

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2535 Session of  
2014

INTRODUCED BY CRUZ, YOUNGBLOOD, O'BRIEN, BISHOP, BROWNLEE AND  
McCARTER, OCTOBER 6, 2014

REFERRED TO COMMITTEE ON EDUCATION, OCTOBER 6, 2014

AN ACT

1 Amending Titles 24 (Education) and 42 (Judiciary and Judicial  
2 Procedure) of the Pennsylvania Consolidated Statutes,  
3 establishing the First Class School Districts Fund; and, in  
4 forfeitures, further providing for controlled substances  
5 forfeiture.

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

8 Section 1. Title 24 of the Pennsylvania Consolidated  
9 Statutes is amended by adding a chapter to read:

10 CHAPTER 31

11 PUBLIC SCHOOL FUNDING

12 Sec.

13 3101. First Class School Districts Fund.

14 § 3101. First Class School Districts Fund.

15 (a) Establishment.--There is hereby established in the State  
16 Treasury a fund to be known as the First Class School Districts  
17 Fund. The State Treasurer shall be custodian of the fund.

18 (b) Fund administration and distribution.--The fund shall  
19 consist of an account for each school district and shall be

1 administered by the department. All moneys allocated to an  
2 account within the fund shall be received by the department and  
3 paid to the State Treasurer to be credited to the proper account  
4 within the fund. Moneys credited to an account within the fund  
5 shall be at all times property of the respective school district  
6 and shall be distributed as provided in this section.

7 (c) Regulations.--The department may promulgate regulations  
8 on the administration of the fund.

9 (d) Disbursement to school district.--At the beginning of  
10 each fiscal year, the State Treasurer shall disburse to a school  
11 district under this chapter the total amount of moneys which are  
12 contained in the account for the school district within the  
13 fund.

14 (e) Annual report.--A detailed report of the expenditure of  
15 moneys received under this section by a school district shall be  
16 made annually to the General Assembly and the School Reform  
17 Commission of the school district.

18 (f) Definitions.--As used in this section, the following  
19 words and phrases shall have the meanings given to them in this  
20 subsection unless the context clearly indicates otherwise:

21 "Department." The Department of Revenue of the Commonwealth.

22 "Fund." The First Class School Districts Fund established by  
23 this section.

24 "School district." A school district of the first class  
25 coterminous with a city of the first class.

26 Section 2. Section 6801(e), (f), (h) and (k) of Title 42 are  
27 amended to read:

28 § 6801. Controlled substances forfeiture.

29 \* \* \*

30 (e) Use of property held in custody.--Whenever property is

1 forfeited under this chapter, the property shall be transferred  
2 to the custody of the district attorney, if the law enforcement  
3 authority seizing the property has local or county jurisdiction,  
4 or the Attorney General, if the law enforcement authority  
5 seizing the property has Statewide jurisdiction. The district  
6 attorney or the Attorney General, where appropriate, may:

7 (1) Retain the property for official use.

8 (2) Sell any forfeited property which is not required to  
9 be destroyed by law and which is not harmful to the public,  
10 but the proceeds from any such sale shall, except in cities  
11 of the first class where all proceeds collected under this  
12 section shall be deposited into the First Class School  
13 Districts Fund provided under 24 Pa.C.S. § 3101 (relating to  
14 First Class School Districts Fund), be used to pay all proper  
15 expenses of the proceedings for forfeiture and sale,  
16 including expenses of seizure, maintenance of custody,  
17 advertising and court costs. The balance of the proceeds  
18 shall be dealt with in accordance with subsections (f) and  
19 (g).

20 (f) Use of cash or proceeds of property.--

21 (1) Cash or proceeds of forfeited property transferred  
22 to the custody of the district attorney pursuant to  
23 subsection (e) shall be placed in the operating fund of the  
24 county in which the district attorney is elected. The  
25 appropriate county authority shall immediately release from  
26 the operating fund, without restriction, a like amount for  
27 the use of the district attorney enforcing the provisions of  
28 The Controlled Substance, Drug, Device and Cosmetic Act. The  
29 entity having budgetary control shall not anticipate future  
30 forfeitures or proceeds therefrom in adoption and approval of

1 the budget for the district attorney.

2 (2) Cash or proceeds of forfeited property in cities of  
3 the first class shall be deposited into the First Class  
4 School Districts Fund provided under 24 Pa.C.S. § 3101.

5 \* \* \*

6 (h) Authorization to utilize property.--[The] Except for  
7 proceeds collected in cities of the first class where all  
8 proceeds collected under this section shall be deposited into  
9 the First Class School Districts Fund, provided under 24 Pa.C.S.  
10 § 3101, the district attorney and the Attorney General shall  
11 utilize forfeited property or proceeds thereof for the purpose  
12 of enforcing the provisions of The Controlled Substance, Drug,  
13 Device and Cosmetic Act. In appropriate cases, the district  
14 attorney and the Attorney General may designate proceeds from  
15 forfeited property to be utilized by community-based drug and  
16 crime-fighting programs and for relocation and protection of  
17 witnesses in criminal cases.

18 \* \* \*

19 (k) Proceeds and appropriations.--[The] Except for proceeds  
20 collected in cities of the first class where all proceeds  
21 collected under this section shall be deposited into the First  
22 Class School Districts Fund, provided under 24 Pa.C.S. § 3101,  
23 the proceeds or future proceeds from forfeited property under  
24 this chapter shall be in addition to any appropriation made to  
25 the Office of Attorney General.

26 Section 3. This act shall take effect in 60 days.