

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 944 Session of 2011

INTRODUCED BY CORMAN, ERICKSON, EICHELBERGER, MENSCH, BREWSTER
AND SOLOBAY, APRIL 28, 2011

REFERRED TO LAW AND JUSTICE, APRIL 28, 2011

AN ACT

1 Amending the act of April 12, 1951 (P.L.90, No.21), entitled, as
2 reenacted, "An act relating to alcoholic liquors, alcohol and
3 malt and brewed beverages; amending, revising, consolidating
4 and changing the laws relating thereto; regulating and
5 restricting the manufacture, purchase, sale, possession,
6 consumption, importation, transportation, furnishing, holding
7 in bond, holding in storage, traffic in and use of alcoholic
8 liquors, alcohol and malt and brewed beverages and the
9 persons engaged or employed therein; defining the powers and
10 duties of the Pennsylvania Liquor Control Board; providing
11 for the establishment and operation of State liquor stores,
12 for the payment of certain license fees to the respective
13 municipalities and townships, for the abatement of certain
14 nuisances and, in certain cases, for search and seizure
15 without warrant; prescribing penalties and forfeitures;
16 providing for local option, and repealing existing laws,"
17 further providing for enforcement.

18 The General Assembly of the Commonwealth of Pennsylvania
19 hereby enacts as follows:

20 Section 1. Section 211(a) of the act of April 12, 1951
21 (P.L.90, No.21), known as the Liquor Code, reenacted and amended
22 June 29, 1987 (P.L.32, No.14) and amended October 5, 1994
23 (P.L.537, No.80), is amended and the section is amended by
24 adding a subsection to read:

25 Section 211. Enforcement.--(a) There is created within the

1 Pennsylvania State Police a Bureau of Liquor Control Enforcement
2 which shall be responsible for enforcing this act and any
3 regulations promulgated pursuant thereto. [Officers] Subject to
4 the provisions of subsection (g), officers and investigators
5 assigned to the bureau shall have the power and their duty shall
6 be:

7 (1) To investigate whenever there are reasonable grounds to
8 believe liquor, alcohol or malt or brewed beverages are being
9 sold on premises not licensed under the provisions of this act.
10 If the investigation produces evidence of the unlawful sale of
11 liquor or malt or brewed beverages or any other violation of the
12 provisions of this act, the officer involved in the
13 investigation shall institute criminal proceedings against the
14 person or persons believed to have been criminally liable, as
15 otherwise provided by law or rule of court.

16 (2) To arrest on view, except in private homes, without
17 warrant, any person actually engaged in the unlawful sale,
18 importation, manufacture or transportation or having unlawful
19 possession of liquor, alcohol or malt or brewed beverages
20 contrary to the provisions of this act or any other law of this
21 Commonwealth or any person whom the officer/investigator, while
22 in the performance of his assigned duties under and pursuant to
23 this act and any regulations promulgated under this act,
24 observes to be in violation of any of the following provisions:

25 18 Pa.C.S. § 3302 (relating to causing or risking
26 catastrophe).

27 18 Pa.C.S. § 3304 (relating to criminal mischief).

28 18 Pa.C.S. § 4101 (relating to forgery).

29 18 Pa.C.S. § 5503 (relating to disorderly conduct).

30 18 Pa.C.S. § 5505 (relating to public drunkenness).

1 18 Pa.C.S. § 5512 (relating to lotteries, etc.).

2 18 Pa.C.S. § 5513 (relating to gambling devices, gambling,
3 etc.).

4 18 Pa.C.S. § 5514 (relating to pool selling and bookmaking).

5 18 Pa.C.S. § 6307 (relating to misrepresentation of age to
6 secure liquor or malt or brewed beverages).

7 18 Pa.C.S. § 6308 (relating to purchase, consumption,
8 possession or transportation of liquor or malt or brewed
9 beverages).

10 18 Pa.C.S. § 6309 (relating to representing that minor is of
11 age).

12 18 Pa.C.S. § 6310.1 (relating to selling or furnishing liquor
13 or malt or brewed beverages to minors).

14 18 Pa.C.S. § 6310.3 (relating to carrying a false
15 identification card).

16 (3) Upon reasonable and probable cause, to search for and to
17 seize, without warrant or process, except in private homes, any
18 liquor, alcohol or malt or brewed beverages unlawfully
19 possessed, manufactured, sold, imported or transported and any
20 stills, equipment, materials, utensils, vehicles, boats,
21 vessels, animals, aircraft, or any of them, which are or have
22 been used in the unlawful manufacture, sale, importation or
23 transportation of the same. Such liquor, alcohol, malt or brewed
24 beverages, stills, equipment, materials, utensils, vehicles,
25 boats, vessels, animals or aircraft so seized shall be disposed
26 of as hereinafter provided.

27 (4) To investigate and issue citations for any violations of
28 this act or any laws of this Commonwealth relating to liquor,
29 alcohol or malt or brewed beverages, or any regulations of the
30 board adopted pursuant to such laws or any violation of any laws

1 of this Commonwealth or of the Federal Government, relating to
2 the payment of taxes on liquor, alcohol or malt or brewed
3 beverages by any licensee, his officers, servants, agents or
4 employes.

5 (5) To arrest any person who engages in the following
6 offenses when the said offenses are committed against the
7 officer/investigator or any person accompanying and assisting
8 the officer/investigator while the said officer/investigator is
9 performing assigned duties under and pursuant to this act and
10 any regulations promulgated under this act:

11 18 Pa.C.S. § 2701 (relating to simple assault).

12 18 Pa.C.S. § 2702 (relating to aggravated assault).

13 18 Pa.C.S. § 2705 (relating to recklessly endangering another
14 person).

15 18 Pa.C.S. § 2706 (relating to terroristic threats).

16 18 Pa.C.S. § 2709 (relating to harassment and stalking).

17 18 Pa.C.S. § 5104 (relating to resisting arrest or other law
18 enforcement).

19 18 Pa.C.S. § 5501 (relating to riot).

20 (6) To serve and execute warrants issued by the proper
21 authorities for offenses referred to in this subsection and to
22 serve subpoenas.

23 (7) To arrange for the administration of chemical tests of
24 breath, blood or urine, including preliminary breath tests, to
25 persons for the purpose of determining the alcoholic content of
26 blood or the presence of a controlled substance by qualified
27 personnel of a State or local police department or qualified
28 personnel of a clinical laboratory licensed and approved by the
29 Department of Health.

30 * * *

1 (g) (1) A municipality that has a local police department
2 with at least one full-time officer or that contracts with
3 another municipality that has such a local police department for
4 law enforcement services to be provided to the municipality may
5 by ordinance elect to enforce the provisions of this act within
6 the corporate boundaries of the municipality.

7 (2) Upon adoption of such ordinance, the local police
8 department of the municipality or that provides law enforcement
9 services to the municipality, as applicable, shall have the same
10 powers and duties as the Bureau of Liquor Control Enforcement
11 that are specified in this section and may exercise such powers
12 and duties within the corporate boundaries of the municipality.

13 (3) Once the ordinance is adopted by a municipality in
14 accordance with this section, the Bureau of Liquor Control
15 Enforcement shall have no powers or duties under this section
16 within the corporate boundaries of the municipality, unless the
17 municipality subsequently rescinds the ordinance.

18 (4) Notwithstanding any other provision of this act or other
19 law to the contrary, any fine imposed through enforcement
20 activity of a municipality that has elected the powers and
21 duties under this section shall be payable to the municipality.

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