

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2047 Session of
2015

INTRODUCED BY ENGLISH, PICKETT, MILLARD, KOTIK, D. COSTA,
RAVENSTAHL, WARD, HARHART, READSHAW, KILLION, DEASY, ORTITAY,
MAHER, D. MILLER, CORBIN, D. PARKER, KORTZ, COHEN, TOOHL,
WATSON, DeLUCA, MILNE AND A. HARRIS, MAY 5, 2016

REFERRED TO COMMITTEE ON JUDICIARY, MAY 5, 2016

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in minors, further providing for
3 purchase, consumption, possession or transportation of liquor
4 or malt or brewed beverages and for predisposition
5 evaluation.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Section 6308(a) and (c) of Title 18 of the
9 Pennsylvania Consolidated Statutes are amended and the section
10 is amended by adding a subsection to read:

11 § 6308. Purchase, consumption, possession or transportation of
12 liquor or malt or brewed beverages.

13 (a) Offense defined.--A person commits a summary offense for
14 a first or second violation and a misdemeanor of the third
15 degree for any subsequent violations if he, being less than 21
16 years of age, attempts to purchase, purchases, consumes,
17 possesses or knowingly and intentionally transports any liquor
18 or malt or brewed beverages, as defined in section 6310.6

1 (relating to definitions). For the purposes of this section, it
2 shall not be a defense that the liquor or malt or brewed
3 beverage was consumed in a jurisdiction other than the
4 jurisdiction where the citation for underage drinking was
5 issued.

6 * * *

7 [(c) Preadjudication disposition.--

8 (1) When a person is charged with violating subsection
9 (a), the magisterial district judge may admit the offender to
10 the adjudication alternative as authorized in 42 Pa.C.S. §
11 1520 (relating to adjudication alternative program) or any
12 other preadjudication disposition if the offender has not
13 previously received a preadjudication disposition for
14 violating subsection (a).

15 (2) The use of a preadjudication disposition shall be
16 considered a first or subsequent offense, whichever is
17 applicable, for the purpose of further adjudication under
18 this section or under section 6310.4.]

19 (c.1) Preadjudication disposition.--

20 (1) If a person is charged with a first violation of
21 subsection (a), the magisterial district judge or the
22 judicial authority with jurisdiction over the violation shall
23 give first consideration to referring a person to a
24 diversionary program under 42 Pa.C.S. § 1520 (relating to
25 adjudication alternative program) and the Pennsylvania Rules
26 of Criminal Procedure if the offender has not previously
27 received a preadjudication disposition for violating
28 subsection (a). As part of the diversionary program, the
29 magisterial district judge or judicial authority with
30 jurisdiction over the violation may order the person to

1 participate in an age-appropriate alcohol awareness program
2 approved by the Department of Drug and Alcohol Programs. If
3 the person successfully completes the diversionary program,
4 the person's records of the charge of violating subsection
5 (a) shall be expunged as provided for under Pa.R.C.P. No.320
6 (relating to Expungement Upon Successful Completion of ARD
7 Program) or under section 9123 (relating to juvenile
8 records).

9 (2) If a person is charged with a second or subsequent
10 violation of subsection (a), the magisterial district judge
11 or the judicial authority with jurisdiction over the
12 violation shall require the person to undergo an assessment
13 for alcohol or other drug dependency under section 6310.5
14 (relating to predisposition evaluation) to determine the
15 extent of the person's involvement with alcohol or other drug
16 dependency and to assist the court in determining what type
17 of sentence would benefit the person or the public. Based on
18 the results of the evaluation and any additional information,
19 the court shall require that the person successfully complete
20 a prescribed program of education, intervention or treatment
21 based on the person's individualized assessment and in
22 accordance with clinical criteria approved by the Department
23 of Drug and Alcohol Programs. If the person successfully
24 completes the prescribed program, the person's records of the
25 charge of violating subsection (a) shall be expunged as
26 provided for under Pa.R.C.P. No.320 or section 9123.

27 (3) The use of a preadjudication disposition shall be
28 considered a first or subsequent offense, whichever is
29 applicable, for the purpose of further adjudication under
30 this section or under section 6310.4.

1 (4) The costs of the requirements applied under this
2 section shall be in addition to any other penalty required or
3 allowed by law and shall be the responsibility of the person
4 upon whom the requirement is placed.

5 * * *

6 Section 2. Section 6310.5(a)(3) and (b) of Title 18 are
7 amended to read:

8 § 6310.5. Predisposition evaluation.

9 (a) General rule.--If an individual is convicted,
10 adjudicated delinquent or offered preadjudication disposition
11 for a violation of section 6307 (relating to misrepresentation
12 of age to secure liquor or malt or brewed beverages), 6308
13 (relating to purchase, consumption, possession or transportation
14 of liquor or malt or brewed beverages) or 6310.3 (relating to
15 carrying a false identification card), the following shall
16 apply:

17 * * *

18 (3) Evaluation under this subsection may consist of
19 evaluation techniques if deemed appropriate by the court to
20 determine the extent of the individual's involvement with
21 alcohol or other drug dependency.

22 (b) Program of education, intervention and [counseling]
23 treatment--Based on the results of the evaluation authorized
24 under subsection (a) and any additional information, the court
25 may require that the person successfully complete a prescribed
26 program of education, intervention or [counseling] treatment
27 approved by the Department of [Health] Drug and Alcohol
28 Programs.

29 * * *

30 Section 3. This act shall take effect in 60 days.