRY,
MICCARELLI, KAUFFMAN, EVANKOVICH, STEPHENS, LAWRENCE,
METZGAR, MARSHALL, QUIGLEY, CHRISTIANA, DAY AND CALTAGIRONE,
JUNE 30, 2011

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 15, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 criminal laboratory user fee.

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

6 ~~Section 1. Section 1725.3(c) of Title 42 of the Pennsylvania~~ ←
7 ~~Consolidated Statutes is amended to read:~~

8 SECTION 1. SECTION 1725.3(B) AND (C) OF TITLE 42 OF THE ←
9 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 1725.3. Criminal laboratory user fee.

11 * * *

12 ~~(c) Disposition of fees.~~ ←

13 ~~(1) In [a county of the first class or a county of the~~
14 ~~second class] any county that operates a county laboratory,~~
15 ~~the criminal laboratory user fee shall be paid to the county~~
16 ~~and shall be used solely for operation and maintenance of the~~

1 ~~county laboratory. If a county [of the first class or a~~
2 ~~county of the second class] does not operate a county~~
3 ~~laboratory, the criminal laboratory user fee shall be paid~~
4 ~~into the Criminal Laboratory User Fee Fund created under~~
5 ~~paragraph (2).~~

6 ~~(2) In [a county other than a county of the first class~~
7 ~~or a county of the second class or where a county of the~~
8 ~~first class or a county of the second class] any county that~~
9 ~~does not operate a county laboratory, the criminal laboratory~~
10 ~~user fee shall be paid into a special nonlapsing fund of the~~
11 ~~State Treasury, which is hereby established and shall be~~
12 ~~known as the Criminal Laboratory User Fee Fund. Money in the~~
13 ~~Criminal Laboratory User Fee Fund is hereby appropriated to~~
14 ~~the Pennsylvania State Police and shall be used solely for~~
15 ~~operation and maintenance of Pennsylvania State Police~~
16 ~~criminal laboratories.~~

17 (B) AMOUNT OF USER FEE.--

18 (1) [WHERE THE PROSECUTION IS CONDUCTED IN A COUNTY OF
19 THE FIRST CLASS OR A COUNTY OF THE SECOND CLASS AND THE
20 COUNTY OPERATES A COUNTY LABORATORY THAT HAS PROVIDED
21 SERVICES IN THE PROSECUTION, THE] THE DIRECTOR OR SIMILAR
22 OFFICER OF THE COUNTY LABORATORY THAT HAS PROVIDED SERVICES
23 IN THE PROSECUTION SHALL DETERMINE THE ACTUAL COST OF THE
24 LABORATORY SERVICES PROVIDED IN THE PROSECUTION AND TRANSMIT
25 A STATEMENT FOR SERVICES RENDERED TO THE COURT. [IF A COUNTY
26 OF THE FIRST CLASS OR A COUNTY OF THE SECOND CLASS DOES NOT
27 OPERATE A COUNTY LABORATORY AND LABORATORY SERVICES IN THE
28 PROSECUTION WERE PROVIDED BY THE PENNSYLVANIA STATE POLICE,
29 THE FEE SHALL BE DETERMINED UNDER PARAGRAPH (2).]

30 (2) [WHERE THE PROSECUTION IS CONDUCTED IN A COUNTY

1 OTHER THAN A COUNTY OF THE FIRST CLASS OR A COUNTY OF THE
2 SECOND CLASS AND] IF A PENNSYLVANIA STATE POLICE LABORATORY
3 HAS PROVIDED SERVICES IN THE PROSECUTION, THE DIRECTOR OR
4 SIMILAR OFFICER OF THE PENNSYLVANIA STATE POLICE LABORATORY
5 SHALL DETERMINE THE ACTUAL COST OF THE LABORATORY SERVICES
6 PROVIDED IN THE PROSECUTION AND TRANSMIT A STATEMENT FOR
7 SERVICES RENDERED TO THE COURT.

8 (C) DISPOSITION OF FEES.--

9 (1) [IN A COUNTY OF THE FIRST CLASS OR A COUNTY OF THE
10 SECOND CLASS THAT OPERATES A COUNTY LABORATORY, THE] THE
11 CRIMINAL LABORATORY USER FEE FOR CRIMINAL LABORATORY SERVICES
12 PROVIDED BY A COUNTY SHALL BE PAID TO THE COUNTY AND SHALL BE
13 USED SOLELY FOR OPERATION AND MAINTENANCE OF THE COUNTY
14 LABORATORY. [IF A COUNTY OF THE FIRST CLASS OR A COUNTY OF
15 THE SECOND CLASS DOES NOT OPERATE A COUNTY LABORATORY, THE]
16 THE CRIMINAL LABORATORY USER FEE FOR CRIMINAL LABORATORY
17 SERVICES PROVIDED BY THE PENNSYLVANIA STATE POLICE LABORATORY
18 SHALL BE PAID INTO THE CRIMINAL LABORATORY USER FEE FUND
19 CREATED UNDER PARAGRAPH (2).

20 (2) [IN A COUNTY OTHER THAN A COUNTY OF THE FIRST CLASS
21 OR A COUNTY OF THE SECOND CLASS OR WHERE A COUNTY OF THE
22 FIRST CLASS OR A COUNTY OF THE SECOND CLASS DOES NOT OPERATE
23 A COUNTY LABORATORY, THE CRIMINAL LABORATORY USER FEE SHALL
24 BE PAID INTO A] A SPECIAL NONLAPSING FUND OF THE STATE
25 TREASURY[, WHICH] IS HEREBY ESTABLISHED AND SHALL BE KNOWN AS
26 THE CRIMINAL LABORATORY USER FEE FUND. MONEY IN THE CRIMINAL
27 LABORATORY USER FEE FUND IS HEREBY APPROPRIATED TO THE
28 PENNSYLVANIA STATE POLICE AND SHALL BE USED SOLELY FOR
29 OPERATION AND MAINTENANCE OF PENNSYLVANIA STATE POLICE
30 CRIMINAL LABORATORIES.

1 * * *

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