
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1218 Session of
2019

INTRODUCED BY McCLINTON, SCHLOSSBERG, YOUNGBLOOD, HOHENSTEIN,
HILL-EVANS, READSHAW AND OTTEN, APRIL 15, 2019

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 15, 2019

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in other offenses, further providing
3 for Substance Abuse Education and Demand Reduction Fund.

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

6 Section 1. Section 7508.1 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 7508.1. Substance Abuse Education and Demand Reduction Fund.

9 (a) Establishment.--The Substance Abuse Education and Demand
10 Reduction Fund is hereby established as an account in the State
11 Treasury. This fund shall be administered by the Pennsylvania
12 Commission on Crime and Delinquency and shall be comprised of
13 costs imposed and collected in accordance with the provisions of
14 this section. All moneys in the fund and the interest accruing
15 thereon are hereby appropriated, upon approval of the Governor,
16 to the commission to carry out the provisions of this section.

17 (b) Imposition.--Unless the court finds that undue hardship
18 would result, [a] the following shall apply:

1 (1) A mandatory cost of [~~\$100~~] \$150, which shall be in
2 addition to any other costs imposed pursuant to statutory
3 authority, shall automatically be assessed on any individual
4 convicted, adjudicated delinquent or granted Accelerated
5 Rehabilitative Disposition or any individual who pleads
6 guilty or nolo contendere for a violation of the act of April
7 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
8 Drug, Device and Cosmetic Act, or a violation of 75 Pa.C.S. §
9 3802 (relating to driving under influence of alcohol or
10 controlled substance).

11 (2) A mandatory cost of \$150, which shall be in addition
12 to any other costs imposed pursuant to statutory authority,
13 shall automatically be assessed on any individual convicted
14 or adjudicated delinquent or any individual who pleads guilty
15 or nolo contendere for a violation of any of the following:

16 (i) Section 3502 (relating to burglary).

17 (ii) Section 3701 (relating to robbery).

18 (iii) Section 3702 (relating to robbery of motor
19 vehicle).

20 (iv) Section 3921 (relating to theft by unlawful
21 taking or disposition).

22 (v) Section 3925 (relating to receiving stolen
23 property).

24 (vi) Section 3929 (relating to retail theft).

25 (vii) Section 3929.3 (relating to organized retail
26 theft).

27 (viii) Section 3932 (relating to theft of leased
28 property).

29 (ix) Section 3934 (relating to theft from a motor
30 vehicle).

1 (x) Section 4101 (relating to forgery).

2 (xi) Section 4105 (relating to bad checks).

3 (xii) Section 4106 (relating to access device
4 fraud).

5 (xiii) Section 4120 (relating to identity theft).

6 (xiv) Section 6307 (relating to misrepresentation of
7 age to secure liquor or malt or brewed beverages).

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

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

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

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

17 (xix) Section 6310.7 (relating to selling or
18 furnishing nonalcoholic beverages to persons under 21
19 years of age).

20 (xx) Section 6316 (relating to selling or furnishing
21 certain stimulants to minors).

22 (xxi) Section 6317 (relating to drug-free school
23 zones).

24 (xxii) Section 6319 (relating to solicitation of
25 minors to traffic drugs).

26 (c) Additional assessment.--

27 (1) In addition to the assessment required [by
28 subsection (b), a person convicted of or] under subsection
29 (b)(1), an individual convicted of, adjudicated delinquent or
30 granted Accelerated Rehabilitative Disposition for a

1 violation of 75 Pa.C.S. § 3802(a), (b), (c), (d) or (e) shall
2 be assessed \$200 where the amount of alcohol by weight in the
3 blood of the [person] individual is equal to or greater than
4 [0.16%] 0.10% at the time a chemical test is performed on a
5 sample of the person's breath, blood or urine. For the
6 purposes of this subsection, the sample of the person's
7 blood, breath or urine shall be taken within two hours after
8 the person is placed under arrest.

9 (2) In the case of an individual convicted of,
10 adjudicated delinquent or granted Accelerated Rehabilitative
11 Disposition for a violation of 75 Pa.C.S. § 3802(f), an
12 additional assessment in the amount of \$200 shall be assessed
13 when the amount of alcohol by weight in the blood of the
14 individual is equal to or greater than 0.08% at the time a
15 chemical test is performed in accordance with 75 Pa.C.S. §
16 3802.

17 (d) Collection.--Costs imposed under this section shall be
18 collected in accordance with local court rules by the clerk of
19 courts in the county where the violation has occurred. Of the
20 amount collected, 50% shall remain in that county to be used for
21 substance abuse treatment or prevention programs and the
22 remaining 50% shall be deposited into the Substance Abuse
23 Education and Demand Reduction Fund established under this
24 section.

25 (e) Application.--All costs provided for in this section
26 shall be in addition to and not in lieu of any fine authorized
27 by law or required to be imposed under the act of November 24,
28 1998 (P.L.882, No.111), known as the Crime Victims Act, or any
29 other law. Nothing in this section shall be construed to affect,
30 suspend or diminish any other criminal sanction, penalty or

1 property forfeiture permitted by law.

2 (f) Grants.--Notwithstanding any other provision of law, the
3 commission shall, upon written application and subsequent
4 approval, use [moneys] money received under this section to
5 annually award grants to approved applicants in the following
6 manner:

7 (1) (i) Subject to the provisions of subparagraph (ii),
8 45% of [grant moneys] the money collected under
9 subsection (b)(1) and deposited into the fund each fiscal
10 year shall be made available to nonprofit organizations
11 to provide research-based approaches to prevention,
12 intervention, training, treatment and education services
13 to reduce substance abuse or to provide resources to
14 assist families in assessing the services. Nonprofit
15 organizations may jointly apply for grant moneys with a
16 local government unit but shall not be required to do so.

17 (ii) (A) Up to 20% of [grant moneys] money
18 available under subparagraph (i) may be used to:

19 (I) Assist in the start-up of victim impact
20 panel programs under 75 Pa.C.S. § 3804(f.1)
21 (relating to penalties).

22 (II) Study the impact outcome and benefits
23 of victim impact panels within this Commonwealth,
24 including the impact of victim impact panels on
25 driving under the influence recidivism and their
26 impact on the well-being of participating
27 victims.

28 (III) Provide assistance for the ongoing
29 operation of victim impact panels.

30 (B) An applicant for a grant under this

1 subparagraph may be an entity other than a nonprofit
2 organization.

3 (2) Twenty percent of [grant moneys] money collected
4 under subsection (b)(1) and deposited into the fund each
5 fiscal year shall be made available to eligible organizations
6 [to educate youth, caregivers of youth and employers] and
7 allocated as follows:

8 (i) Ninety-five percent shall be allocated for the
9 education of youth and caregivers of youth about the
10 dangers of substance abuse [and to increase the awareness
11 of the benefits of a drug-free Pennsylvania through
12 media-related efforts that may include public service
13 announcements, public awareness campaigns and media
14 literacy.] and the misuse and abuse of prescription
15 drugs.

16 (ii) Five percent shall be allocated for public
17 awareness campaigns, including public service
18 announcements and media campaigns, designed to inform the
19 public about the misuse and abuse of controlled
20 substances and prescription drugs, substance abuse
21 prevention and intervention and the availability of
22 treatment.

23 (3) Twenty percent of [grant moneys] money collected
24 under subsection (b)(1) and deposited into the fund each
25 fiscal year shall be made available to [eligible
26 organizations to educate employers, unions and employees]
27 school districts to educate and provide in-service programs
28 for teachers and other appropriate school district employees
29 about the dangers of substance abuse [in the workplace and
30 provide comprehensive drug-free workplace programs and

1 technical resources for businesses, including, but not
2 limited to, training for working parents to keep their
3 children drug free.], the misuse and abuse of prescription
4 drugs by youth and substance abuse prevention and
5 intervention.

6 (4) Ten percent of [the grant moneys] money collected
7 under subsection (b)(1) and deposited into the fund each
8 fiscal year shall be transferred annually to the Community
9 Drug Abuse Prevention Grant Program within the Office of
10 Attorney General.

11 (5) One hundred percent of the money collected under
12 subsection (b)(2) and deposited into the fund each fiscal
13 year shall be made available to school districts to provide
14 comprehensive school-based, age appropriate instructions on
15 substance abuse prevention and intervention for students,
16 including factual evidenced-based information on the
17 nonmedical use and abuse of prescription drugs.

18 (g) Administration.--The commission shall develop guidelines
19 and procedures necessary to implement the grant program. The
20 commission shall equitably distribute grant moneys to approved
21 applicants under subsection (f)(1) and eligible organizations
22 under subsection (f)(2) and (3). Each fiscal year the commission
23 shall make available grant moneys equaling, except for funds to
24 be transferred under subsection [(f)(4)] (f)(3), (4) and (5) and
25 administrative funds as provided for in this subsection, the
26 balance of moneys deposited into the fund as of June 30 of the
27 previous fiscal year. No more than 5% of total moneys deposited
28 in the fund during a fiscal year may be used by the commission
29 to administer the provisions of this section. The commission
30 shall, in consultation with the Department of Education, develop

1 guidelines and procedures necessary to implement subsection (f)
2 (3) and (5).

3 (h) Other initiatives.--Funds disbursed under this section
4 shall not supplant Federal, State or local funds that would have
5 otherwise been made available for substance abuse prevention,
6 education, support, treatment and outreach initiatives.

7 (i) Definitions.--As used in this section, the following
8 words and phrases shall have the meanings given to them in this
9 subsection:

10 "Commission." The Pennsylvania Commission on Crime and
11 Delinquency.

12 "Eligible organization." [A] The term includes a school
13 district and a Statewide organization that meets all of the
14 following requirements:

15 (1) Possesses five or more consecutive years of
16 experience carrying out substance abuse education and demand
17 reduction or substance abuse treatment programs.

18 (2) Maintains a drug-free workplace policy.

19 (3) Has as its purpose the reduction of substance abuse.

20 "Fund." The Substance Abuse Education and Demand Reduction
21 Fund established by this section.

22 "School district." School districts of all classifications
23 established under section 202 of the act of March 10, 1949
24 (P.L.30, No.14), known as the Public School Code of 1949.

25 Section 2. This act shall take effect immediately.