
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1169 Session of
2010

INTRODUCED BY WAUGH, BOSCOLA, BROWNE, ERICKSON, ORIE, RAFFERTY,
TARTAGLIONE, FERLO AND BRUBAKER, DECEMBER 18, 2009

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
SEPTEMBER 14, 2010

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 COSTS, FOR COMMONWEALTH PORTION OF FINES, ETC., FOR PLACE OF ←
4 DETENTION, FOR sentencing generally and for collection of
5 restitution, reparation, fees, costs, fines and penalties.

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

8 ~~Section 1. Section 9721 of Title 42 of the Pennsylvania ←~~
9 ~~Consolidated Statutes is amended by adding a subsection to read:~~

10 SECTION 1. SECTIONS 1725.1(F) (1) AND 3571(C) (4) OF TITLE 42 ←
11 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE REENACTED AND
12 AMENDED TO READ:

13 § 1725.1. COSTS.

14 * * *

15 (F) ANNUAL INCREASE IN COSTS.--

16 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), BEGINNING ON
17 JANUARY 1, 1994, AND EACH JANUARY 1 THEREAFTER, THE COSTS
18 UNDER SUBSECTIONS (A), (B) AND (C) SHALL BE INCREASED BY THE

1 PERCENTAGE OF INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN
2 WORKERS FOR THE IMMEDIATE PRECEDING CALENDAR YEAR WHICH SHALL
3 BE PUBLISHED IN THE PENNSYLVANIA BULLETIN ANNUALLY BY THE
4 SUPREME COURT ON OR BEFORE THE PRECEDING NOVEMBER 30. THIS
5 SUBSECTION SHALL EXPIRE JANUARY 1, [2010] 2025.

6 * * *

7 § 3571. COMMONWEALTH PORTION OF FINES, ETC.

8 * * *

9 (C) COSTS IN MAGISTERIAL DISTRICT JUDGE PROCEEDINGS.--

10 * * *

11 (4) EXCEPT AS PROVIDED IN PARAGRAPH (5), BEGINNING ON
12 JANUARY 1, 1994, AND EACH JANUARY 1 THEREAFTER, THE COSTS
13 UNDER PARAGRAPH (2) SHALL BE INCREASED BY THE PERCENTAGE OF
14 INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN WORKERS FOR
15 THE IMMEDIATE PRECEDING CALENDAR YEAR WHICH SHALL BE
16 PUBLISHED IN THE PENNSYLVANIA BULLETIN ANNUALLY BY THE
17 SUPREME COURT ON OR BEFORE THE PRECEDING NOVEMBER 30. THIS
18 PARAGRAPH SHALL EXPIRE JANUARY 1, [2010] 2025.

19 * * *

20 ~~SECTION 2. SECTION 9721 OF TITLE 42 IS AMENDED BY ADDING A~~ ←
21 ~~SUBSECTION TO READ:~~

22 SECTION 2. SECTIONS 6327 AND 9721 OF TITLE 42 ARE AMENDED BY ←
23 ADDING SUBSECTIONS TO READ:

24 § 6327. PLACE OF DETENTION.

25 * * *

26 (C.1) DETENTION OF CHILD.--

27 (1) A CHILD WHO IS SUBJECT TO CRIMINAL PROCEEDINGS
28 HAVING BEEN CHARGED WITH AN ACT SET FORTH UNDER PARAGRAPH
29 (2) (I), (II) OR (III) OF THE DEFINITION OF "DELINQUENT ACT"
30 IN SECTION 6302 (RELATING TO DEFINITIONS), WHO HAS NOT BEEN

1 RELEASED ON BAIL AND WHO MAY SEEK OR IS SEEKING TRANSFER TO
2 JUVENILE PROCEEDINGS UNDER SECTION 6322 (RELATING TO TRANSFER
3 FROM CRIMINAL PROCEEDINGS) MAY BE DETAINED IN A SECURE
4 DETENTION FACILITY APPROVED BY THE DEPARTMENT OF PUBLIC
5 WELFARE FOR THE DETENTION OF ALLEGED AND ADJUDICATED
6 DELINQUENT CHILDREN IF THE ATTORNEY FOR THE COMMONWEALTH HAS
7 CONSENTED TO AND THE COURT HAS ORDERED THE DETENTION.

8 (2) SECURE DETENTION ORDERED UNDER THIS SUBSECTION SHALL
9 NOT AFFECT A CHILD'S ELIGIBILITY FOR OR ABILITY TO POST BAIL.

10 (3) FOR A CHILD HELD IN SECURE DETENTION UNDER THIS
11 SUBSECTION, THE COURT SHALL ORDER THE IMMEDIATE TRANSFER OF
12 THE CHILD TO THE COUNTY JAIL IF ANY OF THE FOLLOWING APPLY:

13 (I) THE COURT DETERMINES THAT THE CHILD IS NO LONGER
14 SEEKING TRANSFER UNDER SECTION 6322.

15 (II) THE COURT DENIES THE MOTION FILED UNDER SECTION
16 6322.

17 (III) THE CHILD ATTAINS 18 YEARS OF AGE. THIS
18 SUBPARAGRAPH DOES NOT APPLY IF:

19 (A) THE COURT HAS GRANTED THE MOTION FILED UNDER
20 SECTION 6322; OR

21 (B) THE CHILD IS OTHERWISE UNDER ORDER OF
22 COMMITMENT TO THE SECURE DETENTION FACILITY PURSUANT
23 TO THE JURISDICTION OF THE COURT IN A DELINQUENCY
24 MATTER.

25 * * *

26 § 9721. Sentencing generally.

27 * * *

28 (c.1) Mandatory payment of costs.--Notwithstanding the
29 provisions of section 9728 (relating to collection of
30 restitution, reparation, fees, costs, fines and penalties) or

1 any provision of law to the contrary, in addition to the
2 alternatives set forth in subsection (a), the court shall order
3 the defendant to pay costs. In the event the court fails to
4 issue an order for costs pursuant to section 9728, costs shall
5 be imposed upon the defendant under this section. No court order
6 shall be necessary for the defendant to incur liability for
7 costs under this section. THE PROVISIONS OF THIS SUBSECTION DO ←
8 NOT ALTER THE COURT'S DISCRETION UNDER PA.R.CRIM.P. NO. 706(C)
9 (RELATING TO FINES OR COSTS).

10 * * *

11 Section ~~2~~ 3. Section 9728(b)(3) and (5) of Title 42 are ←
12 amended and the section is amended by adding a subsection to
13 read:

14 § 9728. Collection of restitution, reparation, fees, costs,
15 fines and penalties.

16 * * *

17 (b) Procedure.--

18 * * *

19 (3) The county clerk of courts shall, upon sentencing,
20 pretrial disposition or other order, transmit to the
21 Department of Probation of the respective county or other
22 agent designated by the county commissioners of the county
23 with the approval of the president judge of the county and to
24 the county correctional facility to which the offender has
25 been sentenced or to the Department of Corrections, whichever
26 is appropriate, copies of all orders for restitution and
27 amendments or alterations thereto, reparation, fees, costs,
28 fines and penalties. This paragraph also applies in the case
29 of costs imposed under section 9721(c.1) (relating to
30 sentencing generally).

1 * * *

2 (5) The county correctional facility to which the
3 offender has been sentenced or the Department of Corrections
4 shall be authorized to make monetary deductions from inmate
5 personal accounts for the purpose of collecting restitution
6 or any other court-ordered obligation or costs imposed under
7 section 9721(c.1). Any amount deducted shall be transmitted
8 by the Department of Corrections or the county correctional
9 facility to the probation department of the county or other
10 agent designated by the county commissioners of the county
11 with the approval of the president judge of the county in
12 which the offender was convicted. The Department of
13 Corrections shall develop guidelines relating to its
14 responsibilities under this paragraph.

15 * * *

16 (b.2) Mandatory payment of costs.--Notwithstanding any
17 provision of law to the contrary, in the event the court fails
18 to issue an order under subsection (a) imposing costs upon the
19 defendant, the defendant shall nevertheless be liable for costs,
20 as provided in section 9721(c.1), UNLESS THE COURT DETERMINES ←
21 OTHERWISE PURSUANT TO PA.R.CRIM.P. NO. 706(C) (RELATING TO FINES
22 OR COSTS). The absence of a court order shall not affect the
23 applicability of the provisions of this section.

24 * * *

25 ~~Section 3 4. This act shall apply to costs imposed on or~~ ←
26 ~~after the effective date of this act SECTION.~~ ←

27 ~~Section 4 5. This act shall take effect in 60 days.~~ ←

28 SECTION 4. THIS ACT SHALL APPLY AS FOLLOWS: ←

29 (1) THE REENACTMENT, AMENDMENT AND ADDITION OF 42
30 PA.C.S. §§ 1725.1(F) (1), 3571(C) (4), 9721(C.1) AND 9728(B) (3)

1 AND (5) AND (B.2) SHALL APPLY TO COSTS IMPOSED ON OR AFTER
2 THE EFFECTIVE DATE OF THIS PARAGRAPH.

3 (2) THE ADDITION OF 42 PA.C.S. § 6327(C.1) SHALL APPLY
4 TO A CRIMINAL PROCEEDING COMMENCED ON OR AFTER THE EFFECTIVE
5 DATE OF THIS PARAGRAPH.

6 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

7 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
8 IMMEDIATELY:

9 (I) THE ADDITION OF 42 PA.C.S. § 6327(C.1).

10 (II) SECTION 4(2) OF THIS ACT.

11 (III) THIS SECTION.

12 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
13 DAYS.