

CRIMES CODE (18 PA.C.S.) - AMEND SUBSTANCE ABUSE EDUCATION, DEMAND
REDUCTION FUND AND IMPOSING ASSESSMENTS

Act of Dec. 9, 2002, P.L. 1539, No. 198

Cl. 18

Session of 2002

No. 2002-198

SB 413

AN ACT

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, providing for Substance Abuse Education and Demand Reduction Fund; and imposing assessments.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 7508.1. Substance Abuse Education and Demand Reduction Fund.

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

(b) **Imposition.**--Unless the court finds that undue hardship would result, a mandatory cost of \$100, which shall be in addition to any other costs imposed pursuant to statutory authority, shall automatically be assessed on any individual convicted, adjudicated delinquent or granted Accelerated Rehabilitative Disposition or any individual who pleads guilty or nolo contendere for a violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or a violation of 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance).

(c) **Additional assessment.**--In addition to the assessment required by subsection (b), a person convicted of or adjudicated delinquent for a violation of 75 Pa.C.S. § 3731 shall be assessed \$200 where the amount of alcohol by weight in the blood of the person is equal to or greater than .15% at the time a chemical test is performed on a sample of the person's breath, blood or urine. For the purposes of this subsection, the sample of the person's blood, breath or urine shall be taken within two hours after the person is placed under arrest.

(d) **Collection.**--Costs imposed under this section shall be collected in accordance with local court rules by the clerk of courts in the county where the violation has occurred. Of the amount collected, 50% shall remain in that county to be used for

substance abuse treatment or prevention programs and the remaining 50% shall be deposited into the Substance Abuse Education and Demand Reduction Fund established under this section.

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

(f) Grants.--Notwithstanding any other provision of law, the commission shall, upon written application and subsequent approval, use moneys received under this section to award grants to eligible organizations in the following manner:

(1) No more than 45% of grant moneys awarded annually shall go to programs to provide research-based approaches to prevention, intervention, training, treatment and education services to reduce substance abuse and Statewide programs to assist families in accessing such services.

(2) No more than 20% of grant moneys awarded annually shall go to Statewide programs to educate about the dangers of substance abuse and increase the awareness of the benefits of a drug-free Pennsylvania through public service announcement campaigns targeted toward youth, caregivers of youth and employers.

(3) No more than 20% of grant moneys awarded annually shall go to Statewide programs to educate employers, unions and employees about the dangers of substance abuse in the workplace and provide comprehensive drug-free workplace programs and technical resources for businesses, including, but not limited to, training for working parents to keep their children drug free.

(4) Ten percent of the grant moneys available to be awarded annually shall be transferred annually to the Community Drug Abuse Prevention Grant Program within the Office of Attorney General.

(g) Administration.--The commission shall develop guidelines, procedures and all applications necessary to implement the grant program. The commission shall equitably distribute grant moneys to applicants who apply for grants under subsection (f)(1) and (2) across all classes of counties. No more than 5% of total moneys deposited in the fund during a fiscal year may be used by the commission to administer the provisions of this section.

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

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

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

"Fund." The Substance Abuse Education and Demand Reduction

Fund established by this section.

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

APPROVED--The 9th day of December, A. D. 2002.

MARK S. SCHWEIKER