

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 943 Session of
2011

INTRODUCED BY CORMAN, DINNIMAN, ERICKSON, D. WHITE, VANCE,
TARTAGLIONE, FONTANA AND BREWSTER, APRIL 28, 2011

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, JUNE 4,
2012

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in financial matters,
3 imposing an alcohol offense prevention fee in certain
4 municipalities.

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

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

9 § 3576. Alcohol offense prevention fee.

10 (a) Establishment.--A fee in the amount of \$100 shall be
11 imposed for each conviction of an offense specified in
12 subsection (b). The fee shall be in addition to any other fee or
13 court cost authorized under this title or other law.

14 (b) Offenses subject to fee.--A person who commits, in an
15 eligible municipality, a violation of any of the following
16 offenses shall, upon conviction, be ordered to pay the fee
17 specified in subsection (a):

18 (1) The following provisions of Title 18:

1 Section 5505 (relating to public drunkenness and
2 similar misconduct).

3 Section 6307 (relating to misrepresentation of age to
4 secure liquor or malt or brewed beverages).

5 Section 6308 (relating to purchase, consumption,
6 possession or transportation of liquor or malt or brewed
7 beverages).

8 Section 6309 (relating to representing that minor is
9 of age).

10 Section 6310 (relating to inducement of minors to buy
11 liquor or malt or brewed beverages).

12 Section 6310.1 (relating to selling or furnishing
13 liquor or malt or brewed beverages to minors).

14 Section 6310.2 (relating to manufacture or sale of
15 false identification card).

16 Section 6310.3 (relating to carrying a false
17 identification card).

18 Section 6310.7 (relating to selling or furnishing
19 nonalcoholic beverages to persons under 21 years of age).

20 (2) The following provisions of Title 30:

21 Section 5502 (relating to operating watercraft under
22 influence of alcohol or controlled substance).

23 Section 5502.1 (relating to homicide by watercraft
24 while operating under influence).

25 (3) THE PROVISIONS OF 34 PA.C.S. § 2501(A) (RELATING TO
26 HUNTING OR FURTAKING PROHIBITED WHILE UNDER INFLUENCE OF
27 ALCOHOL OR CONTROLLED SUBSTANCE).

28 ~~(3)~~ (4) The following provisions of Title 75:

29 Section 3718 (relating to minor prohibited from
30 operating with any alcohol in system).

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Section 3735 (relating to homicide by vehicle while driving under influence).

Section 3735.1 (relating to aggravated assault by vehicle while driving under the influence).

Section 3802 (relating to driving under influence of alcohol or controlled substance).

(c) Use of fee.--The fee imposed under this section shall be payable to the eligible municipality in which the violation occurred and shall be expended only on the alcohol offense prevention unit operated by law enforcement officers of the eligible municipality or on behalf of the eligible municipality FOR ENFORCING VIOLATIONS OF 18 PA.C.S. (RELATING TO CRIMES AND OFFENSES).

~~(d) Definitions. As used in this section, "eligible municipality" means a municipality:~~

~~(1) in which an institution of higher education is situated; and~~

~~(2) that has an alcohol offense prevention unit operated by law enforcement officers of the municipality or on behalf of the municipality, which unit primarily enforces violations of 18 Pa.C.S. (relating to crimes and offenses).~~

(D) DEFINITIONS.--AS USED IN THIS SECTION, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

"ELIGIBLE MUNICIPALITY." A MUNICIPALITY:

(1) IN WHICH AN INSTITUTION OF HIGHER EDUCATION IS WHOLLY OR PARTIALLY SITUATED; AND

(2) THAT HAS AN ALCOHOL OFFENSE PREVENTION UNIT WHICH IS OPERATED BY LAW ENFORCEMENT OFFICERS OF THE MUNICIPALITY OR ON BEHALF OF THE MUNICIPALITY.

1 "INSTITUTION OF HIGHER EDUCATION." INCLUDES ANY OF THE
2 FOLLOWING:

3 (1) A COMMUNITY COLLEGE OPERATING UNDER ARTICLE XIX-A OF
4 THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE
5 PUBLIC SCHOOL CODE OF 1949.

6 (2) A UNIVERSITY WITHIN THE STATE SYSTEM OF HIGHER
7 EDUCATION.

8 (3) THE PENNSYLVANIA STATE UNIVERSITY.

9 (4) THE UNIVERSITY OF PITTSBURGH.

10 (5) TEMPLE UNIVERSITY.

11 (6) LINCOLN UNIVERSITY.

12 (7) ANY OTHER INSTITUTION THAT IS DESIGNATED AS "STATE-
13 RELATED" BY THE COMMONWEALTH.

14 (8) ANY ACCREDITED PRIVATE OR INDEPENDENT COLLEGE OR
15 UNIVERSITY.

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