

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 857 Session of
1989

INTRODUCED BY PRESTON, GIGLIOTTI, McNALLY, ITKIN, PISTELLA,
ROBINSON, MURPHY AND PETRONE, APRIL 3, 1989

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 1989

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for
3 distribution of controlled substances forfeitures in cities
4 of the second class.

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

7 Section 1. Section 6801(f) and (g) of Title 42 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 6801. Loss of property rights to Commonwealth.

10 * * *

11 (f) Use of cash or proceeds of property.--[Cash] Except as
12 provided for in subsection (g), cash or proceeds of forfeited
13 property transferred to the custody of the district attorney
14 pursuant to subsection (e) shall be placed in the operating fund
15 of the county in which the district attorney is elected. The
16 appropriate county authority shall immediately release from the
17 operating fund, without restriction, a like amount for the use
18 of the district attorney enforcing the provisions of The

1 Controlled Substance, Drug, Device and Cosmetic Act. The entity
2 having budgetary control shall not anticipate future forfeitures
3 or proceeds therefrom in adoption and approval of the budget for
4 the district attorney.

5 (g) Distribution of property among law enforcement
6 authorities.--If both municipal and State law enforcement
7 authorities were substantially involved in effecting the
8 seizure, the court having jurisdiction over the forfeiture
9 proceedings shall equitably distribute the property between the
10 district attorney and the Attorney General. In cities of the
11 second class, 40% of the total cash or proceeds of property
12 forfeited shall be distributed to the following entities:

13 (1) City police department.

14 (2) Nonprofit community-based organizations that are
15 actively confronting the drug problem and are providing
16 educational, health care, housing and community development
17 services.

18 (3) Nonprofit agencies providing inpatient or outpatient
19 drug rehabilitation programs and/or crime prevention.

20 The Governor's Office shall promulgate regulations involving the
21 distribution of funds within cities of the second class pursuant
22 to this subsection.

23 * * *

24 Section 2. This act shall take effect immediately.