
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1189 Session of
2017

INTRODUCED BY McCLINTON, RABB, BULLOCK, DERMODY, MURT, GALLOWAY,
V. BROWN AND DAVIDSON, MAY 19, 2017

REFERRED TO COMMITTEE ON JUDICIARY, MAY 19, 2017

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in other offenses, further providing
3 for the Substance Abuse Education and Demand Reduction Fund.

4 The General Assembly of the Commonwealth of Pennsylvania

5 hereby enacts as follows:

6 Section 1. Section 7508.1 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 7508.1. Substance Abuse Education and Demand Reduction Fund.

9 (a) Establishment.--The Substance Abuse Education and Demand
10 Reduction Fund is hereby established as an account in the State
11 Treasury. This fund shall be administered by the Pennsylvania
12 Commission on Crime and Delinquency and shall be comprised of
13 costs imposed and collected in accordance with the provisions of
14 this section. All moneys in the fund and the interest accruing
15 thereon are hereby appropriated, upon approval of the Governor,
16 to the commission to carry out the provisions of this section.

17 (b) Imposition.--Unless the court finds that undue hardship
18 would result, [a] the following shall apply:

1 (1) A mandatory cost of [\$100] \$150, which shall be in
2 addition to any other costs imposed pursuant to statutory
3 authority, shall automatically be assessed on any individual
4 convicted, adjudicated delinquent or granted Accelerated
5 Rehabilitative Disposition or any individual who pleads
6 guilty or nolo contendere for a violation of the act of April
7 14, 1972 (P.L.233, No.64), known as The Controlled Substance,
8 Drug, Device and Cosmetic Act, or a violation of 75 Pa.C.S. §
9 3802 (relating to driving under influence of alcohol or
10 controlled substance).

11 (2) A mandatory cost of \$150, which shall be in addition
12 to any other costs imposed pursuant to statutory authority,
13 shall automatically be assessed on any individual convicted
14 or adjudicated delinquent or any individual who pleads guilty
15 or nolo contendere for a violation of any of the following:

16 (i) Section 3502 (relating to burglary).

17 (ii) Section 3701 (relating to robbery).

18 (iii) Section 3702 (relating to robbery of motor
19 vehicle).

20 (iv) Section 3921 (relating to theft by unlawful
21 taking or disposition).

22 (v) Section 3925 (relating to receiving stolen
23 property).

24 (vi) Section 3929 (relating to retail theft).

25 (vii) Section 3929.3 (relating to organized retail
26 theft).

27 (viii) Section 3932 (relating to theft of leased
28 property).

29 (ix) Section 3934 (relating to theft from a motor
30 vehicle).

1 (x) Section 4101 (relating to forgery).

2 (xi) Section 4105 (relating to bad checks).

3 (xii) Section 4106 (relating to access device
4 fraud).

5 (xiii) Section 4120 (relating to identity theft).

6 (xiv) Section 6307 (relating to misrepresentation of
7 age to secure liquor or malt or brewed beverages).

8 (xv) Section 6308 (relating to purchase,
9 consumption, possession or transportation of liquor or
10 malt or brewed beverages).

11 (xvi) Section 6309 (relating to representing that
12 minor is of age).

13 (xvii) Section 6310 (relating to inducement of
14 minors to buy liquor or malt or brewed beverages).

15 (xviii) Section 6310.1 (relating to selling or
16 furnishing liquor or malt or brewed beverages to minors).

17 (xix) Section 6310.7 (relating to selling or
18 furnishing nonalcoholic beverages to persons under 21
19 years of age).

20 (xx) Section 6316 (relating to selling or furnishing
21 certain stimulants to minors).

22 (xxi) Section 6317 (relating to drug-free school
23 zones).

24 (xxii) Section 6319 (relating to solicitation of
25 minors to traffic drugs).

26 (c) Additional assessment.--

27 (1) In addition to the assessment required [by subsection
28 (b), a person convicted of or] under subsection (b) (1), an
29 individual convicted, adjudicated delinquent or granted
30 Accelerated Rehabilitative Disposition for a violation of 75

1 Pa.C.S. § 3802(a), (b), (c), (d) or (e) shall be assessed
2 \$200 where the amount of alcohol by weight in the blood of
3 the [person] individual is equal to or greater than [0.16%]
4 0.10% at the time a chemical test is performed on a sample of
5 the person's breath, blood or urine. For the purposes of this
6 subsection, the sample of the person's blood, breath or urine
7 shall be taken within two hours after the person is placed
8 under arrest.

9 (2) In the case of an individual convicted, adjudicated
10 delinquent or granted Accelerated Rehabilitative Disposition
11 for a violation of 75 Pa.C.S. § 3802(f), an additional
12 assessment in the amount of \$200 shall be assessed when the
13 amount of alcohol by weight in the blood of the individual is
14 equal to or greater than 0.08% at the time a chemical test is
15 performed in accordance with 75 Pa.C.S. § 3802.

16 (d) Collection.--Costs imposed under this section shall be
17 collected in accordance with local court rules by the clerk of
18 courts in the county where the violation has occurred. Of the
19 amount collected, 50% shall remain in that county to be used for
20 substance abuse treatment or prevention programs and the
21 remaining 50% shall be deposited into the Substance Abuse
22 Education and Demand Reduction Fund established under this
23 section.

24 (e) Application.--All costs provided for in this section
25 shall be in addition to and not in lieu of any fine authorized
26 by law or required to be imposed under the act of November 24,
27 1998 (P.L.882, No.111), known as the Crime Victims Act, or any
28 other law. Nothing in this section shall be construed to affect,
29 suspend or diminish any other criminal sanction, penalty or
30 property forfeiture permitted by law.

1 (f) Grants.--Notwithstanding any other provision of law, the
2 commission shall, upon written application and subsequent
3 approval, use moneys received under this section to annually
4 award grants to approved applicants in the following manner:

5 (1) (i) Subject to the provisions of subparagraph (ii),
6 45% of grant moneys deposited into the fund each fiscal
7 year shall be made available to nonprofit organizations
8 to provide research-based approaches to prevention,
9 intervention, training, treatment and education services
10 to reduce substance abuse or to provide resources to
11 assist families in assessing the services. Nonprofit
12 organizations may jointly apply for grant moneys with a
13 local government unit but shall not be required to do so.

14 (ii) (A) Up to 20% of grant moneys available under
15 subparagraph (i) may be used to:

16 (I) Assist in the start-up of victim impact
17 panel programs under 75 Pa.C.S. § 3804(f.1)
18 (relating to penalties).

19 (II) Study the impact outcome and benefits
20 of victim impact panels within this Commonwealth,
21 including the impact of victim impact panels on
22 driving under the influence recidivism and their
23 impact on the well-being of participating
24 victims.

25 (III) Provide assistance for the ongoing
26 operation of victim impact panels.

27 (B) An applicant for a grant under this
28 subparagraph may be an entity other than a nonprofit
29 organization.

30 (2) (i) Twenty percent of grant moneys deposited into

1 the fund each fiscal year shall be made available to
2 eligible organizations to educate youth[, caregivers of
3 youth and employers] and caregivers of youth about the
4 dangers of substance abuse [and to increase the awareness
5 of the benefits of a drug-free Pennsylvania through
6 media-related efforts that may include public service
7 announcements, public awareness campaigns and media
8 literacy.] and the misuse and abuse of prescription
9 drugs.

10 (ii) Five percent of grant moneys deposited into the
11 fund under this paragraph shall be made available to
12 eligible organizations for public awareness campaigns,
13 including public service announcements and media
14 campaigns, designed to inform the public about the misuse
15 and abuse of controlled substances and prescription
16 drugs, substance abuse prevention and intervention and
17 the availability of treatment.

18 (3) Twenty percent of grant moneys deposited into the
19 fund each fiscal year shall be made available to [eligible
20 organizations to educate employers, unions and employees]
21 school districts to educate and provide in-service programs
22 for teachers and other appropriate school district employees
23 about the dangers of substance abuse [in the workplace and
24 provide comprehensive drug-free workplace programs and
25 technical resources for businesses, including, but not
26 limited to, training for working parents to keep their
27 children drug free.], the misuse and abuse of prescription
28 drugs by youth and substance abuse prevention and
29 intervention.

30 (4) Ten percent of the grant moneys deposited into the

1 fund each fiscal year shall be transferred annually to the
2 Community Drug Abuse Prevention Grant Program within the
3 Office of Attorney General.

4 (5) One hundred percent of the grant funds generated
5 from collections under subsection (b)(2) and deposited into
6 the fund each fiscal year shall be made available to school
7 districts to provide comprehensive school-based, age
8 appropriate instructions on substance abuse prevention and
9 intervention for students, including factual evidenced-based
10 information on the nonmedical use and abuse of prescription
11 drugs.

12 (g) Administration.--The commission shall develop guidelines
13 and procedures necessary to implement the grant program. The
14 commission shall equitably distribute grant moneys to approved
15 applicants under subsection (f)(1) and eligible organizations
16 under subsection (f)(2) and (3). Each fiscal year the commission
17 shall make available grant moneys equaling, except for funds to
18 be transferred under subsection [(f)(4)] (f)(3), (4) and (5) and
19 administrative funds as provided for in this subsection, the
20 balance of moneys deposited into the fund as of June 30 of the
21 previous fiscal year. No more than 5% of total moneys deposited
22 in the fund during a fiscal year may be used by the commission
23 to administer the provisions of this section. The commission
24 shall collaborate with the Department of Education in developing
25 guidelines and procedures necessary to implement subsection (f)
26 (3) and (5).

27 (h) Other initiatives.--Funds disbursed under this section
28 shall not supplant Federal, State or local funds that would have
29 otherwise been made available for substance abuse prevention,
30 education, support, treatment and outreach initiatives.

1 (i) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection:

4 "Commission." The Pennsylvania Commission on Crime and
5 Delinquency.

6 "Eligible organization." [A] The term includes a school
7 district and a Statewide organization that meets all of the
8 following requirements:

9 (1) Possesses five or more consecutive years of
10 experience carrying out substance abuse education and demand
11 reduction or substance abuse treatment programs.

12 (2) Maintains a drug-free workplace policy.

13 (3) Has as its purpose the reduction of substance abuse.

14 "Fund." The Substance Abuse Education and Demand Reduction
15 Fund established by this section.

16 "School district." School districts of all classifications
17 established under section 202 of the act of March 10, 1949
18 (P.L.30, No.14), known as the Public School Code of 1949.

19 Section 2. This act shall take effect immediately.