
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 699 Session of
2003

INTRODUCED BY GREENLEAF, COSTA, ORIE, RAFFERTY, BOSCOLA, MELLOW,
TARTAGLIONE, WOZNIAK AND STACK, MAY 5, 2003

REFERRED TO JUDICIARY, MAY 5, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 criminal laboratory user fee.

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

6 Section 1. Section 1725.3 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 1725.3. Criminal laboratory user fee.

9 [(a) Imposition.--A person who is placed on probation
10 without verdict pursuant to section 17 of the act of April 14,
11 1972 (P.L.233, No.64), known as The Controlled Substance, Drug,
12 Device and Cosmetic Act, or who receives Accelerated
13 Rehabilitative Disposition or who pleads guilty to or nolo
14 contendere to or who is convicted of a crime as defined in 18
15 Pa.C.S. § 106 (relating to classes of offenses) or 75 Pa.C.S. §
16 3731 (relating to driving under influence of alcohol or
17 controlled substance) or 3735 (relating to homicide by vehicle
18 while driving under influence) or a violation of The Controlled

1 Substance, Drug, Device and Cosmetic Act shall, in addition to
2 any fines, penalties or costs, in every case where laboratory
3 services were required to prosecute the crime or violation, be
4 sentenced to pay a criminal laboratory user fee which shall
5 include, but not be limited to, the cost of sending a laboratory
6 technician to court proceedings.

7 (b) Amount of user fee.--

8 (1) Where the prosecution is conducted in a county of
9 the first class or a county of the second class and the
10 county operates a county laboratory that has provided
11 services in the prosecution, the director or similar officer
12 of the county laboratory shall determine the actual cost of
13 the laboratory services provided in the prosecution and
14 transmit a statement for services rendered to the court. If a
15 county of the first class or a county of the second class
16 does not operate a county laboratory and laboratory services
17 in the prosecution were provided by the Pennsylvania State
18 Police, the fee shall be determined under paragraph (2).

19 (2) Where the prosecution is conducted in a county other
20 than a county of the first class or a county of the second
21 class and a Pennsylvania State Police laboratory has provided
22 services in the prosecution, the director or similar officer
23 of the Pennsylvania State Police laboratory shall determine
24 the actual cost of the laboratory services provided in the
25 prosecution and transmit a statement for services rendered to
26 the court.

27 (c) Disposition of fees.--

28 (1) In a county of the first class or a county of the
29 second class that operates a county laboratory, the criminal
30 laboratory user fee shall be paid to the county and shall be

1 used solely for operation and maintenance of the county
2 laboratory. If a county of the first class or a county of the
3 second class does not operate a county laboratory, the
4 criminal laboratory user fee shall be paid into the Criminal
5 Laboratory User Fee Fund created under paragraph (2).

6 (2) In a county other than a county of the first class
7 or a county of the second class or where a county of the
8 first class or a county of the second class does not operate
9 a county laboratory, the criminal laboratory user fee shall
10 be paid into a special nonlapsing fund of the State Treasury,
11 which is hereby established and shall be known as the
12 Criminal Laboratory User Fee Fund. Money in the Criminal
13 Laboratory User Fee Fund is hereby appropriated to the
14 Pennsylvania State Police and shall be used solely for
15 operation and maintenance of Pennsylvania State Police
16 criminal laboratories.]

17 (a) Imposition.--A laboratory user fee shall be payable in
18 every case where forensic laboratory services are performed for
19 the investigation of any Federal, State or municipal crime, or
20 any civil action resulting from such an investigation. The court
21 with proper jurisdiction shall sentence any person who is found
22 guilty, adjudicated delinquent, pleads guilty or nolo contendere
23 or who received Accelerated Rehabilitative Disposition to pay
24 the laboratory user fee. The laboratory user fee shall include
25 the cost of sending a laboratory technician to court
26 proceedings.

27 (b) Amount of user fee.--

28 (1) Where the performed laboratory service is conducted
29 in a laboratory operated by a county of the first class or a
30 county of the second class, the director or similar officer

1 of the county forensic laboratory shall determine the actual
2 cost of the laboratory services provided and transmit a
3 statement for services rendered to the court.

4 (2) Where the performed laboratory service is conducted
5 in a laboratory operated by the Pennsylvania State Police,
6 the director or similar officer of the Pennsylvania State
7 Police forensic laboratory shall determine the actual cost of
8 the laboratory services provided and transmit a statement for
9 services rendered to the court.

10 (c) Disposition of fees.--

11 (1) In a county of the first class or a county of the
12 second class that operates a county forensic laboratory, and
13 where the requested service is performed, the criminal
14 laboratory user fee shall be paid to the county and shall be
15 used solely for operation and maintenance of the county
16 laboratory. If a county of the first class or a county of the
17 second class does not operate a county forensic laboratory,
18 or if the requested service is performed by a Pennsylvania
19 State Police laboratory, the laboratory user fee shall be
20 paid into the Criminal Laboratory User Fee Fund established
21 under paragraph (2).

22 (2) Where the laboratory services were provided by a
23 Pennsylvania State Police laboratory, the criminal laboratory
24 user fee shall be paid into a special nonlapsing fund of the
25 State Treasury, known as the Criminal Laboratory User Fee
26 Fund. Money in the Criminal Laboratory User Fee Fund shall be
27 appropriated to the Pennsylvania State Police and shall be
28 used solely for operation and maintenance of Pennsylvania
29 State Police criminal laboratories.

30 (d) Other laws.--The criminal laboratory user fee shall be

1 imposed notwithstanding any other provision of law to the
2 contrary.

3 Section 2. The amendment of 42 Pa.C.S. § 1725.3 shall apply
4 to sentences imposed on or after the effective date of this act.

5 Section 3. This act shall take effect in 60 days.