

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 397 Session of 2007

INTRODUCED BY REGOLA, ORIE, RAFFERTY, O'PAKE, ROBBINS, ERICKSON, WASHINGTON AND D. WHITE, FEBRUARY 9, 2007

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, FEBRUARY 13, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, imposing a central or
3 regional booking fee on criminal convictions to fund the
4 start-up, operation or maintenance of a central or regional
5 booking center; and providing for a countywide booking center
6 plan.

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

9 Section 1. Title 42 of the Pennsylvania Consolidated
10 Statutes is amended by adding sections to read:

11 § 1725.5. Booking center fee.

12 (a) Imposition.--Following the adoption of a countywide
13 booking center plan, a person may, in addition to any other
14 fines, penalties or costs imposed by law, be required by the
15 court to pay a booking center fund fee of no more than \$200 if
16 the person:

17 (1) Is placed on probation without verdict pursuant to
18 section 17 of the act of April 14, 1972 (P.L.233, No.64),
19 known as The Controlled Substance, Drug, Device and Cosmetic

1 Act.

2 (2) Receives Accelerated Rehabilitative Disposition for,
3 pleads guilty to or nolo contendere to or is convicted of a
4 crime under the following:

5 (i) 18 Pa.C.S. § 106(a) (relating to classes of
6 offenses).

7 (ii) 75 Pa.C.S. § 3735 (relating to homicide by
8 vehicle while driving under influence).

9 (iii) 75 Pa.C.S. § 3802 (relating to driving under
10 influence of alcohol or controlled substance).

11 (iv) A violation of The Controlled Substance, Drug,
12 Device and Cosmetic Act.

13 (b) Disposition.--The fee under subsection (a) shall be paid
14 to the county and deposited into a special central or regional
15 booking CENTER fund established in the county. Moneys in the ←
16 special fund shall be used solely for the implementation of a
17 countywide booking center plan under section 1725.6 (relating to
18 countywide booking center plan) and the start-up, operation or
19 maintenance of a booking center.

20 (c) Other laws.--The booking center fee shall be imposed
21 notwithstanding any other provision of law to the contrary.
22 § 1725.6. Countywide booking center plan.

23 (a) Development.--

24 (1) A court in a county that has developed and adopted a
25 countywide booking center plan may impose the fee established
26 under section 1725.5 (relating to booking center fee).

27 (2) A county with a criminal justice advisory board
28 shall develop the plan in conjunction with the criminal
29 justice advisory board.

30 (3) A county that does not have a criminal justice

1 advisory board shall develop the plan in conjunction with the
2 district attorney, local police departments and
3 municipalities within the county.

4 (b) Requirements.--The plan adopted under subsection (a)
5 shall do all of the following:

6 (1) Ensure coordination and collaboration of all
7 criminal justice agencies within the county.

8 (2) Comply with all applicable Federal and State
9 technology standards for the collection and transmission of
10 offender identification information. No funds may be
11 disbursed from the fund established under section 1725.5 for
12 start-up, operation or maintenance of a booking center unless
13 the plan has been certified by the commission.

14 (3) Make recommendations regarding the number, funding
15 and operations of booking centers within the county. The plan
16 shall prioritize the recommendations.

17 (c) Submission.--The plan shall be submitted to the
18 Pennsylvania Commission on Crime and Delinquency for review and
19 certification that the plan complies with the requirements of
20 subsection (b)(2).

21 (d) Duties of commission.--The Pennsylvania Commission on
22 Crime and Delinquency shall do all of the following:

23 (1) Determine and certify if a countywide booking center
24 plan submitted by a county criminal justice advisory board or
25 the county commissioners complies with subsection (b)(2).

26 (2) Adopt guidelines relating to technology standards
27 for the collection and transmission of offenders'
28 identification. The guidelines shall be published in the
29 Pennsylvania Bulletin.

30 (e) Implementation.--Following certification by the

1 Pennsylvania Commission on Crime and Delinquency under
2 subsection (d), the county may appropriate moneys in the special
3 central or regional booking CENTER fund to implement the plan to ←
4 the greatest extent possible.

5 (f) Limitation.--No more than 5% of moneys in the special
6 central or regional booking CENTER fund may be appropriated by ←
7 the county for the county's administrative costs related to the
8 collection of the fee under section 1725.5.

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

12 "Booking center." A facility utilized for the processing and
13 identification of individuals arrested, charged or accused of a
14 crime.

15 "County criminal justice advisory board." A county criminal
16 justice planning board which meets the minimum standard for
17 those boards established by the Pennsylvania Commission on Crime
18 and Delinquency.

19 "Countywide booking center plan." A written plan that
20 includes a comprehensive strategy to improve the collection,
21 transfer and maintenance of electronic offender identification
22 information.

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