

**JUDICIAL CODE (42 PA.C.S.) - AMEND BAIL IN DRUG OFFENSES**

**Act of Dec. 20, 2000, P.L. 939, No. 126**

**Cl. 42**

Session of 2000

No. 2000-126

HB 1588

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for inquiry as to the source of security for bail in drug offenses.

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

Section 1. Chapter 57 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

SUBCHAPTER C  
SPECIAL PROVISIONS

Sec.

5761. Bail in drug offenses.

§ 5761. Bail in drug offenses.

(a) Inquiry as to source.--When fixing and accepting bail for a person charged with a violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, the district justice or judge shall determine the source of the currency, bonds, realty or other property used for the payment of the bail or the procurement of a surety bond, as the case may be, being posted by or on behalf of the defendant. The district justice or judge may request such information as needed to identify the direct or indirect sources, derivation or ownership of the currency or other property used for the payment of bail or procurement of a bond.

(b) Drug proceeds unacceptable.--If the district justice or judge determines that the bail or surety bond is being financed from funds derived from violations of The Controlled Substance, Drug, Device and Cosmetic Act, the security shall not be accepted, and other security shall be required for the defendant to be admitted to bail.

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

APPROVED--The 20th day of December, A. D. 2000.

THOMAS J. RIDGE