
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 508 Session of
2015

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YOUNGBLOOD AND NESBIT, JUNE 25, 2015

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 25, 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 or 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

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

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

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

14 § 1518. Prohibited acts; penalties.

15 * * *

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

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

27 § 910. Manufacture, distribution, use or possession of devices
28 for theft of telecommunications services.

29 * * *

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

1 involved in the violation for which the defendant was convicted.
2 The forfeiture shall be conducted in accordance with 42 Pa.C.S.
3 Ch. 58 (relating to asset forfeiture).

4 * * *

5 § 2506. Drug delivery resulting in death.

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 or indictment seeking a forfeiture shall not be
12 subject to a fine. Nothing in this section shall prevent a fine
13 from being imposed on assets which have been subject to an
14 unsuccessful forfeiture [petition] proceeding.

15 § 3141. General rule.

16 A person:

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

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

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

1 property or assets as determined by the court of common pleas to
2 have facilitated the person's criminal misconduct.] The
3 forfeiture shall be conducted in accordance with 42 Pa.C.S. Ch.
4 58 (relating to asset forfeiture).

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

7 [§ 3142. Process and seizure.

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

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

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

23 § 3143. Custody of property.

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

29 § 3144. Disposal of property.

30 Property taken or detained pursuant to the provisions of this

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

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

11 § 4116. Copying; recording devices.

12 * * *

13 (i) Forfeiture.--

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

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

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

28 § 4119. Trademark counterfeiting.

29 * * *

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

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

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

15 * * *

16 § 5513. Gambling devices, gambling, etc.

17 * * *

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

27 * * *

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

30 Any electronic, mechanical or other device possessed, used,

1 sent, distributed, manufactured, or assembled in violation of
2 this chapter is hereby declared to be contraband and may be
3 seized and forfeited to the Commonwealth in accordance with 42
4 Pa.C.S. Ch. 58 (relating to asset forfeiture).

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

7 * * *

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

14 * * *

15 § 6501. Scattering rubbish.

16 * * *

17 (b) Penalty.--

18 * * *

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

26 * * *

27 [(d) Forfeiture.--

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

1 the property.

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

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

11 or

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

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

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

1 following:

2 (i) A description of the property seized.

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

4 (iii) The owner, if known.

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

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

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

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

18 To the Claimant of within Described Property:

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

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

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

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

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

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

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

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

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

1 (9) Upon the filing of a claim for the property setting
2 forth a right of possession, the case shall be deemed at
3 issue and a time shall be fixed for the hearing.

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

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

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

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

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

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

10 * * *

11 § 7508. Drug trafficking sentencing and penalties.

12 * * *

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

21 * * *

22 § 7707. Loss of property rights to Commonwealth.

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

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

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

1 chapter.

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

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

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

15 (b) Exceptions.--

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

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

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

30 (1) the seizure is incident to an arrest or a search

1 warrant or inspection under 75 Pa.C.S. § 6308 (relating to
2 investigation by police officers) or any other administrative
3 inspection;

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

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

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

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

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

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

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

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

30 (1) Whenever property is forfeited under this chapter,

1 the property shall be transferred to:

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

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

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

10 (i) Retain the property for official use.

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

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

30 (h) Distribution of property among law enforcement

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

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

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

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

1 General.] Forfeiture of property shall be authorized for
2 violation of this chapter and conducted in accordance with 42
3 Pa.C.S. Ch. 58 (relating to asset forfeiture).

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

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

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

- 16 (1) A description of the property seized.
17 (2) A statement of the time and place where seized.
18 (3) The owner, if known.
19 (4) The person or persons in possession, if known.
20 (5) An allegation that the property is subject to
21 forfeiture under section 7707 (relating to loss of property
22 rights to Commonwealth) and an averment of material facts
23 upon which the forfeiture action is based.
24 (6) A prayer for an order of forfeiture that the
25 property be adjudged forfeited to the Commonwealth and
26 condemned and be ordered sold according to law unless cause
27 be shown to the contrary.

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

1 possession at the time of the seizure. The copy shall have
2 endorsed a notice as follows:

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

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

13 (c) Substitute notice.--

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

24 (2) The notice shall:

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

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

1 publication.

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

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

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

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

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

14 (e) Notice automatically waived.--

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

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

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

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

29 (i) upon the filing of an information or an
30 indictment charging a violation of this chapter for which

1 criminal forfeiture may be ordered under this chapter and
2 alleging that the property with respect to which the
3 order is sought would be subject to forfeiture; or

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

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

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

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

22 (g) Temporary restraining order.--

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

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

1 (ii) the provision of notice will jeopardize the
2 availability of the property for forfeiture.

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

5 (i) extended for good cause shown; or

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

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

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

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

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

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

26 (2) The claimant lawfully acquired the property.

27 (3) It was not unlawfully used or possessed by the
28 claimant. In the event that it shall appear that the property
29 was unlawfully used or possessed by a person other than the
30 claimant, then the claimant must show that the unlawful use

1 or possession was without the claimant's knowledge or
2 consent. Such absence of knowledge or consent must be
3 reasonable under the circumstances presented.

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

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

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

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

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

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

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

28 § 927. Forfeiture of fish and devices.

29 (a) General rule.--A person convicted of an offense under
30 this title shall forfeit any fish seized under section 901(6)

1 (relating to powers and duties of waterways patrolmen and
2 deputies) and any device confiscated under this title.
3 Forfeitures shall be conducted in accordance with 42 Pa.C.S. Ch.
4 58 (relating to asset forfeiture).

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

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

10 CHAPTER 58

11 ASSET FORFEITURE

12 Sec.

13 5801. Scope of criminal asset forfeiture.

14 5802. Criminal asset forfeiture in general.

15 5803. Process for criminal asset forfeiture.

16 5804. Process for third-party interest holders.

17 5805. Interaction with the Federal Government.

18 § 5801. Scope of criminal asset forfeiture.

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

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

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

27 (3) Sections 207, 211 and 505 of the act of December 7,
28 1982 (P.L.784, No.225), known as the Dog Law.

29 (4) 18 Pa.C.S. § 3021 (relating to asset forfeiture);

30 (5) 18 Pa.C.S. § 5511 (relating to cruelty to animals);

1 (6) 18 Pa.C.S. § 6110.1 (relating to possession of
2 firearm by minor);

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

5 (8) 27 Pa.C.S. § 6208 (relating to penalties);

6 (9) 37 Pa.C.S. § 511 (relating to criminal penalties);

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

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

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

16 (1) items bearing a counterfeit mark under 18 Pa.C.S. §
17 4119 (relating to trademark counterfeiting).

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

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

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

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

1 (d) Preemption.--This chapter preempts any local ordinance
2 or regulation insofar as it is inconsistent with this chapter,
3 irrespective of the effective date of the ordinance or
4 regulation.

5 § 5802. Criminal asset forfeiture in general.

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

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

11 (c) Forfeitures generally.--

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

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

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

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

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

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

1 (3) Nothing in this section shall be construed to
2 prevent property from being forfeited by the terms of a plea
3 agreement approved by a court or of any other agreement of
4 the parties to a criminal proceeding. Forfeiture by agreement
5 shall be subject to the requirements of section 5804
6 (relating to process for third-party interest holders).

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

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

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

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

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

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

1 sale of such property. The balance of the proceeds shall be
2 subject to subsection (f).

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

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

8 (2) To pay any liabilities owed by the Commonwealth to
9 defendants or claimants who substantially prevail under
10 subsection (1).

11 (3) Either:

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

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

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

25 (h) Annual audit of forfeited property.--A county of this
26 Commonwealth shall provide, through the controller, board of
27 auditors or other appropriate auditor and the district attorney,
28 an annual audit of all forfeited property and proceeds obtained
29 under this section and the disposition thereof, as well as of
30 all fees awarded under subsection (1). The audit shall be

1 submitted to the Office of Attorney General by September 30 of
2 each year.

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

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

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

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

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

23 (2) Postjudgment interest.

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

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

30 (ii) An imputed amount of interest that the

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

11 § 5803. Process for criminal asset forfeiture.

12 (a) Seizure.--

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

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

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

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

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

1 otherwise being made unavailable for forfeiture.

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

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

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

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

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

29 (2) Continued possession by the law enforcement
30 authority pending the final disposition of the forfeiture

1 proceedings will cause substantial hardship to the interest
2 holder, such as:

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

5 (ii) preventing an individual from working;

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

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

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

12 (vi) leaving an individual homeless; or

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

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

21 (f) Initiation of forfeiture.--

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

28 (2) An information or an indictment charging the
29 defendant with an offense shall include notice to the
30 defendant that the Commonwealth will seek forfeiture as part

1 of any sentence. The notice shall include:

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

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

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

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

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

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

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

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

1 sentencing issues.

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

5 (j) Excessive fines.--

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

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

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

15 (i) Its market value.

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

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

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

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

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

27 (k) Forfeiture of substitute property.--

28 (1) After entering a preliminary order of forfeiture,
29 the court may order the forfeiture of substitute property up
30 to the value of the property subject to the order, if the

1 Commonwealth establishes by clear and convincing evidence
2 that:

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

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

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

11 § 5804. Process for third-party interest holders.

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

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

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

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

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

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

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

29 (1) A description of the specific property subject to
30 the preliminary order of forfeiture including, but not

1 limited to, the address of any real property, the exact
2 dollar amount of any money, negotiable instrument or
3 securities and the make, model, year and license plate number
4 of any vehicle.

5 (2) A statement that either:

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

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

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

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

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

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

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

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

30 (2) on the publicly accessible Internet website of the

1 prosecuting attorney for a period of two weeks.

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

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

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

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

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

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

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

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

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

1 circumstances of the petitioner's acquisition of the right,
2 title or interest in the property and any additional facts
3 supporting the petitioner's claim.

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

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

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

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

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

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

15 (i) Ancillary proceeding in general.--

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

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

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

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

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

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

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

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

27 (j) Entering a final order.--

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

1 interests.

2 (2) If no third party files a timely petition, the
3 preliminary order shall become the final order of forfeiture.

4 § 5805. Interaction with the Federal Government.

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

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

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

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

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

9 § 6801. Controlled substances forfeiture.

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

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

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

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

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

30 (i) no conveyance used by any person as a common

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

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

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

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

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

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

30 (A) Money, negotiable instruments, securities or

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

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

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

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

1 Controlled Substance, Drug, Device and Cosmetic Act.

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

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

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

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

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

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

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

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

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

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

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

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

28 (1) Retain the property for official use.

29 (2) Sell any forfeited property which is not required to
30 be destroyed by law and which is not harmful to the public,

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

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

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

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

1 fighting programs and for relocation and protection of witnesses
2 in criminal cases.

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

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

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

1 conducted in accordance with Chapter 58 (relating to asset
2 forfeiture). No conveyance may be forfeited under this section
3 for a violation of section 13(a) (31) of The Controlled
4 Substance, Drug, Device and Cosmetic Act.

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

7 (a) General procedure.--The proceedings for the forfeiture
8 or condemnation of property, the sale of which is provided for
9 in this chapter, shall be in rem, in which the Commonwealth
10 shall be the plaintiff and the property the defendant. A
11 petition shall be filed in the court of common pleas of the
12 judicial district where the property is located, verified by
13 oath or affirmation of an officer or citizen, containing the
14 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 pursuant to section [6801(a) (relating to
21 controlled substances forfeiture) or] 6801.1(a) (relating to
22 terrorism forfeiture) and an averment of material facts upon
23 which the forfeiture action is based.
- 24 (6) A prayer for an order of forfeiture that the
25 property be adjudged forfeited to the Commonwealth and
26 condemned and be ordered sold according to law, unless cause
27 be shown to the contrary.

28 * * *

29 (f) Preservation of the property subject for forfeiture.--
30 Upon application of the Commonwealth, the court may enter a

1 restraining order or injunction, require the execution of a
2 satisfactory performance bond or take any other action to
3 preserve the availability of property described in section
4 [6801(a) or] 6801.1(a) for forfeiture under this section either:

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

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

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

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

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

28 * * *

29 (j) Owner's burden of proof.--At the time of the hearing, if
30 the Commonwealth produces evidence that the property in question

1 was unlawfully used, possessed or otherwise subject to
2 forfeiture under section [6801(a) or] 6801.1(a), the burden
3 shall be upon the claimant to show:

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

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

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

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

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

1 presented. Otherwise, it shall be retained for official use or
2 sold in accordance with section [6801(e) or] 6801.1(f).

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

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

7 * * *

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

18 * * *

19 § 9405. Forfeitures; process and procedures.

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

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

1 (2) All conveyances, including vehicles or vessels, used
2 to transport liquid fuels or fuels as described in paragraph
3 (1). [except:

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

11 (ii) no bona fide security interest retained or
12 acquired under Title 13 (relating to commercial code) by
13 any merchant dealing in new or used vehicles or vessels,
14 or retained or acquired by any licensed or regulated
15 finance company, bank, lending institution or by any
16 other business regularly engaged in the financing of or
17 lending on the security of such vehicles or vessels,
18 shall be subject to forfeiture or impairment.] Forfeiture
19 of such conveyances shall be conducted in accordance with
20 42 Pa.C.S. Ch. 58 (relating to asset forfeiture).

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

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

28 (1) No [property] liquid fuels or fuels seized in
29 accordance with this section, when in the custody of the
30 Department of Revenue, shall be seized or taken therefrom by

1 any writ of replevin or other judicial process unless a
2 petition for forfeiture is not timely filed.

3 * * *

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

15 * * *

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

1 violations and penalties) or 9019 (relating to diesel fuel
2 importers and transporters; prohibiting use of dyed diesel fuel
3 on highways; violations and penalties), the court in its
4 discretion may order the motor vehicle, vessel or conveyance
5 returned to the claimant.

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

22 § 9406. Disposition of fines and forfeitures.

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

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

30 (1) The forfeiture of property specified in section 1 of

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

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

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

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

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

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

24 Section 11. Repeals are as follows:

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

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

1 (c) The following acts and parts of acts are repealed
2 absolutely:

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

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

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

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