

## No. 499

## AN ACT

Amending the act of April twelve, one thousand nine hundred fifty-one (Pamphlet Laws 90), entitled "An act relating to alcoholic liquors, alcohol and malt and brewed beverages; amending, revising, consolidating and changing the laws relating thereto; regulating and restricting the manufacture, purchase, sale, possession, consumption, importation, transportation, furnishing, holding in bond, holding in storage, traffic in and use of alcoholic liquors, alcohol and malt and brewed beverages and the persons engaged or employed therein; defining the powers and duties of the Pennsylvania Liquor Control Board; providing for the establishment and operation of State liquor stores, for the payment of certain license fees to the respective municipalities and townships, for the abatement of certain nuisances and, in certain cases, for search and seizure without warrant; prescribing penalties and forfeitures, providing for local option, and repealing existing laws," providing for the exercise of discretion in the forfeiture and condemnation of property illegally possessed or used.

## Liquor Code.

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

Section 601,  
subsection (e)  
section 602, and  
section 603, act  
of April 12, 1951,  
P. L. 90,  
amended.

Section 1. Section six hundred one, subsection (e) of section six hundred two and section six hundred three, act of April twelve, one thousand nine hundred fifty-one (Pamphlet Laws 90), known as the "Liquor Code," are amended to read:

Section 601. Forfeiture of Property Illegally Possessed or Used.—No property rights shall exist in any liquor, alcohol or malt or brewed beverage illegally manufactured or possessed, or in any still, equipment, material, utensil, vehicle, boat, vessel, animals or aircraft used in the illegal manufacture or illegal transportation of liquor, alcohol or malt or brewed beverages, and the same shall be deemed contraband and [shall be forfeited to the Commonwealth] *proceedings for its forfeiture to the Commonwealth may, at the discretion of the board, be instituted in the manner hereinafter provided.* No such property when in the custody of the law shall be seized or taken therefrom on any writ of replevin or like process.

Section 602. Forfeiture Proceedings.— \* \* \*

(e) At the time of said hearing, if the Commonwealth shall produce evidence that the property in question was unlawfully possessed or used, the burden shall be upon the claimant to show (1) that he is the owner of said property, (2) that he lawfully acquired the same, and (3) that it was not unlawfully used or possessed.

In the event such claimant shall prove by competent evidence to the satisfaction of the court that said liquor, alcohol or malt or brewed beverage, or still, equipment,

material, utensil, vehicle, boat, vessel, container, animal or aircraft was lawfully acquired, possessed and used, then the court may order the same returned or delivered to the claimant; but if it appears that [the property] *said liquor, alcohol or malt or brewed beverage or still, equipment, material or utensil* was unlawfully possessed or used, the court shall order [it] *the same* destroyed, delivered to a hospital, or turned over to the board, as hereinafter provided, *or if it appears that said vehicle, boat, vessel, container, animal or aircraft was unlawfully possessed or used, the court may, in its discretion, adjudge same forfeited and condemned as hereinafter provided.*

Section 603. Disposition of Forfeited Property.—If, upon petition as hereinbefore provided and hearing before the court of quarter sessions, it appears that any liquor, alcohol, or malt or brewed beverage *or still, equipment, material or utensil* was so illegally possessed, or [property] *used, such liquor, alcohol or malt or brewed beverage or still, equipment, \*material or utensil shall be adjudged forfeited and condemned, or if it appears that any vehicle, boat, vessel, container, animal or aircraft was so used in the illegal manufacture or transportation of liquor, alcohol \*\*or malt or brewed \*\*\*beverage, such [liquor, alcohol, malt or brewed beverage or] property [shall] may, in the discretion of the court, be adjudged forfeited and condemned and in such case shall be disposed of as follows:*

(a) Upon conviction of any person of a violation of any of the provisions of this act, the court shall order the sheriff to destroy all [such] condemned liquor, alcohol or malt or brewed beverage and property seized or obtained from such defendants, except that the court may order the liquor, alcohol or malt or brewed beverages, or any part thereof, to be delivered to a hospital for its use, and make return to the court of compliance with said order, and any vehicle, container, boat, vessel, animals or aircraft seized under the provisions of this act shall be disposed of as hereinafter provided.

(b) In any case in which the defendant is acquitted of a violation of this act and denies the ownership or possession thereof, or no claimant appears for same, or appearing, is unable to sustain claim thereof, the court shall order all [such] condemned liquor, alcohol and malt or brewed beverages and property (except vehicles, boats, vessels, containers, animals and aircraft) publicly destroyed by the sheriff, except that the court may order

\* "materials" in original.

\*\* "or," omitted in original.

\*\*\* "beverages" in original.

the liquor, alcohol or malt or brewed beverages, or any part thereof, to be delivered to a hospital for its use. Return of compliance with said order shall be made by the sheriff to the court.

(c) In the case of any vehicle, boat, vessel, container, animal or aircraft seized under the provisions of this act and condemned, the court shall order the same to be delivered to the board for its use or for sale or disposition by the board, in its discretion. Notice of such sale shall be given in such manner as the board may prescribe. The proceeds of such sale shall be paid into the State Stores Fund.

APPROVED—The 20th day of April, A. D. 1956.

GEORGE M. LEADER

No. 500

AN ACT

Providing for the prevention and control of communicable and non-communicable diseases including venereal diseases, fixing responsibility for disease prevention and control, requiring reports of diseases, authorizing financial assistance to typhoid fever carriers and authorizing treatment of venereal diseases, and providing for premarital and prenatal blood tests; amending, revising and consolidating the laws relating thereto; and repealing certain acts.

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

Section 1. Short Title.—

This act shall be known and may be cited as the "Disease Prevention and Control Law of 1955."

Section 2. Definitions.—

The following terms, whenever used in this act, have the meanings indicated in this section, except where the context indicates a clearly different meaning:

(a) Board. The State Advisory Health Board.

(b) Carrier. A person who, without any apparent symptoms of a communicable disease, harbors a specific infectious agent and may serve as a source of infection.

(c) Communicable Disease. An illness due to an infectious agent or its toxic products which is transmitted, directly or indirectly, to a well person from an infected person, animal or \*arthropod, or through the agency of an intermediate host, vector of the inanimate environment.

(d) Department. The State Department of Health.

\* "arthropod" in original.