

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 126 Session of 2015

INTRODUCED BY BOSCOLA, COSTA, FARNESE, STACK, BROWNE, GORDNER, SCHWANK, TEPLITZ, RAFFERTY, VULAKOVICH, FOLMER, YUDICHAK AND HUGHES, JANUARY 14, 2015

SENATOR BROWNE, APPROPRIATIONS, RE-REPORTED AS AMENDED, OCTOBER 26, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in sentencing, providing
3 for lottery winnings intercept.

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

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

8 § 9778. Lottery winnings intercept.

9 ~~(a) Investigation and deduction.--After the department DUTY <--
10 OF DEPARTMENT OF REVENUE.--IN THE CASE OF ANY PERSON CLAIMING
11 PENNSYLVANIA STATE LOTTERY WINNINGS THAT EXCEED \$2,500, THE
12 DEPARTMENT OF REVENUE, AFTER IT has made its determination
13 subject to 23 Pa.C.S. § 4308 (relating to lottery winnings
14 intercept) the department, shall: <--~~

15 ~~(1) In the case of any person winning more than \$2,500 <--
16 in the Pennsylvania State Lottery, the Department of Revenue
17 shall in consultation with the Administrative Office of the <--~~

1 ~~Pennsylvania Courts make all reasonable efforts, MAKE A~~ <--
2 ~~REASONABLE EFFORT to determine if the person owes any court-~~
3 ~~ordered obligation prior to making any lottery winnings~~
4 ~~payment-;~~ <--

5 ~~(2) If IF the person is found to owe any court-ordered~~ <--
6 ~~obligation, the amount shall be deducted INTERCEPT AND DEDUCT~~ <--
7 ~~THE AMOUNT OWED IN COURT-ORDERED OBLIGATION from the amount~~
8 ~~of lottery winnings and paid pursuant to applicable law for~~ <--
9 ~~the administration of payments of court ordered obligations.~~

10 ~~(b) Intercept required.~~

11 ~~(1) The Department of Revenue shall periodically review~~
12 ~~information provided by the Administrative Office of the~~
13 ~~Pennsylvania Courts that identifies persons with outstanding~~
14 ~~court ordered obligations.~~

15 ~~(2) Prior to any payment of winnings, the Department of~~
16 ~~Revenue shall intercept and remit winnings of a person owing~~
17 ~~any court ordered obligation to the Administrative Office of~~
18 ~~the Pennsylvania Courts for distribution pursuant to~~
19 ~~applicable law. REMIT THE AMOUNT TO THE ADMINISTRATIVE OFFICE~~ <--
20 ~~OF PENNSYLVANIA COURTS FOR DISTRIBUTION PURSUANT TO~~
21 ~~APPLICABLE LAW;~~

22 ~~(3) NOTIFY THE CLAIMANT OF A PAYMENT MADE UNDER THIS~~
23 ~~SECTION; AND~~

24 ~~(4) PAY ANY REMAINING LOTTERY WINNINGS TO THE CLAIMANT.~~

25 ~~(c) (B) Right to review.--A person whose lottery prize is~~ <--
26 ~~WINNINGS ARE used to satisfy an obligation under this section~~ <--
27 ~~may appeal to the Department of Revenue in accordance with~~ <--
28 ~~Article XXVII of the act of March 4, 1971 (P.L.6, No.2), known~~
29 ~~as the Tax Reform Code of 1971 IN ACCORDANCE WITH APPLICABLE~~ <--
30 ~~LAW. The appeal must be filed within 30 days after the person is~~

1 notified by the Department of Revenue that the ~~prize has~~ <--
2 WINNINGS HAVE been reduced or totally withheld to satisfy the <--
3 person's outstanding court-ordered obligation.

4 (C) ADMINISTRATIVE FEE.--THE DEPARTMENT OF REVENUE MAY <--
5 DETERMINE AND SET A FEE TO COVER ACTUAL COSTS TO ADMINISTER THIS
6 SECTION AND MAY DEDUCT THE CALCULATED AMOUNT FROM THE LOTTERY
7 WINNINGS SUBJECT TO INTERCEPT UNDER THIS SECTION.

8 (d) Rules and regulations.--The Department of Revenue in
9 conjunction with the Administrative Office of ~~the~~ Pennsylvania <--
10 Courts ~~shall~~ MAY, in the manner provided by law, jointly <--
11 promulgate the rules and regulations necessary to carry out this
12 section.

13 (E) DUTY OF ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS.-- <--
14 THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS SHALL PROVIDE
15 TO THE DEPARTMENT OF REVENUE THE INFORMATION NECESSARY TO
16 FULFILL ITS DUTIES UNDER THIS SECTION.

17 Section 2. This act shall take effect in ~~60~~ 90 days. <--