

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1167 Session of
1989

INTRODUCED BY BELFANTI, CALTAGIRONE, DeWEESE, KOSINSKI,
PISTELLA, SCHEETZ, COLAFELLA, VROON, MORRIS, KUKOVICH,
FREEMAN, McVERRY, COY, NOYE, TIGUE, TANGRETTI, DISTLER,
TRELLO, HOWLETT, MRKONIC, JAMES, SAURMAN, NAHILL, PERZEL,
MOEHLMANN, FOX, GODSHALL, GLADECK, HARPER, G. SNYDER,
HAGARTY, MERRY, BATTISTO, BIRMELIN, DeLUCA, GANNON, VEON,
COLAIZZO, STABACK, PETRARCA, HECKLER, ARGALL, JOHNSON,
RAYMOND, LEE, BORTNER, RYBAK, FLICK, CORRIGAN, E. Z. TAYLOR,
COWELL, MICHLOVIC, LESCOVITZ, S. H. SMITH, VAN HORNE, RITTER,
KASUNIC, SERAFINI, MELIO, BELARDI, ALLEN, HALUSKA, MAIALE,
ANGSTADT, MICOZZIE, LEVDANSKY, B. SMITH, PRESTON, DALEY AND
CORNELL, APRIL 12, 1989

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 12, 1989

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, authorizing the freezing
3 of assets of defendants in certain cases.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 9303. Asset preservation upon verdict or plea entry.

9 (a) Preliminary order for costs.--At the time a verdict or
10 plea of guilty for an offense which constitutes a felony is
11 recorded and upon motion of the district attorney, the court may
12 issue an order which freezes the individual assets of the
13 defendant against whom the verdict was rendered or who entered

1 the plea, pending a hearing to be held within 30 days of the
2 date of the verdict or the plea. At such hearing, the court
3 shall determine costs incurred to date and issue an order
4 staying the defendant's disposition of those assets necessary to
5 satisfy costs. Further, the court shall determine whether to
6 extend until sentence is imposed the interim order which stayed
7 disposition of defendant's assets for the 30-day period.

8 (b) Costs determination at sentencing.--At the time sentence
9 is imposed, the court shall determine whether the order entered
10 under subsection (a) shall be extended or amended or whether the
11 court shall issue an order directing the district attorney, or
12 his designee, through the civil process, to execute on the
13 assets of defendant for the purpose of satisfying any
14 restitution due the victim, costs or fines imposed.

15 (c) Exempt assets.--Any order issued under subsection (a) or
16 (b) shall exempt the following from the order:

17 (1) The exemptions from execution specified in
18 Subchapter B of Chapter 81 (relating to exemptions from
19 execution).

20 (2) Those assets necessary for the support and
21 maintenance of the dependents of the defendant.

22 (3) Those funds necessary to pursue an appeal.

23 Section 2. This act shall take effect immediately.