

MC-47-87

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CRIMINAL

In re: : MC-47-87
LAW ENFORCEMENT FUND :
: :
: :

ORDER OF COURT

AND NOW, this 1 day of ^{October} September, 1987, upon consideration of the within petition, it is hereby Ordered as follows:

The Adams County Law Enforcement Fund is hereby created, to be funded by accumulated fees at the initial rate of \$10.00 per case to be assessed by the sentencing judge in every adult criminal case filed in Adams County. These fees shall be collected by the Adams County Clerk of Courts, accounted separately and deposited to the Adams County Law Enforcement Fund under instructions from the Adams County Treasurer. The fund shall be administered by the majority vote of the current Adams County Treasurer, the current Adams County District Attorney and a nominated representative of the current Adams County Commissioners. The funds shall be expended for the enforcement of the laws of the Commonwealth of Pennsylvania which are criminal in nature and can be categorized as summary offenses, misdemeanors and felonies. It shall be used to augment existing programs or to purchase and fund new programs but shall not be used to supplant and replace pre-existing funding from other fees or tax revenues. This fund shall be accounted for annually along with other county funds.

BY THE COURT:

FILED
IN COURT
OCT 1 1987

P.J.

- 16-1-87
- 1- Deputy Clerk
- 1- Judge Auler
- 1- DA
- 1- PS
- 1- Judge Spitzer
- 1- Commissioner

DEPUTY CLERK OF COURTS

mc-47-87

IN THE COURT OF COMMON PLEAS OF ADAMS COUNTY, PENNSYLVANIA
CRIMINAL

In re: : MC-47-87
LAW ENFORCEMENT FUND :
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PETITION

AND NOW, this 21st day of September, 1987, comes Gary E. Hartman, Esq., District Attorney, Thomas L. Collins, Commissioner and George W. Stock, Treasurer, who respectfully represent:

- 1) From time to time, covert police operations in Adams County involving the Pennsylvania State Police or local municipal police require funds for the purchase of controlled substances and/or recently stolen property.
- 2) From time to time, money is needed by the aforementioned police departments to purchase unusual and specialized pieces of equipment and/or to offset unusual or unanticipated costs incurred by witnesses who are willing to cooperate and assist in various investigations and prosecutions.
- 3) All of the aforementioned costs are difficult to anticipate and troublesome to the budgets of the individual police departments.
- 4) The Pennsylvania Legislature adopted a forfeiture statute, reported at 35 P.S. 780-128 (f), which is intended to create a fund at the county level as well as a separate fund for the Attorney General.

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5) The Pennsylvania forfeiture statute requires that the District Attorney at the county level and the Attorney General at the state level, disperse funds derived from forfeitures solely and exclusively for the enforcement of the Controlled Substance, Drug, Device and Cosmetic Act.

6) Under this forfeiture statute, money will become available to the Adams County District Attorney only when one or more local police departments participate in the prosecution which leads to the forfeiture.

7) It is anticipated that because most drug forfeitures in Adams County will be relatively small and since most prosecutions in this area will be handled by the Pennsylvania State Police, the expected revenues by way of forfeiture are extremely modest.

8) Funds are needed to assist law enforcement operations in Adams County beyond the limitations and restrictions associated with the enforcement of one particular criminal statute.

WHEREFORE, the undersigned petition Your Honorable Court to enter an Order creating the Adams County Law Enforcement Fund, to be funded by accumulated fees at the initial rate of \$10.00 per case to be assessed by the sentencing judge in every adult criminal case filed in Adams County. These fees shall be collected by the Adams County Clerk of Courts, accounted separately and deposited to the Adams County Law Enforcement Fund under instructions from the Adams County Treasurer. The fund shall be administered by the majority vote of the current Adams County Treasurer, the current Adams County District Attorney and a nominated representative of the current Adams County Commissioners. It shall

be the intention of the petitioners that the funds be expended for the enforcement of the laws of the Commonwealth of Pennsylvania, which are criminal in nature and can be catagorized as summary offenses, misdemeanors and felonies. It shall be used to augment existing programs or to purchase and fund new programs but shall not be used to supplant and replace pre-existing funding from other fees or tax revenues. This fund shall be accounted for annually along with other county funds.

Respectfully submitted:

Gary E. Hartman, Esq.
District Attorney

Thomas L. Collins
Commissioner

George W. Stock
Treasurer