

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in forfeitures, further
3 providing for controlled substances forfeiture.

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

6 Section 1. Section 6801(e), (f), (h) and (k) of Title 42 of
7 the Pennsylvania Consolidated Statutes are amended and the
8 section is amended by adding a subsection to read:

9 § 6801. Controlled substances forfeiture.

10 * * *

11 (b.1) Conviction required.--Property shall not be subject to
12 forfeiture under this chapter unless the violation results in
13 the property owner's conviction, guilty plea or plea of nolo
14 contendere.

15 * * *

16 (e) Use of property held in custody.--Whenever property is
17 forfeited under this chapter, the property shall be transferred
18 to the custody of the district attorney, if the law enforcement

1 authority seizing the property has local or county jurisdiction,
2 or the Attorney General, if the law enforcement authority
3 seizing the property has Statewide jurisdiction. The district
4 attorney or the Attorney General, where appropriate, may:

5 (1) Retain the property for official use.

6 (2) Sell any forfeited property which is not required to
7 be destroyed by law and which is not harmful to the public,
8 but the proceeds from any such sale shall be used to pay all
9 proper expenses of the proceedings for forfeiture and sale,
10 including expenses of seizure, maintenance of custody,
11 advertising and court costs. The remaining balance of the
12 proceeds shall be [dealt with in accordance with] subject to
13 subsections (f) and (g).

14 (f) Use of cash or proceeds of property.-- [Cash]

15 (1) Except as otherwise provided in paragraph (2), cash
16 or proceeds of forfeited property transferred to the custody
17 of the district attorney pursuant to subsection (e) shall be
18 placed in the operating fund of the county in which the
19 district attorney is elected. The appropriate county
20 authority shall immediately release from the operating fund,
21 without restriction, a like amount for the use of the
22 district attorney enforcing the provisions of The Controlled
23 Substance, Drug, Device and Cosmetic Act. The entity having
24 budgetary control shall not anticipate future forfeitures or
25 proceeds therefrom in adoption and approval of the budget for
26 the district attorney.

27 (2) Cash or proceeds of forfeited property seized in a
28 city of the first class shall be transferred to the
29 Department of Revenue for deposit into the General Fund.

30 * * *

1 (h) Authorization to utilize property.--Except for forfeited
2 property or proceeds thereof subject to subsection (e) (2):

3 (1) The district attorney and the Attorney General shall
4 utilize forfeited property or proceeds thereof for the
5 purpose of enforcing the provisions of The Controlled
6 Substance, Drug, Device and Cosmetic Act.

7 (2) In appropriate cases, the district attorney and the
8 Attorney General may designate proceeds from forfeited
9 property to be utilized by community-based drug and crime-
10 fighting programs and for relocation and protection of
11 witnesses in criminal cases.

12 * * *

13 (k) Proceeds and appropriations.--[The] Except for proceeds
14 subject to subsection (e) (2), the proceeds or future proceeds
15 from forfeited property under this chapter shall be in addition
16 to any appropriation made to the Office of Attorney General.

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