
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 415 Session of
2005

INTRODUCED BY ORIE, RAFFERTY AND BOSCOLA, MARCH 16, 2005

REFERRED TO JUDICIARY, MARCH 16, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for a drug
3 court division.

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

6 Section 1. Section 951 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 951. Court divisions.

9 (a) Philadelphia County.--The Court of Common Pleas of
10 Philadelphia County shall have the following divisions:

11 (1) Trial division.

12 (2) Orphans' court division.

13 (3) Family court division.

14 (b) Allegheny County.--The Court of Common Pleas of
15 Allegheny County shall have the following divisions:

16 (1) Civil division.

17 (2) Criminal division.

18 (3) Orphans' court division.

1 (4) Family division.

2 (c) Other separate orphans' court divisions.--The courts of
3 common pleas of Beaver, Berks, Bucks, Cambria, Chester, Dauphin,
4 Delaware, Erie, Fayette, Lackawanna, Lancaster, Lehigh, Luzerne,
5 Montgomery, Schuylkill, Washington, Westmoreland and York
6 counties shall each have a separate orphans' court division.

7 (d) Judicial districts having no separate orphans' court
8 division.--In each judicial district having no separate orphans'
9 court division, there shall be an orphans' court division
10 composed of the court of common pleas of that judicial district.

11 (e) Change in size of divisions.--The number of judges
12 constituting a division may be increased or reduced by order of
13 the governing authority.

14 (f) Drug court division.--The courts of common pleas of any
15 county or judicial district may establish a separate drug court
16 division.

17 Section 2. Title 42 is amended by adding a section to read:
18 § 954. Drug court divisions.

19 (a) Establishment.--The court of common pleas of any county
20 or judicial district may apply for a grant to establish a drug
21 court division.

22 (b) Objectives.--The drug court division shall have the
23 following objectives:

24 (1) Increased cooperation between the criminal justice
25 and drug rehabilitation systems.

26 (2) Faster case processing time.

27 (3) Improved access to necessary services and support.

28 (4) Increased services for offenders with drug abuse
29 problems.

30 (5) Reduced recidivism.

1 (6) Continued judicial supervision, including periodic
2 review of preliminarily qualified offenders with drug abuse
3 problems who are charged with misdemeanors or nonviolent
4 offenses.

5 (7) Coordinated delivery of services, including:

6 (i) Specialized training of law enforcement and
7 judicial personnel to identify and address the needs of a
8 drug abuse offender.

9 (ii) Voluntary outpatient or inpatient treatment, in
10 the least restrictive manner appropriate, as determined
11 by the court, that carries with it the possibility of
12 dismissal of charges of reduced sentencing upon
13 successful completion of treatment.

14 (iii) Centralized case management involving the
15 consolidation of all of a drug abuse person's cases,
16 including violations of probation, and the coordination
17 of all drug abuse treatment plans and social services,
18 including life skills training, such as housing
19 placement, vocational training, education, job placement,
20 health care and relapse prevention for each participant
21 who requires such services.

22 (iv) Continuing supervision of treatment plan
23 compliance for a term not to exceed the maximum allowable
24 sentence or probation for the charged relevant offense
25 and, to the extent practicable, continuity of medical or
26 psychiatric care at the end of the supervised period.

27 (c) Contact.--The drug court division shall provide a single
28 point of contact where a defendant with a drug abuse problem may
29 receive court-ordered treatment and support services in
30 connection with a diversion from prosecution, a sentencing

1 alternative or a term of probation or parole.

2 (d) Criteria.--A court of common pleas that establishes a
3 drug court division pursuant to this section may provide the
4 following through the adoption of local rules:

5 (1) Referral to the drug court division.

6 (2) Acceptance, participation and completion of drug
7 court programs.

8 (3) Utilization of designated staff, including, but not
9 limited to, a judge of the court of common pleas, prosecutor,
10 public defender, county drug rehabilitation liaison and
11 probation officer.

12 (4) Initial and ongoing training for designated staff,
13 as needed, on the nature of drug abuse and on the treatment
14 and supportive services available in the community.

15 (5) Utilization of community drug abuse rehabilitation
16 providers and other agencies to offer defendants access to
17 individualized treatment services.

18 (6) Provisions for the assessment of fees for drug court
19 division participants when feasible.

20 (e) Grants.--The Administrative Office, in consultation with
21 the Department of Public Welfare Office of Mental Health and
22 Substance Abuse Services, the Department of Corrections and the
23 Pennsylvania Board of Probation and Parole, shall establish
24 minimum standards, funding schedules and procedures for awarding
25 grants for the establishment of drug court divisions, which
26 shall take into consideration, but not be limited to, the
27 following:

28 (1) Percentage of the incarcerated and/or supervised
29 population with drug abuse problems.

30 (2) Demonstrated ability to administer the program.

1 (3) Demonstrated ability to develop effective responses
2 to provide treatment and stability for persons with drug
3 abuse problems.

4 (4) Demonstrated history of maximizing Federal, State,
5 local and private funding sources.

6 (5) Likelihood that the program will continue to operate
7 after State grant funding ends.

8 (f) Definition.--As used in this section, the term
9 "preliminarily qualified offender with drug abuse problems"
10 means a person who:

11 (1) previously or currently has been diagnosed by a
12 qualified health professional as having a drug abuse problem;
13 or

14 (2) is deemed eligible by a designated judge.

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