

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 383 Session of 2009

INTRODUCED BY ORIE, LEACH, GREENLEAF, KITCHEN, RAFFERTY, FONTANA, BRUBAKER, STACK, BOSCOLA, TARTAGLIONE, COSTA, WASHINGTON, FERLO AND HUGHES, FEBRUARY 20, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, FEBRUARY 8, 2010

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in organization and
3 jurisdiction of courts of common pleas, authorizing the
4 establishment of problem solving courts; AND PROVIDING FOR
5 DRUG COURTS. ←

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

8 Section 1. Title 42 of the Pennsylvania Consolidated Statutes
9 is amended by adding a ~~section~~ SECTIONS to read: ←

10 § 916. Problem solving courts.

11 (a) Establishment.--The court of common pleas of a judicial
12 district and the Municipal Court of Philadelphia may establish, ←
13 FROM AVAILABLE FUNDS, one or more problem solving courts which
14 have specialized jurisdiction, including, but not limited to,
15 drug courts, mental health courts and driving under the
16 influence courts, whereby defendants are admitted to a court-
17 supervised individualized treatment program. The court may adopt
18 local rules for the administration of problem solving courts and

1 their related treatment services. The local rules may not be
2 inconsistent with this section or any rules established by the
3 Supreme Court.

4 (b) Statewide problem solving courts coordinator.--The TO ←
5 THE EXTENT THAT FUNDS ARE AVAILABLE, THE Supreme Court may
6 appoint a Statewide problem solving courts coordinator. The
7 coordinator may:

8 (1) Encourage and assist in the establishment of problem
9 solving courts in each judicial district.

10 (2) Identify sources of funding for problem solving
11 courts and their related treatment services, including the
12 availability of grants.

13 (3) Provide coordination and technical assistance for
14 grant applications.

15 (4) Develop model guidelines for the administration of
16 problem solving courts and their related treatment services.

17 (5) Establish procedures for monitoring problem-solving
18 courts and their related treatment services and for
19 evaluating the effectiveness of problem solving courts and
20 their related treatment services.

21 (c) Advisory committee.--The Supreme Court may establish, ←
22 FROM AVAILABLE FUNDS, an interdisciplinary and interbranch
23 advisory committee to advise and assist the Statewide problem
24 solving courts coordinator in monitoring and administrating
25 problem solving courts Statewide.

26 § 917. DRUG COURTS. ←

27 (A) ESTABLISHMENT.--THE COURT OF COMMON PLEAS OF A JUDICIAL
28 DISTRICT AND THE MUNICIPAL COURT OF PHILADELPHIA MAY ESTABLISH A
29 DRUG COURT AS A SPECIAL CRIMINAL DOCKET WHEREBY DEFENDANTS ARE
30 ADMITTED TO A COURT-SUPERVISED INDIVIDUALIZED DRUG TREATMENT

1 PROGRAM. THE COURT MAY ADOPT LOCAL RULES FOR THE ADMINISTRATION
2 OF THE DRUG COURT AND ITS RELATED TREATMENT SERVICES. THE LOCAL
3 RULES MAY NOT BE INCONSISTENT WITH THIS SECTION OR ANY RULES
4 ESTABLISHED BY THE SUPREME COURT.

5 (B) STATEWIDE DRUG COURT COORDINATOR.--THE SUPREME COURT MAY
6 APPOINT A STATEWIDE DRUG COURT COORDINATOR. THE STATEWIDE DRUG
7 COURT COORDINATOR MAY:

8 (1) ENCOURAGE AND ASSIST IN THE ESTABLISHMENT OF A DRUG
9 COURT IN EACH JUDICIAL DISTRICT.

10 (2) IDENTIFY SOURCES OF FUNDING FOR DRUG COURTS AND
11 THEIR RELATED TREATMENT SERVICES, INCLUDING THE AVAILABILITY
12 OF GRANTS.

13 (3) PROVIDE COORDINATION AND TECHNICAL ASSISTANCE FOR
14 GRANT APPLICATIONS.

15 (4) DEVELOP MODEL GUIDELINES FOR THE ADMINISTRATION OF
16 DRUG COURTS AND THEIR RELATED TREATMENT SERVICES.

17 (5) ESTABLISH PROCEDURES FOR MONITORING DRUG COURTS AND
18 THEIR RELATED TREATMENT SERVICES AND FOR EVALUATING THE
19 EFFECTIVENESS OF DRUG COURTS AND THEIR RELATED TREATMENT
20 SERVICES.

21 (C) ADVISORY COMMITTEE.--THE SUPREME COURT MAY ESTABLISH AN
22 INTERDISCIPLINARY AND INTERBRANCH ADVISORY COMMITTEE TO ADVISE
23 AND ASSIST THE STATEWIDE DRUG COURT COORDINATOR IN MONITORING
24 AND ADMINISTRATING DRUG COURTS STATEWIDE.

25 (D) IMPOSITION OF SURCHARGE.--A DEFENDANT CONVICTED OF A
26 DRUG-RELATED OR ALCOHOL-RELATED OFFENSE IN A JUDICIAL DISTRICT
27 IN WHICH THE COURT HAS ESTABLISHED A DRUG COURT MAY BE ORDERED
28 BY THE COURT TO PAY A SURCHARGE OF \$25 WHICH SHALL BE COLLECTED
29 IN THE SAME MANNER AS OTHER COURT COSTS. IN ADDITION TO ANY
30 GRANTS OR OTHER MONEY THAT MAY BECOME AVAILABLE THROUGH PUBLIC

1 OR PRIVATE SOURCES, THE MONEY COLLECTED THROUGH THIS SURCHARGE
2 SHALL BE USED BY THE COUNTY TO FUND THE DRUG COURT AND ITS
3 RELATED TREATMENT SERVICES.

4 (E) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING
5 WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS
6 SUBSECTION:

7 "DRUG-RELATED OR ALCOHOL-RELATED OFFENSE." A CRIMINAL
8 OFFENSE THAT THE COURT DETERMINES WAS MOTIVATED BY THE
9 DEFENDANT'S CONSUMPTION OF OR ADDICTION TO ALCOHOL OR A
10 CONTROLLED SUBSTANCE, COUNTERFEIT, DESIGNER DRUG, DRUG,
11 IMMEDIATE PRECURSOR OR MARIJUANA, AS THOSE TERMS ARE DEFINED IN
12 THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN AS THE
13 CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT.

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