

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 533

PRINTER NO. 490

AMOUNT

No Fiscal Impact

FUND

General Fund
County Funds

DATE INTRODUCED

February 20, 2015

PRIME SPONSOR

Senator Eichelberger

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 533 amends Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidate Statutes, further providing for supervisory relationship to offenders, to address the uniform procedure for the disposition of contraband seized from a probationer or parolee and left in the possession of a probation or parole agency.

Title 42 is amended by adding a subsection that allows for the following:

- Establishes a general rule that all contraband seized from an offender shall be considered abandoned and unclaimed, and no property right exists in it, if certain criteria have been met;
- Mandates the county adult probation and parole department to tag and secure the contraband at a place designated by it for such time as necessary to secure its use as evidence in a violation, revocation or criminal proceeding;
- Mandates that the county adult probation and parole department provide notice to the offender that abandonment will be sought if the offender does not claim the seized contraband within two years after sentence completion;
- Transfers title to contraband declared abandoned to the county adult probation and parole department and entitles the department to dispose of contraband, refused to be accepted by the Treasury Department, in certain ways;
- Mandates the county adult probation and parole department to itemize all such abandoned contraband within its custodial care in a report to the Treasury Department;
- Mandates county treasurers to establish and administer a community correction forfeiture fund consisting of all cash or proceeds obtained under this legislation and allows for disbursement of such funds at the discretion of the president judge of the court of common pleas;
- Mandates that all cash or proceeds generated by the sale of any abandoned contraband shall first be made available to satisfy any restitution owed by the offender;
- Provides immunity from liability to county adult probation and parole departments and its employees for good faith conduct under this legislation;

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- Provides that the Pennsylvania Board of Probation and Parole may enact regulations that are necessary to implement this legislation on a uniform basis throughout Pennsylvania;
- Provides an appeal procedure for an abandonment determination through the court of common pleas; and
- Mandates county adult probation and parole departments to annually post a report specifying the abandoned property or proceeds of the abandoned property.

This act shall take effect in 60 days.

FISCAL IMPACT:

Costs associated with the Pennsylvania Board of Probation and Parole's possible enactment of regulations under this act are expected to be minimal and capable of being absorbed within the Board's existing fiscal resources. According to the Governor's Office of the Budget, enactment of this legislation would have no fiscal impact on Commonwealth funds.

Enactment of this legislation will have no fiscal impact on Commonwealth funds, but counties may incur minimal costs.