
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 869 Session of
2015

INTRODUCED BY FOLMER, WILLIAMS, LEACH, FARNESE, COSTA, MENSCH,
WOZNIAK AND BARTOLOTTA, JUNE 4, 2015

REFERRED TO JUDICIARY, JUNE 4, 2015

AN ACT

1 Amending Titles 4 (Amusements), 18 (Crimes and Offenses), 30
2 (Fish), 42 (Judiciary and Judicial Procedure) and 75
3 (Vehicles) of the Pennsylvania Consolidated Statutes, in
4 administration and enforcement relating to gaming, further
5 providing for prohibited acts and penalties; in inchoate
6 crimes, further providing for the offense of manufacture,
7 distribution, use of possession of devices for theft of
8 telecommunication services; in criminal homicide, further
9 providing for drug delivery resulting in death; in loss of
10 property rights relating to sexual offenses, further
11 providing for general rule; repealing provisions relating to
12 process and seizure, to custody of property and to disposal
13 of property; in forgery and other fraudulent practices,
14 further providing for the offenses of copying and recording
15 devices and of trademark counterfeiting; in riot, disorderly
16 conduct and related offenses, further providing for the
17 offense of gambling devices, gambling, etc; in wiretapping
18 and electronic surveillance, further providing for seizure
19 and forfeiture of electronic mechanical or other devices; in
20 minors, further providing for sentencing and penalties for
21 trafficking drugs to minors; in nuisances, further providing
22 for the offense of scattering rubbish; in other offenses,
23 further providing for drug trafficking sentencing and
24 penalties; in vehicle chop shop and illegally obtained and
25 altered property, further providing for loss of property
26 rights to Commonwealth; repealing provisions relating to
27 procedure with respect to seized property subject to liens
28 and rights of lienholders; in enforcement relating to Fish
29 and Boat Code, further providing for forfeiture of fish and
30 devices; adding provisions relating to asset forfeiture in
31 Judicial Code; in forfeitures, further providing for
32 controlled substances forfeiture and procedure with respect
33 to seized property subject to liens and rights of
34 lienholders; in size, weight and load relating to Vehicle

1 Code, further providing for transporting foodstuffs in
2 vehicles used to transport waste; in liquid fuels and fuel
3 use tax enforcement, further providing for forfeitures,
4 process and procedures and for disposition of fines and
5 forfeitures; and making repeals of provisions of the Liquor
6 Code, the Tax Reform Code of 1971 and another act relating to
7 certain forfeiture of property.

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

10 Section 1. Section 1518(f) of Title 4 of the Pennsylvania
11 Consolidated Statutes is amended to read:

12 § 1518. Prohibited acts; penalties.

13 * * *

14 (f) Property subject to seizure, confiscation, destruction
15 or forfeiture.--Any equipment, device or apparatus, money,
16 material, gaming proceeds or substituted proceeds or real or
17 personal property used, obtained or received or any attempt to
18 use, obtain or receive the device, apparatus, money, material,
19 proceeds or real or personal property in violation of this part
20 shall be subject to [seizure, confiscation, destruction or
21 forfeiture] the provisions of 42 Pa.C.S. Ch. 58 (relating to
22 asset forfeiture).

23 Section 2. Sections 910(c.1), 2506(f) and 3141 of Title 18
24 are amended to read:

25 § 910. Manufacture, distribution, use or possession of devices
26 for theft of telecommunications services.

27 * * *

28 (c.1) Forfeiture of unlawful telecommunication devices.--
29 Upon conviction of a defendant under this section, the court
30 may, in addition to any other sentence authorized by law, direct
31 that the defendant forfeit any unlawful telecommunication
32 devices in the defendant's possession or control which were
33 involved in the violation for which the defendant was convicted.

1 The forfeiture shall be conducted in accordance with 42 Pa.C.S.
2 Ch. 58 (relating to asset forfeiture).

3 * * *

4 § 2506. Drug delivery resulting in death.

5 * * *

6 (f) Forfeiture.--Assets against which [a forfeiture
7 petition] an information or indictment seeking forfeiture has
8 been filed and is pending or against which the Commonwealth has
9 indicated an intention to file [a forfeiture petition] an
10 information or indictment seeking a forfeiture shall not be
11 subject to a fine. Nothing in this section shall prevent a fine
12 from being imposed on assets which have been subject to an
13 unsuccessful forfeiture [petition] proceeding.

14 § 3141. General rule.

15 A person:

16 (1) convicted under section 3121 (relating to rape),
17 3122.1 (relating to statutory sexual assault), 3123 (relating
18 to involuntary deviate sexual intercourse), 3124.1 (relating
19 to sexual assault), 3125 (relating to aggravated indecent
20 assault) or 3126 (relating to indecent assault); or

21 (2) required to register with the Pennsylvania State
22 Police under 42 Pa.C.S. Ch. 97 Subch. H (relating to
23 registration of sexual offenders);

24 may be required to forfeit property rights in any property or
25 assets used to implement or facilitate commission of the crime
26 or crimes of which the person has been convicted. [Such property
27 may include, but is not limited to, a computer or computers,
28 telephone equipment, firearms, licit or illicit prescription
29 drugs or controlled substances, a motor vehicle or such other
30 property or assets as determined by the court of common pleas to

1 have facilitated the person's criminal misconduct.] The
2 forfeiture shall be conducted in accordance with 42 Pa.C.S. Ch.
3 58 (relating to asset forfeiture).

4 Section 3. Sections 3142, 3143 and 3144 of Title 18 are
5 repealed:

6 [§ 3142. Process and seizure.

7 (a) Seizure.--Property subject to forfeiture under this
8 section may be seized by law enforcement authority upon process
9 issued by the court of common pleas having jurisdiction over the
10 person or property.

11 (b) Seizure without process.--Seizure without process may be
12 made if the seizure is incident to an arrest or a search under a
13 search warrant and there is probable cause to be believe that
14 the property was or is material to the charges for which the
15 arrest or search warrant was issued. In seizures without
16 process, proceedings for the issuance thereof shall be
17 instituted immediately.

18 (c) Return of property.--Property belonging to someone other
19 than the convicted sex offender or registrant shall be returned
20 if the offense was committed without the knowledge or consent of
21 the owner.

22 § 3143. Custody of property.

23 Property taken or detained under this subchapter is deemed to
24 be the property of the law enforcement authority having custody
25 thereof and is subject only to the court of common pleas having
26 jurisdiction over the criminal or forfeiture proceedings, the
27 district attorney in the matter or the Attorney General.

28 § 3144. Disposal of property.

29 Property taken or detained pursuant to the provisions of this
30 subchapter shall be sold in the manner of property forfeited

1 under 42 Pa.C.S. Ch. 68 (relating to forfeitures). The net
2 proceeds, as determined by the law enforcement authority having
3 custody thereof, shall be utilized for investigation or
4 prosecution of sexual offenses or donated to nonprofit
5 charitable institutions which provide counseling and other
6 assistance to victims of sexual offenses.]

7 Section 4. Sections 4116(i), 4119(f) (1) and (2) (i), 5513(b),
8 5707, 6314(f), 6501(b) (5) and (d), 7508(e) and 7707 of Title 18
9 are amended to read:

10 § 4116. Copying; recording devices.

11 * * *

12 (i) Forfeiture.--

13 (1) No property right shall exist in any property used
14 or intended for use in the commission of a violation of this
15 section or in any proceeds traceable to a violation of this
16 section, and the same shall be deemed contraband and
17 forfeited in accordance with the provisions [set forth in
18 section 6501(d) (relating to scattering rubbish)] of 42
19 Pa.C.S. Ch. 58 (relating to asset forfeiture).

20 [(2) Property and proceeds found in close proximity to
21 illegally recorded devices shall be rebuttably presumed to be
22 used or intended for use to facilitate a violation of this
23 section.]

24 (3) The provisions of this subsection shall not, in any
25 way, limit the right of the Commonwealth to exercise any
26 rights or remedies otherwise provided by law.

27 § 4119. Trademark counterfeiting.

28 * * *

29 (f) Seizure, forfeiture and disposition.--

30 (1) Any items bearing a counterfeit mark, any property

1 constituting or derived from any proceeds obtained[, directly
2 or indirectly,] as the result of an offense under this
3 section and all personal property, including, but not limited
4 to, any items, objects, tools, machines, equipment,
5 instrumentalities or vehicles of any kind, used in connection
6 with a violation of this section shall be seized by a law
7 enforcement officer.

8 (2) (i) All seized personal property and property
9 constituting or derived from any proceeds referenced in
10 paragraph (1) shall be forfeited in accordance with [the
11 procedures set forth in section 6501(d) (relating to
12 scattering rubbish)] 42 Pa.C.S. Ch. 58 (relating to asset
13 forfeiture).

14 * * *

15 § 5513. Gambling devices, gambling, etc.

16 * * *

17 (b) Confiscation of gambling devices.--Any gambling device
18 possessed or used in violation of the provisions of subsection
19 (a) of this section shall be seized and forfeited to the
20 Commonwealth. [All provisions of law relating to the seizure,
21 summary and judicial forfeiture, and condemnation of
22 intoxicating liquor shall apply to seizures and forfeitures
23 under the provisions of this section.] The forfeiture shall be
24 conducted in accordance with 42 Pa.C.S. Ch. 58 (relating to
25 asset forfeiture).

26 * * *

27 § 5707. Seizure and forfeiture of electronic, mechanical or
28 other devices.

29 Any electronic, mechanical or other device possessed, used,
30 sent, distributed, manufactured, or assembled in violation of

1 this chapter is hereby declared to be contraband and may be
2 seized and forfeited to the Commonwealth in accordance with 42
3 Pa.C.S. Ch. 58 (relating to asset forfeiture).

4 § 6314. Sentencing and penalties for trafficking drugs to
5 minors.

6 * * *

7 (f) Forfeiture.--Assets against which [a forfeiture
8 petition] an information or indictment seeking forfeiture has
9 been filed and is pending or against which the Commonwealth has
10 indicated an intention to file [a forfeiture petition] an
11 information of indictment seeking forfeiture shall not be
12 subject to a fine under this section.

13 * * *

14 § 6501. Scattering rubbish.

15 * * *

16 (b) Penalty.--

17 * * *

18 (5) Any vehicle, equipment or conveyance, including any
19 private automobile and small truck, used for the
20 transportation or disposal of trash, garbage or debris in the
21 commission of a second or subsequent offense under subsection
22 (a) (3) may be deemed contraband and forfeited in accordance
23 with [the provisions set forth in this section] 42 Pa.C.S.
24 Ch. 58 (relating to asset forfeiture).

25 * * *

26 [(d) Forfeiture.--

27 (1) Property subject to forfeiture under this section
28 may be seized by the law enforcement authority upon process
29 issued by any court of common pleas having jurisdiction over
30 the property.

1 (2) Property taken or detained under this section shall
2 not be subject to replevin but is deemed to be in the custody
3 of the law enforcement authority subject only to the orders
4 and decrees of the court of common pleas having jurisdiction
5 over the forfeiture proceedings and of the district attorney.
6 When property is seized under this section, the law
7 enforcement authority shall place the property under seal and
8 either:

9 (i) remove the property to a place designated by it;

10 or

11 (ii) require that the district attorney take custody
12 of the property and remove it to an appropriate location
13 for disposition in accordance with law.

14 (3) Whenever property is forfeited under this section,
15 the property shall be transferred to the custody of the
16 municipal corporation. The municipal corporation shall sell
17 any forfeited property, but the proceeds from any such sale
18 shall be used to pay all proper expenses of the proceedings
19 for forfeiture and sale, including expenses of seizure,
20 maintenance of custody, advertising and court costs. The
21 balance of the proceeds shall be used for the enforcement of
22 this act.

23 (4) The proceedings for the forfeiture or condemnation
24 of property, the sale of which is provided for in this
25 section, shall be in rem, in which the Commonwealth shall be
26 the plaintiff and the property the defendant. A petition
27 shall be filed in the court of common pleas of the judicial
28 district where the property is located, verified by oath or
29 affirmation of an officer or citizen, containing the
30 following:

1 (i) A description of the property seized.

2 (ii) A statement of the time and place where seized.

3 (iii) The owner, if known.

4 (iv) The person or persons in possession, if known.

5 (v) An allegation that the property is subject to
6 forfeiture pursuant to this subsection and an averment of
7 material facts upon which the forfeiture action is based.

8 (vi) A prayer for an order of forfeiture that the
9 property be adjudged forfeited to the Commonwealth and
10 condemned and be ordered sold according to law, unless
11 cause be shown to the contrary.

12 (5) A copy of the petition required under paragraph (4)
13 shall be served personally or by certified mail on the owner
14 or upon the person or persons in possession at the time of
15 the seizure. The copy shall have endorsed a notice, as
16 follows:

17 To the Claimant of within Described Property:

18 You are required to file an answer to this petition,
19 setting forth your title in, and right to possession of,
20 the property within 30 days from the service hereof, and
21 you are also notified that, if you fail to file the
22 answer, a decree of forfeiture and condemnation will be
23 entered against the property.

24 The notice shall be signed by the district attorney, deputy
25 district attorney or assistant district attorney.

26 (6) If the owner of the property is unknown or there was
27 no person in possession of the property when seized or if the
28 owner or such person or persons in possession at the time of
29 the seizure cannot be personally served or located within the
30 jurisdiction of the court, notice of the petition shall be

1 given by the Commonwealth through an advertisement in only
2 one newspaper of general circulation published in the county
3 where the property shall have been seized, once a week for
4 two successive weeks. No other advertisement of any sort
5 shall be necessary, any other law to the contrary
6 notwithstanding. The notice shall contain a statement of the
7 seizure of the property with a description of the property
8 and the place and date of seizure and shall direct any
9 claimants to the property to file a claim on or before a date
10 given in the notice, which date shall not be less than 30
11 days from the date of the first publication. If no claims are
12 filed within 30 days of publication, the property shall
13 summarily forfeit to the Commonwealth.

14 (7) For purposes of this section, the owner or other
15 such person cannot be found in the jurisdiction of the court
16 if:

17 (i) a copy of the petition is mailed to the last
18 known address by certified mail and is returned without
19 delivery;

20 (ii) personal service is attempted once but cannot
21 be made at the last known address; and

22 (iii) a copy of the petition is left at the last
23 known address.

24 (8) The notice provisions of this section are
25 automatically waived when the owner, without good cause,
26 fails to appear in court in response to a subpoena on the
27 underlying criminal charges. Forty-five days after such a
28 failure to appear, if good cause has not been demonstrated,
29 the property shall summarily forfeit to the Commonwealth.

30 (9) Upon the filing of a claim for the property setting

1 forth a right of possession, the case shall be deemed at
2 issue and a time shall be fixed for the hearing.

3 (10) At the time of the hearing, if the Commonwealth
4 produces evidence that the property in question was
5 unlawfully used, possessed or otherwise subject to forfeiture
6 under this section, the burden shall be upon the claimant to
7 show:

8 (i) That the claimant is the owner of the property
9 or the holder of a chattel mortgage or contract of
10 conditional sale thereon.

11 (ii) That the claimant lawfully acquired the
12 property.

13 (iii) That it was not unlawfully used or possessed
14 by him. In the event that it shall appear that the
15 property was unlawfully used or possessed by a person
16 other than the claimant, then the claimant shall show
17 that the unlawful use or possession was without his
18 knowledge or consent. Such absence of knowledge or
19 consent must be reasonable under the circumstances
20 presented.

21 (11) If a person claiming the ownership of or right of
22 possession to or claiming to be the holder of a chattel
23 mortgage or contract of conditional sale upon the property,
24 the disposition of which is provided for in this section,
25 prior to the sale presents a petition to the court alleging
26 over the property lawful ownership, right of possession, a
27 lien or reservation of title and if, upon public hearing, due
28 notice of which having been given to the district attorney,
29 the claimant shall prove by competent evidence to the
30 satisfaction of the court that the property was lawfully

1 acquired, possessed and used by him or, it appearing that the
2 property was unlawfully used by a person other than the
3 claimant, that the unlawful use was without the claimant's
4 knowledge or consent, then the court may order the property
5 returned or delivered to the claimant. Such absence of
6 knowledge or consent must be reasonable under the
7 circumstances presented. Otherwise, it shall be retained for
8 official use or sold in accordance with paragraph (4).]

9 * * *

10 § 7508. Drug trafficking sentencing and penalties.

11 * * *

12 (e) Forfeiture.--Assets against which [a forfeiture
13 petition] an information or indictment seeking forfeiture has
14 been filed and is pending or against which the Commonwealth has
15 indicated an intention to file [a forfeiture petition] an
16 information or indictment seeking forfeiture shall not be
17 subject to a fine. Nothing in this section shall prevent a fine
18 from being imposed on assets which have been subject to an
19 unsuccessful forfeiture [petition] proceeding.

20 * * *

21 § 7707. Loss of property rights to Commonwealth.

22 [(a) Forfeitures generally.--The following shall be subject
23 to forfeiture to the Commonwealth, and no property right shall
24 exist in them:

25 (1) Any tool, implement or instrumentality, including,
26 but not limited to, a vehicle or vehicle part used or
27 possessed in connection with any violation of this chapter.

28 (2) All materials, products and equipment of any kind
29 which are used or intended for use in violation of this
30 chapter.

1 (3) All books, records, microfilm, tapes and data which
2 are used or intended for use in violation of this chapter.

3 (4) All money, negotiable instruments, securities or
4 other things of value used or intended to be used to
5 facilitate any violation of this chapter and all proceeds
6 traceable to any transactions in violation of this chapter.

7 (5) All real property used or intended to be used to
8 facilitate any violation of this chapter, including
9 structures or other improvements thereon and including any
10 right, title and interest in the whole or any lot or tract of
11 land and any appurtenances or improvements which are used or
12 intended to be used in any manner or part to commit or to
13 facilitate the commission of a violation of this chapter.

14 (b) Exceptions.--

15 (1) No property shall be forfeited under this section,
16 to the extent of the interest of an owner, by reason of any
17 act or omission established by the owner to have been
18 committed or omitted without the knowledge or consent of that
19 owner.

20 (2) No valid lien or encumbrance on real property shall
21 be subject to forfeiture or impairment under this paragraph.
22 A lien which is fraudulent or intended to avoid forfeiture
23 under this section shall be invalid.

24 (c) Process and seizure.--Property subject to forfeiture
25 under this chapter may be seized by the law enforcement
26 authority upon process issued by a court of common pleas having
27 jurisdiction over the property. Seizure without process may be
28 made if:

29 (1) the seizure is incident to an arrest or a search
30 warrant or inspection under 75 Pa.C.S. § 6308 (relating to

1 investigation by police officers) or any other administrative
2 inspection;

3 (2) the property subject to seizure has been the subject
4 of a proper judgment in favor of the Commonwealth in a
5 criminal injunction or forfeiture proceeding under this
6 chapter;

7 (3) there is probable cause to believe that the property
8 is dangerous to health or safety; or

9 (4) there is probable cause to believe that the property
10 has been used or is intended to be used in violation of this
11 chapter.

12 (d) Seizure without process.--In the event seizure without
13 process occurs as provided in this chapter, proceeding for the
14 issuance thereof shall be instituted forthwith.

15 (e) Custody of property.--Property taken or detained under
16 this section shall not be subject to replevin but is deemed to
17 be in the custody of the law enforcement authority, subject only
18 to the orders and decrees of the court of common pleas having
19 jurisdiction over the forfeiture proceedings and of the district
20 attorney or the Office of Attorney General. When property is
21 seized under this chapter, the law enforcement authority shall
22 place the property under seal and either:

23 (1) remove the property to a place designated by it; or

24 (2) require that the district attorney or the Office of
25 Attorney General take custody of the property and remove it
26 to an appropriate location for disposition in accordance with
27 law.

28 (f) Use of property held in custody.--

29 (1) Whenever property is forfeited under this chapter,
30 the property shall be transferred to:

1 (i) the custody of the district attorney, if the law
2 enforcement authority seizing the property has local or
3 county jurisdiction; or

4 (ii) the Office of Attorney General, if the law
5 enforcement authority seizing the property has Statewide
6 jurisdiction.

7 (2) The district attorney or the Office of Attorney
8 General, where appropriate, may:

9 (i) Retain the property for official use.

10 (ii) Sell any forfeited property which is not
11 required to be destroyed by law and which is not harmful
12 to the public, but the proceeds from any such sale must
13 be used to pay all proper expenses of the proceeding for
14 forfeiture and sale, including expenses of seizure,
15 maintenance of custody, advertising and court costs. The
16 balance of the proceeds shall be dealt with in accordance
17 with subsections (g) and (h).

18 (g) Use of cash, property or proceeds of property.--Cash or
19 proceeds of forfeited property transferred to the custody of the
20 district attorney under subsection (f) shall be placed in the
21 operating fund of the county in which the district attorney is
22 elected. The appropriate county authority shall immediately
23 release from the operating fund, without restriction, a like
24 amount for the use of the district attorney in enforcing the
25 criminal laws of this Commonwealth. The entity having budgetary
26 control shall not anticipate future forfeitures or proceeds from
27 such forfeitures in adoption and approval of the budget for the
28 district attorney.

29 (h) Distribution of property among law enforcement
30 authorities.--If both State and municipal law enforcement

1 authorities were substantially involved in effecting the
2 seizure, the court having jurisdiction over the forfeiture
3 proceedings shall equitably distribute the property between the
4 district attorney and the Office of Attorney General.

5 (i) Annual audit of forfeited property.--A county shall
6 provide, through the controller, board of auditors or other
7 appropriate auditor and the district attorney, an annual audit
8 of all forfeited property and proceeds obtained under this
9 section. The audit shall not be made public but shall be
10 submitted to the Office of Attorney General. The county shall
11 report all forfeited property and proceeds obtained under this
12 section and the disposition thereof to the Office of Attorney
13 General by September 30 of each year.

14 (j) Annual report; confidential information regarding
15 property.--The Office of Attorney General shall annually submit
16 a report to the Appropriations Committee of the Senate, the
17 Appropriations Committee of the House of Representatives, the
18 Judiciary Committee of the Senate and the Judiciary Committee of
19 the House of Representatives specifying the forfeited property
20 or proceeds thereof obtained under this section. The report
21 shall give an account of all proceeds derived from the sale of
22 forfeited property and the use made of unsold forfeited
23 property. The Office of Attorney General shall adopt procedures
24 and guidelines governing the release of information by the
25 district attorney to protect the confidentiality of forfeited
26 property or proceeds used in ongoing enforcement activities.

27 (k) Proceeds and appropriations.--The proceeds or future
28 proceeds from forfeited property under this chapter shall be in
29 addition to any appropriation made to the Office of Attorney
30 General.] Forfeiture of property shall be authorized for

1 violation of this chapter and conducted in accordance with 42
2 Pa.C.S. Ch. 58 (relating to asset forfeiture).

3 Section 5. Section 7708 of Title 18 is repealed:

4 [§ 7708. Procedure with respect to seized property subject to
5 liens and rights of lienholders.

6 (a) General procedure.--The proceedings for the forfeiture
7 or condemnation of property, the sale of which is provided for
8 under this chapter, shall be in rem in which the Commonwealth
9 shall be the plaintiff and the property the defendant. The
10 Pennsylvania Rules of Civil Procedure shall apply to all
11 forfeiture proceedings brought under this chapter. A petition
12 shall be filed in the court of common pleas of the judicial
13 district where the property is located, verified by oath or
14 affirmation of an officer or citizen, containing the following:

- 15 (1) A description of the property seized.
16 (2) A statement of the time and place where seized.
17 (3) The owner, if known.
18 (4) The person or persons in possession, if known.
19 (5) An allegation that the property is subject to
20 forfeiture under section 7707 (relating to loss of property
21 rights to Commonwealth) and an averment of material facts
22 upon which the forfeiture action is based.

23 (6) A prayer for an order of forfeiture that the
24 property be adjudged forfeited to the Commonwealth and
25 condemned and be ordered sold according to law unless cause
26 be shown to the contrary.

27 (b) Notice to property owners.--A copy of the petition
28 required under subsection (a) shall be served personally or by
29 certified mail on the owner or upon the person or persons in
30 possession at the time of the seizure. The copy shall have

1 endorsed a notice as follows:

2 To the claimant of within described property: You are
3 required to file an answer to this petition, stating your
4 title in and right to possession of the property within 30
5 days from the service of this petition, and you are also
6 notified that, if you fail to file an answer, a decree of
7 forfeiture and condemnation will be entered against the
8 property.

9 The notice shall be signed by the Attorney General, Deputy
10 Attorney General, district attorney, deputy district attorney or
11 assistant district attorney.

12 (c) Substitute notice.--

13 (1) If the owner of the property is unknown or there was
14 no person in possession of the property when seized or if the
15 owner or such person or persons in possession at the time of
16 the seizure cannot be personally served or located within the
17 jurisdiction of the court, notice of the petition shall be
18 given by the Commonwealth through an advertisement in only
19 one newspaper of general circulation published in the county
20 where the property was seized once a week for two successive
21 weeks. No other advertisement of any sort shall be necessary,
22 any other law to the contrary notwithstanding.

23 (2) The notice shall:

24 (i) contain a statement of the seizure of the
25 property with a description of the property and the place
26 and date of seizure; and

27 (ii) direct any claimants to the property to file a
28 claim on or before a date given in the notice, which date
29 shall not be less than 30 days from the date of the first
30 publication.

1 (3) If no claims are filed within 30 days of
2 publication, the property shall summarily forfeit to the
3 Commonwealth.

4 (d) Property owners not in jurisdiction.--For purposes of
5 this section, the owner or other such person cannot be found in
6 the jurisdiction of the court if:

7 (1) A copy of the petition is mailed to the last known
8 address by certified mail and is returned without a delivery.

9 (2) A personal service is attempted once but cannot be
10 made at the last known address.

11 (3) A copy of the petition is left at the last known
12 address.

13 (e) Notice automatically waived.--

14 (1) The notice provisions of this section are
15 automatically waived when the owner, without good cause,
16 fails to appear in court in response to a subpoena on the
17 underlying criminal charges.

18 (2) Forty-five days after such a failure to appear, if
19 good cause has not been demonstrated, the property shall
20 summarily forfeit to the Commonwealth.

21 (f) Preservation of the property subject for forfeiture.--

22 (1) Upon application of the Commonwealth, the court may
23 enter a restraining order or injunction, require the
24 execution of a satisfactory performance bond or take any
25 other action to preserve the availability of property
26 described in section 7707 for forfeiture under this section
27 either:

28 (i) upon the filing of an information or an
29 indictment charging a violation of this chapter for which
30 criminal forfeiture may be ordered under this chapter and

1 alleging that the property with respect to which the
2 order is sought would be subject to forfeiture; or

3 (ii) prior to the filing of such an indictment or
4 information if, after notice to persons appearing to have
5 an interest in the property and an opportunity for a
6 hearing, the court determines that:

7 (A) There is a substantial probability that the
8 Commonwealth will prevail on the issue of forfeiture
9 and that failure to enter the order will result in
10 the property being destroyed, removed from the
11 jurisdiction of the court or otherwise made
12 unavailable for forfeiture.

13 (B) The need to preserve the availability of the
14 property through the entry of the requested order
15 outweighs the hardship on any party against whom the
16 order is to be entered.

17 (2) An order entered under this subsection shall be
18 effective for not more than 90 days unless extended by the
19 court for good cause shown or unless an indictment or
20 information described in paragraph (1)(i) has been filed.

21 (g) Temporary restraining order.--

22 (1) A temporary restraining order under subsection (f)
23 may be entered upon application of the Commonwealth without
24 notice or opportunity for a hearing when an information or
25 indictment has not yet been filed with respect to the
26 property if the Commonwealth demonstrates that:

27 (i) there is probable cause to believe that the
28 property with respect to which the order is sought would
29 be subject to forfeiture under this chapter; and

30 (ii) the provision of notice will jeopardize the

1 availability of the property for forfeiture.

2 (2) Such temporary order shall expire not more than ten
3 days after the date on which it is entered, unless:

4 (i) extended for good cause shown; or

5 (ii) the party against whom it is entered consents
6 to an extension for a longer period.

7 (3) A hearing requested concerning an order entered
8 under this subsection shall be held at the earliest possible
9 time and prior to the expiration of the temporary order.

10 (h) Hearing regarding property; rules of evidence.--The
11 court may receive and consider at a hearing held under
12 subsection (f) or (g) evidence and information that would be
13 inadmissible under the rules of evidence.

14 (i) Hearing time set.--Upon the filing of a claim for the
15 property setting forth a right of possession, the case shall be
16 deemed at issue, and a time shall be fixed for the hearing.

17 (j) Owner's burden of proof.--At the time of the hearing, if
18 the Commonwealth produces evidence that the property in question
19 was unlawfully used, possessed or otherwise subject to
20 forfeiture under section 7706 (relating to presumptions), the
21 burden shall be upon the claimant to show that:

22 (1) The claimant is the owner of the property or the
23 holder of a chattel mortgage or contract of conditional sale
24 thereon.

25 (2) The claimant lawfully acquired the property.

26 (3) It was not unlawfully used or possessed by the
27 claimant. In the event that it shall appear that the property
28 was unlawfully used or possessed by a person other than the
29 claimant, then the claimant must show that the unlawful use
30 or possession was without the claimant's knowledge or

1 consent. Such absence of knowledge or consent must be
2 reasonable under the circumstances presented.

3 (k) Court-ordered release of property.--

4 (1) If a person claiming the ownership of or right of
5 possession to or claiming to be the holder of a chattel
6 mortgage or contract of conditional sale upon the property,
7 the disposition of which is provided for in this section,
8 prior to the sale presents a petition to the court alleging
9 over the property lawful ownership, right of possession, a
10 lien or reservation of title and if, upon public hearing, due
11 notice of which having been given to the Office of Attorney
12 General or the district attorney, the claimant proves by
13 competent evidence to the satisfaction of the court:

14 (i) that the property was lawfully acquired,
15 possessed and used by him; or

16 (ii) if it appears that the property was unlawfully
17 used by a person other than the claimant, that the
18 unlawful use was without the claimant's knowledge or
19 consent,

20 then the court may order the property returned or delivered
21 to the claimant.

22 (2) Such absence of knowledge or consent must be
23 reasonable under the circumstances presented. Otherwise, the
24 property shall be retained for official use or sold in
25 accordance with section 7707(f).]

26 Section 6. Section 927 of Title 30 is amended to read:

27 § 927. Forfeiture of fish and devices.

28 (a) General rule.--A person convicted of an offense under
29 this title shall forfeit any fish seized under section 901(6)
30 (relating to powers and duties of waterways patrolmen and

1 deputies) and any device confiscated under this title.
2 Forfeitures shall be conducted in accordance with 42 Pa.C.S. Ch.
3 58 (relating to asset forfeiture).

4 [(b) Disposition of confiscated property.--Any property
5 confiscated by the commission under this title shall be sold or
6 otherwise disposed of by the executive director. These
7 dispositions shall be recorded on the books of the commission.]

8 Section 7. Title 42 is amended by adding a chapter to read:

9 CHAPTER 58

10 ASSET FORFEITURE

11 Sec.

12 5801. Scope of criminal asset forfeiture.

13 5802. Criminal asset forfeiture in general.

14 5803. Process for criminal asset forfeiture.

15 5804. Process for third-party interest holders.

16 5805. Interaction with the Federal Government.

17 § 5801. Scope of criminal asset forfeiture.

18 (a) Certain forfeitures exempted.--Forfeitures of property
19 shall be conducted in accordance with this chapter, except for
20 forfeitures authorized by:

21 (1) Section 3 of the act of July 8, 1978 (P.L.792,
22 No.140), known as the Public Employee Pension Forfeiture Act.

23 (2) Section 6 of the act of April 6, 1980 (P.L.102,
24 No.39), entitled "An act restricting the acquisition by
25 certain aliens of an interest in agricultural lands."

26 (3) Sections 207, 211 and 505 of the act of December 7,
27 1982 (P.L.784, No.225), known as the Dog Law.

28 (4) 18 Pa.C.S. § 3021 (relating to asset forfeiture);

29 (5) 18 Pa.C.S. § 5511 (relating to cruelty to animals);

30 (6) 18 Pa.C.S. § 6110.1 (relating to possession of

1 firearm by minor);

2 (7) 18 Pa.C.S. § 6321 (relating to transmission of
3 sexually explicit images by minor);

4 (8) 27 Pa.C.S. § 6208 (relating to penalties);

5 (9) 37 Pa.C.S. § 511 (relating to criminal penalties);

6 (10) 42 Pa.C.S. § 6801.1 (relating to terrorism
7 forfeiture);

8 (11) 75 Pa.C.S. § 9405 (relating to forfeitures; process
9 and procedure).

10 (b) Contraband per se exempted.--Nothing in this chapter
11 shall be construed to apply to the forfeiture of contraband per
12 se, the possession of which is inherently unlawful. Such
13 forfeiture includes, but is not limited to, forfeiture of the
14 following:

15 (1) items bearing a counterfeit mark under 18 Pa.C.S. §
16 4119 (relating to trademark counterfeiting).

17 (2) liquor, alcohol or malt or brewed beverages
18 illegally manufactured or possessed under section 601 of the
19 act of April 12, 1951 (P.L.90, No.21), known as the Liquor
20 Code.

21 (3) unlawfully stamped cigarettes under section 307 of
22 the act of December 30, 2003 (P.L.441, No.64), known as the
23 Tobacco Product Manufacturer Directory Act.

24 (4) unstamped cigarettes under section 1285 of the act
25 of March 4, 1971 (P.L.6, No.2), known as the Tax Reform Code
26 of 1971.

27 (c) Conflicting law superseded.--The procedures in this
28 chapter shall supersede any conflicting provisions of other
29 State laws.

30 (d) Preemption.--This chapter preempts any local ordinance

1 or regulation insofar as it is inconsistent with this chapter,
2 irrespective of the effective date of the ordinance or
3 regulation.

4 § 5802. Criminal asset forfeiture in general.

5 (a) Criminal in form.--Unless otherwise provided,
6 forfeitures under this chapter are criminal.

7 (b) Forfeiture disfavored.--Forfeitures are not favored
8 under State law and any ambiguity in this chapter shall be
9 strictly construed against the Commonwealth.

10 (c) Forfeitures generally.--

11 (1) After a person is convicted of an offense for which
12 forfeiture is expressly authorized as a penalty, the
13 following shall be subject to forfeiture to the Commonwealth
14 and no property right shall exist in them:

15 (i) The convicted person's property constituting or
16 derived from any proceeds obtained directly from the
17 commission of the offense.

18 (ii) The convicted person's property that:

19 (A) Was used or intended to be used to commit or
20 facilitate the commission of the offense.

21 (B) Bears a significant relationship to the
22 offense.

23 (2) No additional penalties, including, but not limited
24 to, personal money judgments, shall be authorized under this
25 chapter except as provided by section 5803(k) (relating to
26 process for criminal asset forfeiture). Any restitution made
27 to a victim using property forfeited under this chapter shall
28 serve to satisfy in part or in whole any restitution order
29 against the convicted person.

30 (3) Nothing in this section shall be construed to

1 prevent property from being forfeited by the terms of a plea
2 agreement approved by a court or of any other agreement of
3 the parties to a criminal proceeding. Forfeiture by agreement
4 shall be subject to the requirements of section 5804
5 (relating to process for third-party interest holders).

6 (d) Claims for damage, loss or impermissible sale of
7 property.--After a finding under this chapter that seized
8 property is not subject to forfeiture, the property owner may
9 bring a claim against the law enforcement authority that had
10 custody of the property and lost, damaged or impermissibly sold
11 it.

12 (e) Use of property held in custody.--

13 (1) Whenever property is forfeited under this chapter
14 and after all ancillary proceedings under section 5804 are
15 concluded, the property shall be transferred to the custody
16 of the district attorney, if the law enforcement authority
17 seizing the property has local or county jurisdiction, or the
18 Attorney General, if the law enforcement authority seizing
19 the property has Statewide jurisdiction.

20 (2) The district attorney or the Attorney General, as
21 applicable, shall sell any forfeited property that is not
22 required to be destroyed by law and is not harmful to the
23 public.

24 (3) Sale of forfeited property to an employee of the
25 district attorney or Attorney General, a person related to an
26 employee by blood or marriage or another law enforcement
27 authority is prohibited.

28 (4) The proceeds from sale shall be used to pay all
29 reasonable expenses related to the maintenance of custody and
30 sale of such property. The balance of the proceeds shall be

1 subject to subsection (f).

2 (f) Use of cash or proceeds or property.--Cash or proceeds
3 of forfeited property transferred under subsection (e) shall be
4 distributed in the following order:

5 (1) To satisfy any restitution orders for victims of the
6 underlying offense.

7 (2) To pay any liabilities owed by the Commonwealth to
8 defendants or claimants who substantially prevail under
9 subsection (l).

10 (3) Either:

11 (i) if, in the custody of the Attorney General, to
12 the Department of Revenue for deposit into the General
13 Fund; or

14 (ii) if, in the custody of the district attorney, to
15 the operating fund of the county in which the district
16 attorney is elected.

17 (g) Distribution of property among law enforcement
18 authorities.--If both municipal and State law enforcement
19 authorities were substantially involved in effecting the
20 seizure, the court having jurisdiction over the forfeiture
21 proceedings shall equitably distribute the property between the
22 district attorney and the Attorney General who shall dispose of
23 the property in accordance with subsections (e) and (f).

24 (h) Annual audit of forfeited property.--A county of this
25 Commonwealth shall provide, through the controller, board of
26 auditors or other appropriate auditor and the district attorney,
27 an annual audit of all forfeited property and proceeds obtained
28 under this section and the disposition thereof, as well as of
29 all fees awarded under subsection (l). The audit shall be
30 submitted to the Office of Attorney General by September 30 of

1 each year.

2 (i) Annual report.--The Attorney General shall annually
3 submit a report to the Appropriations Committee and Judiciary
4 Committee of the Senate and the Appropriations Committee and
5 Judiciary Committee of the House of Representatives describing
6 the forfeited property or proceeds thereof obtained under this
7 section, as well as the fees awarded under subsection (l). The
8 report shall include an accounting of all proceeds derived from
9 the sale of forfeited property.

10 (j) Public access.--All accounting and audit records
11 generated under subsections (h) and (i) shall be subject to the
12 act of February 14, 2008 (P.L.6, No.3), known as the Right-to-
13 Know Law.

14 (k) Taxpayer standing.--A taxpayer of this Commonwealth has
15 standing to challenge in court any action contrary to subsection
16 (e), (f), (g), (h), (i) or (j).

17 (l) Fee shifting.--In any forfeiture proceeding under this
18 chapter in which the defendant or claimant substantially
19 prevails, the Commonwealth shall be liable for:

20 (1) Reasonable attorney fees and other litigation costs
21 reasonably incurred by the defendant or claimant.

22 (2) Postjudgment interest.

23 (3) In cases involving currency or other negotiable
24 instruments:

25 (i) Interest actually paid to the Commonwealth, from
26 the date of seizure or arrest of the property, that
27 results from the investment of the property in an
28 interest-bearing account or instrument.

29 (ii) An imputed amount of interest that the
30 currency, instruments or proceeds would have earned at

1 the rate applicable to the 30-day Treasury Bill, for any
2 period during which no interest was paid, not including
3 any period when the property reasonably was in use as
4 evidence in an official proceeding or in conducting
5 scientific tests for the purpose of collecting evidence,
6 commencing 15 days after the property was seized by a
7 State law enforcement authority or was turned over to a
8 State law enforcement authority by a Federal law
9 enforcement authority.

10 § 5803. Process for criminal asset forfeiture.

11 (a) Seizure.--

12 (1) Property subject to forfeiture under this chapter
13 may be seized by a law enforcement authority upon process
14 issued by any court of common pleas having jurisdiction.

15 (2) Seizure without process may be made if:

16 (i) the seizure is incident to an arrest or a search
17 under a search warrant or inspection under an
18 administrative inspection warrant and there is probable
19 cause to believe that the property is subject to
20 forfeiture under section 5802(c)(1) (relating to criminal
21 asset forfeiture in general);

22 (ii) the property subject to seizure has been the
23 subject of a prior judgment in favor of the Commonwealth
24 in a criminal injunction or forfeiture proceeding under
25 this chapter; or

26 (iii) there is probable cause to believe that the
27 property is subject to forfeiture under section 5802(c)
28 (1) and process or delay is likely to result in the
29 destruction or removal of the property or in its
30 otherwise being made unavailable for forfeiture.

1 (b) Seizure of real property.--Absent exigent circumstances,
2 no real property subject to forfeiture shall be seized unless
3 the Commonwealth first provides property owners and occupants
4 with notice and an opportunity for a hearing. The hearing shall
5 be conducted in accordance with subsections (d) and (e).

6 (c) Receipt for seized property.--When property is seized,
7 the law enforcement authority shall provide an itemized receipt
8 to the person in possession of the property or, in the absence
9 of any person, leave a receipt in the place where the property
10 was found, if reasonably possible. The receipt shall provide
11 notice of the right of interest holders to move for the return
12 of seized property under subsections (d) and (e).

13 (d) Pretrial motion for return of seized property.--When
14 property has been seized for forfeiture and the defendant or
15 another putative interest holder in the property files a
16 pretrial motion for its return, the property shall promptly be
17 returned unless the Commonwealth proves that there is probable
18 cause that the property is subject to forfeiture.

19 (e) Hardship release of property subject to forfeiture.--
20 When the defendant or another putative interest holder in the
21 property files a motion for the hardship release of property,
22 the court shall order the release of seized property from the
23 seizing law enforcement authority pending the final
24 determination of forfeiture, if the putative interest holder
25 establishes by a preponderance of the evidence that:

26 (1) The putative interest holder has a possessory
27 interest in the property.

28 (2) Continued possession by the law enforcement
29 authority pending the final disposition of the forfeiture
30 proceedings will cause substantial hardship to the interest

1 holder, such as:

2 (i) preventing the functioning of a legitimate
3 business;

4 (ii) preventing an individual from working;

5 (iii) preventing a minor child or student from
6 attending school;

7 (iv) preventing or hindering an individual from
8 receiving necessary medical care;

9 (v) hindering the care of an elderly or disabled
10 dependent child or adult;

11 (vi) leaving an individual homeless; or

12 (vii) any other condition that the court determines
13 causes a substantial hardship;

14 (3) The hardship from the continued possession by the
15 law enforcement authority of the seized property outweighs
16 the risk that the property will be unlawfully used, destroyed
17 or removed from the jurisdiction of the court or otherwise
18 made unavailable for forfeiture if it is returned to the
19 owner during the pendency of the proceeding.

20 (f) Initiation of forfeiture.--

21 (1) The proceedings for forfeiture of property shall be
22 tried in the same proceeding as the criminal case concerning
23 the determination of the defendant's guilt or innocence for
24 the underlying offense, unless the defendant moves to
25 bifurcate the trial of the forfeiture from the trial of the
26 underlying criminal case.

27 (2) An information or an indictment charging the
28 defendant with an offense shall include notice to the
29 defendant that the Commonwealth will seek forfeiture as part
30 of any sentence. The notice shall include:

1 (i) An itemized list of the specific property
2 subject to forfeiture, including, but not limited to, the
3 address of any real property, the exact dollar amount of
4 any money, negotiable instrument or security and the
5 make, model, year and license plate number of any
6 vehicle.

7 (ii) A statement of the time and place of the
8 offense.

9 (iii) A description of the particular use of the
10 property in the commission of the offense or derivation
11 therefrom.

12 (g) Forfeiture phase of criminal proceeding.--After a person
13 is convicted on any count in an indictment or information for
14 which forfeiture is sought, the Commonwealth must establish at a
15 forfeiture hearing by clear and convincing evidence that the
16 property is forfeitable under section 5802(c)(1) before the
17 court enters a preliminary order of forfeiture.

18 (h) Extent of forfeitable interest.--If the court determines
19 it is in the interests of judicial economy, the court or jury
20 may determine the extent of the convicted person's forfeitable
21 interest in the property before a preliminary order of
22 forfeiture is entered. The determination shall be subject to
23 amendments under section 5804 (relating to process for third-
24 party interest holders).

25 (i) Right to trial by jury.--

26 (1) At the forfeiture hearing, the defendant shall have
27 the right to trial by jury of the forfeiture.

28 (2) The defendant may waive this right while preserving
29 the right to trial by jury of the offense charged or other
30 sentencing issues.

1 (3) Alternatively, the defendant may preserve this right
2 while waiving the right to trial by jury of the offense
3 charged or other sentencing issues.

4 (j) Excessive fines.--

5 (1) In order to enter a preliminary order of forfeiture
6 under section 5802(c)(1)(ii), the court must make a
7 determination that the forfeiture is not grossly
8 disproportional to the gravity of the underlying offense.

9 (2) The Commonwealth shall have the burden of
10 establishing proportionality by clear and convincing
11 evidence.

12 (3) The value of property forfeited shall be determined
13 by considering, among other factors:

14 (i) Its market value.

15 (ii) Its subjective value to the defendant and the
16 defendant's family members.

17 (4) The gravity of the offense shall be determined by
18 considering, among other factors:

19 (i) The penalty imposed as compared to the maximum
20 penalty available for the offense upon which the
21 forfeiture is based.

22 (ii) Whether the offense was isolated or part of a
23 pattern of criminal conduct.

24 (iii) The specific harm resulting from the offense
25 upon which the forfeiture is based.

26 (k) Forfeiture of substitute property.--

27 (1) After entering a preliminary order of forfeiture,
28 the court may order the forfeiture of substitute property up
29 to the value of the property subject to the order, if the
30 Commonwealth establishes by clear and convincing evidence

1 that:

2 (i) The convicted person intentionally transferred,
3 sold or deposited the property to avoid the court's
4 jurisdiction.

5 (ii) The substitute property is owned solely by the
6 convicted person.

7 (2) No codefendant shall be subject to joint and several
8 liability for forfeiture judgments owed by other defendants
9 under this subsection.

10 § 5804. Process for third-party interest holders.

11 (a) Notice to third parties.--After the court enters a
12 preliminary order of forfeiture, the Commonwealth shall send
13 notice to any person who reasonably appears to be a potential
14 claimant with standing to contest the forfeiture in an ancillary
15 proceeding under subsection (i). Potential claimants include,
16 but are not limited to:

17 (1) Partial or joint owners of the property subject to
18 the preliminary order of forfeiture.

19 (2) Holders of a bona fide security interest in the
20 property subject to the preliminary order of forfeiture.

21 (3) Bona fide purchasers for value of the property
22 subject to the preliminary order of forfeiture.

23 (4) Obligees of court-ordered child support from the
24 convicted person.

25 (5) Claimants of employment-related compensation from
26 the convicted person.

27 (b) Contents of notice.--Notice shall include:

28 (1) A description of the specific property subject to
29 the preliminary order of forfeiture including, but not
30 limited to, the address of any real property, the exact

1 dollar amount of any money, negotiable instrument or
2 securities and the make, model, year and license plate number
3 of any vehicle.

4 (2) A statement that either:

5 (i) a petition contesting forfeiture must be filed
6 within 60 days of the date of receipt of certified mail
7 or personal service; or

8 (ii) in the case the service fails, a petition
9 contesting forfeiture must be filed within 60 days of the
10 date of final publication of substitute notice;

11 (3) A statement describing the required contents of a
12 petition contesting forfeiture as set forth in subsection
13 (h).

14 (4) The name and contact information for the
15 Commonwealth attorney to be served with the petition.

16 (5) The signature of the Attorney General, Deputy
17 Attorney General, district attorney, deputy district attorney
18 or assistant district attorney.

19 (c) Means of serving notice.--Notice shall be served
20 personally or by certified mail on the potential claimant.

21 (d) Substitute notice.--If a potential claimant cannot be
22 personally served or located within the jurisdiction of the
23 court, notice of the petition shall be provided by the
24 Commonwealth through an advertisement reasonably calculated to
25 provide notice to the potential claimant:

26 (1) in a newspaper of general circulation published in
27 the county where the property was seized, once a week for two
28 successive weeks; and

29 (2) on the publicly accessible Internet website of the
30 prosecuting attorney for a period of two weeks.

1 (e) Potential claimants not in jurisdiction.--For purposes
2 of this section, it shall be deemed that a potential claimant
3 cannot be located in the jurisdiction of the court if:

4 (1) A copy of the petition is mailed to the potential
5 claimant's last known address by certified mail and is
6 returned without delivery.

7 (2) Personal service is attempted once, but cannot be
8 made at the last known address.

9 (3) A copy of the petition is left at the last known
10 address.

11 (f) Proof of notice.--The Commonwealth shall file proof of
12 notice with the court. No forfeiture order shall be final until
13 the court finds that such proof satisfies the notice
14 requirements under subsections (a), (b), (c), (d) and (e).

15 (g) Petitioning for hearing.--A person, other than the
16 defendant, asserting a legal interest in property subject to a
17 preliminary order of forfeiture under section 5803(g) (relating
18 to process for criminal asset forfeiture) may, within 60 days of
19 the date of receipt of certified mail or personal service or, in
20 the case such service fails, the date of final publication of
21 substitute notice, petition the court for a hearing to
22 adjudicate the validity of the person's alleged interest in the
23 property.

24 (h) Contents of third-party claimant petition.--The petition
25 shall:

26 (1) Be signed by the petitioner under penalty of
27 perjury.

28 (2) Describe the nature and extent of the petitioner's
29 right, title or interest in the property, the time and
30 circumstances of the petitioner's acquisition of the right,

1 title or interest in the property and any additional facts
2 supporting the petitioner's claim.

3 (3) Identify the relief sought, which may include, but
4 need not be limited to:

5 (i) return of the petitioner's property;

6 (ii) reimbursement for the petitioner's legal
7 interest in the forfeited property;

8 (iii) severance of the petitioner's property from
9 the forfeited property;

10 (iv) retention of the property by the petitioner
11 subject to a lien in favor of the State to the extent of
12 the forfeitable interest;

13 (v) any relief the court deems appropriate and just.

14 (i) Ancillary proceeding in general.--

15 (1) If a third party claimant timely files a petition
16 asserting a legal interest in property to be forfeited, the
17 court shall conduct an ancillary proceeding, no later than
18 four months after entry of the preliminary order of
19 forfeiture. The hearing shall be a civil proceeding and the
20 petitioner shall have a right to a jury trial.

21 (2) The hearing on the petition shall, to the extent
22 practicable and consistent with the interests of justice, be
23 held within 30 days of the filing of the petition. The court
24 may consolidate the hearing on the petition with a hearing on
25 any other petition filed under this subsection related to the
26 same underlying offense.

27 (3) At the hearing, the petitioner may testify and
28 present evidence and witnesses on the petitioner's own
29 behalf, and cross-examine witnesses who appear at the
30 hearing. The Commonwealth may present evidence and witnesses

1 in rebuttal and in defense of its claim to forfeit the
2 property and may cross-examine witnesses who appear at the
3 hearing. In addition to testimony and evidence presented at
4 the hearing, the court shall consider any relevant portions
5 of the record of the criminal case that resulted in the order
6 of forfeiture.

7 (4) If, after the hearing, the court determines that the
8 petitioner has established by a preponderance of the evidence
9 that:

10 (i) the petitioner has a legal right, title or
11 interest in the property and such right, title or
12 interest renders the preliminary order of forfeiture
13 invalid in whole or in part because the right, title or
14 interest was vested in the petitioner rather than the
15 defendant or was superior to any right, title or interest
16 of the defendant at the time of the commission of the
17 acts which gave rise to the forfeiture of the property
18 under this chapter; or

19 (ii) the petitioner is a bona fide purchaser for
20 value of the right, title or interest in the property and
21 was at the time of purchase reasonably without cause to
22 believe that the property was subject to forfeiture under
23 this section.

24 The court shall amend the order of forfeiture in accordance
25 with its determination.

26 (j) Entering a final order.--

27 (1) When the ancillary proceeding ends, the court shall
28 enter a final order of forfeiture by amending the preliminary
29 order as necessary to account for any third-party rights or
30 interests.

1 (2) If no third party files a timely petition, the
2 preliminary order shall become the final order of forfeiture.
3 § 5805. Interaction with the Federal Government.

4 (a) Prohibition on adoptive seizures.--State law enforcement
5 authorities shall not refer seized property to a Federal agency
6 seeking the adoption by the Federal agency of the seized
7 property. Nothing in this chapter shall be construed to prohibit
8 the Federal Government, or any of its agencies, from seeking
9 Federal forfeiture.

10 (b) Sharing of seized property.--All property, money or
11 other things of value received by a State law enforcement
12 authority under Federal law which authorizes the sharing or
13 transfer of all or a portion of forfeited property or the
14 proceeds of the sale of forfeited property to a State law
15 enforcement authority shall be promptly transferred, sold and
16 deposited as set forth in section 5803(e), (f), (g), (h) and (i)
17 (relating to process for criminal asset forfeiture), if Federal
18 law prohibits compliance with section 5803(e), (f), (g), (h) and
19 (i), State law enforcement authorities shall not seek forfeited
20 property or proceeds of the sale of forfeited property shared or
21 transferred under Federal law.

22 (c) Civil and criminal liability.--Any law enforcement
23 authority that violates subsection (a) is civilly liable to the
24 State for three times the amount of the forfeiture diverted and
25 for costs of suit and reasonable attorney fees. Any damages
26 awarded to the State shall be paid to the State Treasury to the
27 credit of the General Fund. Any agent, including a State law
28 enforcement officer who is detached to, deputized or
29 commissioned by, or working in conjunction with a Federal law
30 enforcement authority, who knowingly transfers or otherwise

1 trades seized property in violation of subsection (a) or who
2 receives property, money or other things of value under
3 subsection (b) and knowingly fails to transfer such property in
4 accordance with that subsection is guilty of a misdemeanor of
5 the second degree.

6 Section 8. Sections 6801 and 6802(a), (f), (j) and (k) of
7 Title 42 are amended to read:

8 § 6801. Controlled substances forfeiture.

9 [(a) Forfeitures generally.--The following shall be subject
10 to forfeiture to the Commonwealth and no property right shall
11 exist in them:

12 (1) All drug paraphernalia, controlled substances or
13 other drugs which have been manufactured, distributed,
14 dispensed or acquired in violation of the act of April 14,
15 1972 (P.L.233, No.64), known as The Controlled Substance,
16 Drug, Device and Cosmetic Act.

17 (2) All raw materials, products and equipment of any
18 kind which are used, or intended for use, in manufacturing,
19 compounding, processing, delivering, importing or exporting
20 any controlled substance or other drug in violation of The
21 Controlled Substance, Drug, Device and Cosmetic Act.

22 (3) All property which is used, or intended for use, as
23 a container for property described in paragraph (1) or (2).

24 (4) All conveyances, including aircraft, vehicles or
25 vessels, which are used or are intended for use to transport,
26 or in any manner to facilitate the transportation, sale,
27 receipt, possession or concealment of, property described in
28 paragraph (1) or (2), except that:

29 (i) no conveyance used by any person as a common
30 carrier in the transaction of business as a common

1 carrier shall be forfeited under the provisions of this
2 section unless it shall appear that the owner or other
3 person in charge of such conveyance was a consenting
4 party or privy to a violation of The Controlled
5 Substance, Drug, Device and Cosmetic Act;

6 (ii) no conveyance shall be forfeited under the
7 provisions of this section by reason of any act or
8 omission established by the owner thereof to have been
9 committed or omitted without his knowledge or consent,
10 which absence of knowledge or consent must be reasonable
11 under the circumstances presented;

12 (iii) no bona fide security interest retained or
13 acquired under 13 Pa.C.S. (relating to commercial code)
14 by any merchant dealing in new or used aircraft, vehicles
15 or vessels, or retained or acquired by any licensed or
16 regulated finance company, bank or lending institution,
17 or by any other business regularly engaged in the
18 financing of, or lending on the security of, such
19 aircraft, vehicles or vessels, shall be subject to
20 forfeiture or impairment; and

21 (iv) no conveyance shall be forfeited under this
22 section for violation of section 13(a)(31) of The
23 Controlled Substance, Drug, Device and Cosmetic Act.

24 (5) All books, records and research, including formulas,
25 microfilm, tapes and data, which are used or intended for use
26 in violation of The Controlled Substance, Drug, Device and
27 Cosmetic Act.

28 (6) (i) All of the following:

29 (A) Money, negotiable instruments, securities or
30 other things of value furnished or intended to be

1 furnished by any person in exchange for a controlled
2 substance in violation of The Controlled Substance,
3 Drug, Device and Cosmetic Act, and all proceeds
4 traceable to such an exchange.

5 (B) Money, negotiable instruments, securities or
6 other things of value used or intended to be used to
7 facilitate any violation of The Controlled Substance,
8 Drug, Device and Cosmetic Act.

9 (C) Real property used or intended to be used to
10 facilitate any violation of The Controlled Substance,
11 Drug, Device and Cosmetic Act, including structures
12 or other improvements thereon, and including any
13 right, title and interest in the whole or any lot or
14 tract of land and any appurtenances or improvements,
15 which is used, or intended to be used, in any manner
16 or part, to commit, or to facilitate the commission
17 of, a violation of The Controlled Substance, Drug,
18 Device and Cosmetic Act, and things growing on,
19 affixed to and found in the land.

20 (ii) No property shall be forfeited under this
21 paragraph, to the extent of the interest of an owner, by
22 reason of any act or omission established by the owner to
23 have been committed or omitted without the knowledge or
24 consent of that owner. Such money and negotiable
25 instruments found in close proximity to controlled
26 substances possessed in violation of The Controlled
27 Substance, Drug, Device and Cosmetic Act shall be
28 rebuttably presumed to be proceeds derived from the
29 selling of a controlled substance in violation of The
30 Controlled Substance, Drug, Device and Cosmetic Act.

1 (iii) No valid lien or encumbrance on real property
2 shall be subject to forfeiture or impairment under this
3 paragraph. A lien which is fraudulent or intended to
4 avoid forfeiture under this section shall be invalid.

5 (7) Any firearms, including, but not limited to, rifles,
6 shotguns, pistols, revolvers, machine guns, zip guns or any
7 type of prohibited offensive weapon, as that term is defined
8 in 18 Pa.C.S. (relating to crimes and offenses), which are
9 used or intended for use to facilitate a violation of The
10 Controlled Substance, Drug, Device and Cosmetic Act. Such
11 operable firearms as are found in close proximity to
12 illegally possessed controlled substances shall be rebuttably
13 presumed to be used or intended for use to facilitate a
14 violation of The Controlled Substance, Drug, Device and
15 Cosmetic Act. All weapons forfeited under this section shall
16 be immediately destroyed by the receiving law enforcement
17 agency.

18 (b) Process and seizure.--Property subject to forfeiture
19 under this chapter may be seized by the law enforcement
20 authority upon process issued by any court of common pleas
21 having jurisdiction over the property. Seizure without process
22 may be made if:

23 (1) the seizure is incident to an arrest or a search
24 under a search warrant or inspection under an administrative
25 inspection warrant;

26 (2) the property subject to seizure has been the subject
27 of a prior judgment in favor of the Commonwealth in a
28 criminal injunction or forfeiture proceeding under this
29 chapter;

30 (3) there is probable cause to believe that the property

1 is dangerous to health or safety; or

2 (4) there is probable cause to believe that the property
3 has been used or is intended to be used in violation of The
4 Controlled Substance, Drug, Device and Cosmetic Act.

5 (c) Seizure without process.--In the event seizure without
6 process occurs, as provided herein, proceedings for the issuance
7 thereof shall be instituted forthwith.

8 (d) Custody of property.--Property taken or detained under
9 this section shall not be subject to replevin, but is deemed to
10 be in the custody of the law enforcement authority subject only
11 to the orders and decrees of the court of common pleas having
12 jurisdiction over the forfeiture proceedings and of the district
13 attorney or the Attorney General. When property is seized under
14 this chapter, the law enforcement authority shall place the
15 property under seal and either:

16 (1) remove the property to a place designated by it; or

17 (2) require that the district attorney or Attorney
18 General take custody of the property and remove it to an
19 appropriate location for disposition in accordance with law.

20 (e) Use of property held in custody.--Whenever property is
21 forfeited under this chapter, the property shall be transferred
22 to the custody of the district attorney, if the law enforcement
23 authority seizing the property has local or county jurisdiction,
24 or the Attorney General, if the law enforcement authority
25 seizing the property has Statewide jurisdiction. The district
26 attorney or the Attorney General, where appropriate, may:

27 (1) Retain the property for official use.

28 (2) Sell any forfeited property which is not required to
29 be destroyed by law and which is not harmful to the public,
30 but the proceeds from any such sale shall be used to pay all

1 proper expenses of the proceedings for forfeiture and sale,
2 including expenses of seizure, maintenance of custody,
3 advertising and court costs. The balance of the proceeds
4 shall be dealt with in accordance with subsections (f) and
5 (g).

6 (f) Use of cash or proceeds of property.--Cash or proceeds
7 of forfeited property transferred to the custody of the district
8 attorney pursuant to subsection (e) shall be placed in the
9 operating fund of the county in which the district attorney is
10 elected. The appropriate county authority shall immediately
11 release from the operating fund, without restriction, a like
12 amount for the use of the district attorney enforcing the
13 provisions of The Controlled Substance, Drug, Device and
14 Cosmetic Act. The entity having budgetary control shall not
15 anticipate future forfeitures or proceeds therefrom in adoption
16 and approval of the budget for the district attorney.

17 (g) Distribution of property among law enforcement
18 authorities.--If both municipal and State law enforcement
19 authorities were substantially involved in effecting the
20 seizure, the court having jurisdiction over the forfeiture
21 proceedings shall equitably distribute the property between the
22 district attorney and the Attorney General.

23 (h) Authorization to utilize property.--The district
24 attorney and the Attorney General shall utilize forfeited
25 property or proceeds thereof for the purpose of enforcing the
26 provisions of The Controlled Substance, Drug, Device and
27 Cosmetic Act. In appropriate cases, the district attorney and
28 the Attorney General may designate proceeds from forfeited
29 property to be utilized by community-based drug and crime-
30 fighting programs and for relocation and protection of witnesses

1 in criminal cases.

2 (i) Annual audit of forfeited property.--It shall be the
3 responsibility of every county in this Commonwealth to provide,
4 through the controller, board of auditors or other appropriate
5 auditor and the district attorney, an annual audit of all
6 forfeited property and proceeds obtained under this section. The
7 audit shall not be made public but shall be submitted to the
8 Office of Attorney General. The county shall report all
9 forfeited property and proceeds obtained under this section and
10 the disposition thereof to the Attorney General by September 30
11 of each year.

12 (j) Annual report; confidential information regarding
13 property.--The Attorney General shall annually submit a report,
14 to the Appropriations and Judiciary Committees of the Senate and
15 to the Appropriations and Judiciary Committees of the House of
16 Representatives, specifying the forfeited property or proceeds
17 thereof obtained under this section. The report shall give an
18 accounting of all proceeds derived from the sale of forfeited
19 property and the use made of unsold forfeited property. The
20 Attorney General shall adopt procedures and guidelines governing
21 the release of information by the district attorney to protect
22 the confidentiality of forfeited property or proceeds used in
23 ongoing drug enforcement activities.

24 (k) Proceeds and appropriations.--The proceeds or future
25 proceeds from forfeited property under this chapter shall be in
26 addition to any appropriation made to the Office of Attorney
27 General.] Forfeiture of property shall be authorized for
28 violation of the act of April 14, 1972 (P.L.233, No.64), known
29 as The Controlled Substance, Drug, Device and Cosmetic Act, and
30 conducted in accordance with Chapter 58 (relating to asset

1 forfeiture). No conveyance may be forfeited under this section
2 for a violation of section 13(a)(31) of The Controlled
3 Substance, Drug, Device and Cosmetic Act.

4 § 6802. Procedure with respect to seized property subject to
5 liens and rights of lienholders.

6 (a) General procedure.--The proceedings for the forfeiture
7 or condemnation of property, the sale of which is provided for
8 in this chapter, shall be in rem, in which the Commonwealth
9 shall be the plaintiff and the property the defendant. A
10 petition shall be filed in the court of common pleas of the
11 judicial district where the property is located, verified by
12 oath or affirmation of an officer or citizen, containing the
13 following:

- 14 (1) A description of the property seized.
- 15 (2) A statement of the time and place where seized.
- 16 (3) The owner, if known.
- 17 (4) The person or persons in possession, if known.
- 18 (5) An allegation that the property is subject to
19 forfeiture pursuant to section [6801(a) (relating to
20 controlled substances forfeiture) or] 6801.1(a) (relating to
21 terrorism forfeiture) and an averment of material facts upon
22 which the forfeiture action is based.
- 23 (6) A prayer for an order of forfeiture that the
24 property be adjudged forfeited to the Commonwealth and
25 condemned and be ordered sold according to law, unless cause
26 be shown to the contrary.

27 * * *

28 (f) Preservation of the property subject for forfeiture.--
29 Upon application of the Commonwealth, the court may enter a
30 restraining order or injunction, require the execution of a

1 satisfactory performance bond or take any other action to
2 preserve the availability of property described in section
3 [6801(a) or] 6801.1(a) for forfeiture under this section either:

4 (1) upon the filing of an information or an indictment
5 charging an offense in this Commonwealth for which criminal
6 forfeiture may be ordered under this chapter and alleging
7 that the property with respect to which the order is sought
8 would be subject to forfeiture; or

9 (2) prior to the filing of such an indictment or
10 information, if, after notice to persons appearing to have an
11 interest in the property and an opportunity for a hearing,
12 the court determines that:

13 (i) there is a substantial probability that the
14 Commonwealth will prevail on the issue of forfeiture and
15 that failure to enter the order will result in the
16 property being destroyed, removed from the jurisdiction
17 of the court or otherwise made unavailable for
18 forfeiture; and

19 (ii) the need to preserve the availability of the
20 property through the entry of the requested order
21 outweighs the hardship on any party against whom the
22 order is to be entered.

23 However, an order entered pursuant to this paragraph shall be
24 effective for not more than 90 days unless extended by the
25 court for good cause shown or unless an indictment or
26 information described in paragraph (1) has been filed.

27 * * *

28 (j) Owner's burden of proof.--At the time of the hearing, if
29 the Commonwealth produces evidence that the property in question
30 was unlawfully used, possessed or otherwise subject to

1 forfeiture under section [6801(a) or] 6801.1(a), the burden
2 shall be upon the claimant to show:

3 (1) That the claimant is the owner of the property or
4 the holder of a chattel mortgage or contract of conditional
5 sale thereon.

6 (2) That the claimant lawfully acquired the property.

7 (3) That it was not unlawfully used or possessed by him.

8 In the event that it shall appear that the property was
9 unlawfully used or possessed by a person other than the
10 claimant, then the claimant shall show that the unlawful use
11 or possession was without his knowledge or consent. Such
12 absence of knowledge or consent must be reasonable under the
13 circumstances presented.

14 (k) Court-ordered release of property.--If a person claiming
15 the ownership of or right of possession to or claiming to be the
16 holder of a chattel mortgage or contract of conditional sale
17 upon the property, the disposition of which is provided for in
18 this section, prior to the sale presents a petition to the court
19 alleging over the property lawful ownership, right of
20 possession, a lien or reservation of title and if, upon public
21 hearing, due notice of which having been given to the Attorney
22 General or the district attorney, the claimant shall prove by
23 competent evidence to the satisfaction of the court that the
24 property was lawfully acquired, possessed and used by him or, it
25 appearing that the property was unlawfully used by a person
26 other than the claimant, that the unlawful use was without the
27 claimant's knowledge or consent, then the court may order the
28 property returned or delivered to the claimant. Such absence of
29 knowledge or consent must be reasonable under the circumstances
30 presented. Otherwise, it shall be retained for official use or

1 sold in accordance with section [6801(e) or] 6801.1(f).

2 Section 9. Sections 4909(c), 9405(a), (b), (c)(1), (d), (i)
3 and (j) and 9406 of Title 75 are amended to read:

4 § 4909. Transporting foodstuffs in vehicles used to transport
5 waste.

6 * * *

7 (c) Vehicle forfeiture.--Any vehicle or conveyance used in
8 the commission of an offense under this section shall be deemed
9 contraband and forfeited [to the Department of Environmental
10 Resources. The provisions of law relating to the seizure,
11 summary and judicial forfeiture, and condemnation of
12 intoxicating liquor shall apply to seizures and forfeitures
13 under this section. Proceeds from the sale of forfeited vehicles
14 or conveyances shall be deposited in the Solid Waste Abatement
15 Fund] in accordance with 42 Pa.C.S. Ch. 58 (relating to asset
16 forfeiture).

17 * * *

18 § 9405. Forfeitures; process and procedures.

19 (a) Subjects of forfeiture.--The following are subject to
20 forfeiture to the Commonwealth and no property right shall exist
21 in them:

22 (1) Any liquid fuels or fuels produced in or imported
23 into this Commonwealth by any distributor who does not
24 possess a valid liquid fuels tax permit or fuels permit as
25 required by section 9003 (relating to liquid fuels and fuels
26 permits; bond or deposit of securities), except liquid fuels
27 or fuels imported in barrels, drums or similar containers
28 with a capacity of not more than 55 gallons in each barrel,
29 drum or container.

30 (2) All conveyances, including vehicles or vessels, used

1 to transport liquid fuels or fuels as described in paragraph

2 (1). [except:

3 (i) no conveyance used by any person as a common
4 carrier in the transaction of business as a common
5 carrier is subject to forfeiture under this section
6 unless it appears that the owner or other person in
7 charge of the conveyance is a consenting party or privy
8 to a violation of Chapter 90 (relating to liquid fuels
9 and fuels tax); and

10 (ii) no bona fide security interest retained or
11 acquired under Title 13 (relating to commercial code) by
12 any merchant dealing in new or used vehicles or vessels,
13 or retained or acquired by any licensed or regulated
14 finance company, bank, lending institution or by any
15 other business regularly engaged in the financing of or
16 lending on the security of such vehicles or vessels,
17 shall be subject to forfeiture or impairment.] Forfeiture
18 of such conveyances shall be conducted in accordance with
19 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

20 (b) Method of seizure.--[Property] Liquid fuels or fuels
21 subject to forfeiture under this section may be seized by the
22 Department of Revenue upon process issued by any court of common
23 pleas having jurisdiction over the property. Seizure without
24 process may be made if the seizure is incident to an inspection
25 or arrest for a violation of this chapter or Chapter 90.

26 (c) Limit on return of [property] liquid fuels or fuels.--

27 (1) No [property] liquid fuels or fuels seized in
28 accordance with this section, when in the custody of the
29 Department of Revenue, shall be seized or taken therefrom by
30 any writ of replevin or other judicial process unless a

1 petition for forfeiture is not timely filed.

2 * * *

3 (d) In rem proceedings.--The proceedings for the forfeiture
4 of any liquid fuels or fuels [or conveyances] seized under this
5 section shall be in rem. The Commonwealth shall be the plaintiff
6 and the property shall be the defendant. A petition shall be
7 filed, within five days after seizure, in the court of common
8 pleas of the county in which the property was seized by revenue
9 agents of the Department of Revenue, verified by oath or
10 affirmation of any revenue agent. In the event that the petition
11 is not filed within the time prescribed herein, the seized
12 property shall be immediately returned to the person from whom
13 seized or the owner thereof.

14 * * *

15 (i) Standard of proof.--The claimant shall have the burden
16 of proving that he is not subject to the provisions of this
17 section, but the burden of proof shall be upon the Commonwealth
18 to prove all other facts necessary for the forfeiture of the
19 property. In the event that the Commonwealth has not met its
20 burden by a preponderance of the evidence or the claimant has
21 proved that he is not subject to the provisions of this section,
22 the court shall order the property returned to the claimant;
23 otherwise, the court shall order the property forfeited to the
24 Commonwealth. [In the case of a motor vehicle, vessel or
25 conveyance, should the claimant prove to the satisfaction of the
26 court that he is the registered owner of the motor vehicle,
27 vessel or conveyance and that he did not know or have reason to
28 know that it was being used to transport liquid fuels or fuels
29 in violation of the provisions of section 9404 (relating to
30 violations and penalties) or 9019 (relating to diesel fuel

1 importers and transporters; prohibiting use of dyed diesel fuel
2 on highways; violations and penalties), the court in its
3 discretion may order the motor vehicle, vessel or conveyance
4 returned to the claimant.

5 (j) Encumbered motor vehicle.--In the case of a motor
6 vehicle, should the claimant prove that he holds a valid
7 encumbrance upon such motor vehicle, notice of which encumbrance
8 has been duly noted on the certificate of title to the motor
9 vehicle in accordance with the provisions of Chapter 11
10 (relating to certificate of title and security interests), the
11 forfeiture shall be subject to such encumbrance as of the date
12 of the seizure less prepaid or unearned interest. Before the
13 motor vehicle may be sold, exchanged or otherwise transferred or
14 retained for use by the Commonwealth, the outstanding amount of
15 the encumbrance shall be paid to the claimant or possession of
16 the motor vehicle shall be turned over to the claimant who shall
17 expose the same to public sale and shall pay over to the
18 Commonwealth any amount realized in excess of the outstanding
19 amount of such encumbrance less the reasonable costs incurred by
20 claimant in conducting such sale.]

21 § 9406. Disposition of fines and forfeitures.

22 All fines imposed under this chapter and the net proceeds
23 received from the sale of forfeited [property] liquid fuels or
24 fuels shall be payable to the Commonwealth and credited to the
25 Motor License Fund.

26 Section 10. Notwithstanding any other provision of law to
27 the contrary, the following forfeitures shall be conducted in
28 accordance with 42 Pa.C.S. Ch. 58:

29 (1) The forfeiture of property specified in section 1 of
30 the act of July 3, 1941 (P.L.263, No.121), entitled "An act

1 providing for the forfeiture and condemnation of vehicles
2 used to store, possess or transport narcotics or drugs, the
3 possession or transportation of which is in violation of
4 law."

5 (2) The seizure of property specified in sections 211(a)
6 (3) and 601 of the act of April 12, 1951 (P.L.90, No.21),
7 known as the Liquor Code.

8 (3) The forfeiture of property specified in section 1285
9 of the act of March 4, 1971 (P.L.6, No.2), known as the Tax
10 Reform Code of 1971.

11 (4) The forfeiture of property specified in section 614
12 of the act of July 7, 1980 (P.L.380, No.97), known as the
13 Solid Waste Management Act.

14 (5) The forfeiture of property specified in section 1715
15 of the act of July 28, 1988 (P.L.556, No.101), known as the
16 Municipal Waste Planning, Recycling and Waste Reduction Act.

17 (6) The forfeiture of property specified in section 1 of
18 the act of December 1, 2004 (P.L.1766, No.227), entitled "An
19 act authorizing cities of the first class that have adopted a
20 home rule charter to enforce ordinances, rules and
21 regulations prohibiting dumping or disposal of waste, trash
22 or debris."

23 Section 11. Repeals are as follows:

24 (a) The General Assembly finds that the repeals under
25 subsections (b) and (c) are necessary to effectuate the addition
26 of 42 Pa.C.S. Ch. 58.

27 (b) Sections 602 and 603(a) and (b) of the act of April 12,
28 1951 (P.L.90, No.21), known as the Liquor Code, are repealed to
29 the extent of any inconsistency with this act.

30 (c) The following acts and parts of acts are repealed

1 absolutely:

2 (1) Sections 2, 3, 4 and 5 of the act of July 3, 1941
3 (P.L.263, No.121), entitled "An act providing for the
4 forfeiture and condemnation of vehicles used to store,
5 possess or transport narcotics or drugs, the possession or
6 transportation of which is in violation of law."

7 (2) Section 603(c) of the act of April 12, 1951 (P.L.90,
8 No.21), known as the Liquor Code.

9 (3) Section 1285(f), (g), (h), (i), (j), (k), (l), (m)
10 and (n) of the act of March 4, 1971 (P.L.6, No.2), known as
11 the Tax Reform Code of 1971.

12 Section 12. This act shall take effect in 90 days.