

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.** Senate Bill 1183

**PRINTER NO.** 1686

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund  
Local Government Fund  
Judicial Computer System Augmentation  
Account

**DATE INTRODUCED**

May 3, 2022

**PRIME SPONSOR**

Senator Browne

**DESCRIPTION**

Senate Bill 1183 amends Titles 42 (Judiciary and Judicial Procedure) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes to provide for forfeiture of assets related to certain violations.

This legislation amends Section 5803 (relating to asset forfeiture) of Title 42 to provide for seizure and forfeiture of assets related to violations of 75 Pa.C.S. § 7721 (d) (relating to operation on streets and highways).

Section 7721 (relating to operation on streets and highways) of Title 75 is amended to provide that it is unlawful to operate a dirt bike on any street or highway which is not designated and posted as a snowmobile, dirt bike or an all-terrain vehicle (ATV) road. "Dirt bike" is defined as a two-wheeled motorcycle that is designed and manufactured for off-road use only and that does not comply with federal motor vehicle safety standards or United States Environmental Protection Agency on-road emissions standards.

The legislation additionally provides that a dirt bike or ATV operated illegally on any public street, highway, or right-of-way in a city of the third class or a borough shall be designated as prima facie contraband subject to forfeiture in accordance with 42 Pa.C.S. § 5803 (relating to asset forfeiture).

This act shall take effect in 60 days.

**FISCAL IMPACT:**

Enactment of this legislation will result in dirt bikes and ATV's being seized by law enforcement agencies and eventually resulting in forfeiture by the defendants violating 75 Pa.C.S. § 7721 (d) (relating to operation on streets and highways) in cities of the third class or boroughs.

According to data received from the Administrative Office of Pennsylvania Courts, there have been an average of 782 violations of 75 Pa.C.S. § 7721 (d) (relating to

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operation on streets and highways) filed with the local Magisterial District Judges statewide from 2019-2021. The forfeiture provisions of this legislation only relate to cities of the third class and boroughs. Currently, there are 54 cities of the third class in the Commonwealth. Additionally, there are 961 boroughs in the Commonwealth.

42 Pa.C.S. § 5803 (relating to asset forfeiture) provides that property forfeited under Chapter 58 (Forfeiture of Assets) shall be transferred to the custody of the district attorney, if the law enforcement authority seizing the property has local or county jurisdiction, or the Attorney General, if the law enforcement authority seizing the property has statewide jurisdiction. The district attorney or the Attorney General may:

- 1) Retain the property for official use; or
- 2) Sell any forfeited property which is not required to be destroyed by law and which is not harmful to the public, except that the proceeds from the sale shall be used to pay all proper expenses of the proceedings for forfeiture and sale, including expenses of seizure, maintenance of custody, advertising and court costs. The balance of the proceeds shall be placed in the operating fund of the county in which the district attorney is elected.

Therefore, county district attorneys or the Attorney General may realize an increase in operating revenues with the enactment of this legislation. The amount of revenue generated will be dependent on the number and value of dirt bikes and ATV's that become subject to forfeiture and any costs related to their disposition.