
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2073 Session of
2015

INTRODUCED BY D. COSTA, BAKER, DRISCOLL, BARRAR, MILLARD,
FARINA, HELM, READSHAW, MAHONEY, DeLUCA, PHILLIPS-HILL,
MILNE, WATSON, NELSON, A. HARRIS, DEASY, GILLEN, CALTAGIRONE,
VEREB, McNEILL AND MCCLINTON, MAY 17, 2016

REFERRED TO COMMITTEE ON JUDICIARY, MAY 17, 2016

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in minors, further providing for purchase,
4 consumption, possession or transportation of liquor or malt
5 or brewed beverages; in magisterial district judges, further
6 providing for jurisdiction and venue; and, in juvenile
7 matters, further providing for inspection of court files and
8 records.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. This act shall be known and may be cited as Ava's
12 Law.

13 Section 2. Section 6308(a) of Title 18 of the Pennsylvania
14 Consolidated Statutes is amended and the section is amended by
15 adding a subsection to read:

16 § 6308. Purchase, consumption, possession or transportation of
17 liquor or malt or brewed beverages.

18 (a) Offense defined.--A person commits [a summary] an
19 offense if he, being less than 21 years of age, attempts to
20 purchase, purchases, consumes, possesses or knowingly and

1 intentionally transports any liquor or malt or brewed beverages,
2 as defined in section 6310.6 (relating to definitions). For the
3 purposes of this section, it shall not be a defense that the
4 liquor or malt or brewed beverage was consumed in a jurisdiction
5 other than the jurisdiction where the citation for underage
6 drinking was issued. An offense under this section shall be
7 graded as follows:

8 (1) A first offense under this section shall constitute
9 a summary offense.

10 (2) A second or subsequent offense under this section
11 shall constitute a misdemeanor of the third degree.

12 * * *

13 (g) Duties of magisterial district judges.--The magisterial
14 district judge shall inspect the following information to
15 determine if the defendant was previously found guilty or
16 adjudicated delinquent of an offense under this section or under
17 75 Pa.C.S. § 3802 (relating to driving under influence of
18 alcohol or controlled substance):

19 (1) The defendant's criminal history record information.

20 (2) The files and records under 42 Pa.C.S. Ch. 63
21 (relating to juvenile matters).

22 Section 2. Section 1515(a)(6)(ii) of Title 42 is amended to
23 read:

24 § 1515. Jurisdiction and venue.

25 (a) Jurisdiction.--Except as otherwise prescribed by general
26 rule adopted pursuant to section 503 (relating to reassignment
27 of matters), magisterial district judges shall, under procedures
28 prescribed by general rule, have jurisdiction of all of the
29 following matters:

30 * * *

1 (6) * * *

2 (ii) Subparagraph (i) shall not apply to any offense
3 under the following provisions of Title 18:

4 Section 4303 (relating to concealing death of
5 child born out of wedlock).

6 Section 4321 (relating to willful separation or
7 nonsupport).

8 Section 5103 (relating to unlawfully listening
9 into deliberations of jury).

10 Section 6308(a)(2) (relating to purchase,
11 consumption, possession or transportation of liquor
12 or malt or brewed beverages).

13 * * *

14 Section 3. Section 6307(a) of Title 42 is amended by adding
15 a paragraph to read:

16 § 6307. Inspection of court files and records.

17 (a) General rule.--All files and records of the court in a
18 proceeding under this chapter are open to inspection only by:

19 * * *

20 (6.6) A magisterial district judge who presides over a
21 hearing related to a violation of 18 Pa.C.S. § 6308 (relating
22 to purchase, consumption, possession or transportation of
23 liquor or malt or brewed beverages) to determine if the
24 defendant was previously adjudicated delinquent of an offense
25 under 18 Pa.C.S. § 6308 or 75 Pa.C.S. § 3802 (relating to
26 driving under influence of alcohol or controlled substance).

27 * * *

28 Section 4. This act shall take effect in 60 days.