

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, MAY 4, 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 sections A SECTION 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.-- To the
5 extent that funds are available, the Supreme Court may appoint a
6 Statewide problem solving courts coordinator. The coordinator
7 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.