

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 44

Session of
1991

INTRODUCED BY LLOYD, E. Z. TAYLOR, MERRY, STABACK, VAN HORNE,
TRELLO, DALEY, BILLOW, GIGLIOTTI, WOGAN, HECKLER, HALUSKA,
PISTELLA, FARGO, G. SNYDER, SAURMAN, D. R. WRIGHT, CARLSON,
COWELL, BUSH, COY, PESCI, FAJT AND TIGUE, JANUARY 15, 1991

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 15, 1991

AN ACT

1 Amending the act of December 2, 1968 (P.L.1144, No.358),
2 entitled "An act to provide for the office of public
3 defender, authorizing assistants and other personnel, and to
4 provide adequate representation for persons who have been
5 charged with an indictable offense or with being a juvenile
6 delinquent, who for lack of sufficient funds are unable to
7 obtain legal counsel," providing for recovery of public
8 defender costs.

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

11 Section 1. The act of December 2, 1968 (P.L.1144, No.358),
12 known as the Public Defender Act, is amended by adding a section
13 to read:

14 Section 10.2. Recovery of Costs.--(a) In any case resulting
15 in a conviction, a plea of nolo contendere, or an acquittal by
16 reason of insanity, the public defender may, within 30 days of
17 completion of his duties pursuant to section 6, submit an
18 affidavit to the clerk of courts containing an accurate
19 statement of all reasonable expenses incurred by the public
20 defender for the investigation, preparation and presentation of

the case, including, but not limited to:

(1) compensation for the public defender and other employees of his office in accordance with section 5;

(2) travel expenses;

(3) telephone expenses;

(4) expenses for photocopying or other reproduction of documents;

(5) expert witness fees;

(6) service of process; and

(7) clerical supplies.

Every affidavit submitted shall be supported by appropriate receipts and vouchers.

(b) In any case where an attorney has been appointed by the court of common pleas pursuant to section 7, which results in a conviction, a plea of nolo contendere or an acquittal by reason of insanity, the attorney so appointed shall, within 30 days of completion of his duties, submit an affidavit to the clerk of courts containing an accurate statement of the total of the compensation and reimbursement fixed by the judge.

(c) The clerk of courts, upon receipt of an affidavit pursuant to subsection (a) or (b), shall collect the expenses as taxable court costs in accordance with 42 Pa.C.S. § 1726 (relating to establishment of taxable costs). The collection of expenses for attorney fees under this section shall not be limited by 42 Pa.C.S. § 1726. This provision shall not affect the payment of compensation and expenses by the county to an attorney appointed pursuant to section 7.

(d) The public defender, with the approval of the county commissioners, shall determine those cases or those types or classes of cases, if any, in which to file an affidavit pursuant

1 to subsection (a). Costs recovered under this section shall be
2 forwarded to the county for which the public defender or
3 appointed attorney was serving at the time of the case.

4 (e) Any person against whom costs are taxed because of this
5 section may except to those costs in the same way he may except
6 to other taxable costs under 42 Pa.C.S. § 1726.

7 (f) The court of common pleas may, by local rule, establish
8 procedures for the implementation of the provisions of this
9 section.

10 Section 2. This act shall take effect in 60 days.