

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 974 Session of
1995

INTRODUCED BY DALEY, COLAIZZO, HANNA, ROBINSON AND TRICH,
MARCH 6, 1995

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, NOVEMBER 25, 1996

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, FURTHER REGULATING
3 LIQUIDATED DAMAGES; empowering the Governor to authorize the
4 transfer of certain convicted offenders pursuant to
5 outstanding treaties; providing for Accelerated
6 Rehabilitative Disposition; and making a repeal. <—

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

9 ~~Section 1. Chapter 91 of Title 42 of the Pennsylvania~~ <—
10 ~~Consolidated Statutes is amended by adding a subchapter to read:~~

11 ~~CHAPTER 91~~

12 ~~DETAINEES AND EXTRADITION~~

13 ~~* * *~~

14 SECTION 1. SECTION 8104(B) OF TITLE 42 OF THE PENNSYLVANIA <—
15 CONSOLIDATED STATUTES IS AMENDED TO READ:

16 § 8104. DUTY OF JUDGMENT CREDITOR TO ENTER SATISFACTION.

17 * * *

18 (B) LIQUIDATED DAMAGES.--A JUDGMENT CREDITOR WHO SHALL
19 [FAIL] WILLFULLY OR UNREASONABLY FAIL WITHOUT GOOD CAUSE OR

1 REFUSE FOR MORE THAN [30] 90 DAYS AFTER WRITTEN NOTICE IN THE
2 MANNER PRESCRIBED BY GENERAL RULES TO COMPLY WITH A REQUEST
3 PURSUANT TO SUBSECTION (A) SHALL PAY TO THE JUDGMENT DEBTOR AS
4 LIQUIDATED DAMAGES 1% OF THE ORIGINAL AMOUNT OF THE JUDGMENT FOR
5 EACH [DAY] MONTH OF DELINQUENCY BEYOND SUCH [30] 90 DAYS, BUT
6 NOT LESS THAN \$250 NOR MORE THAN [50% OF THE ORIGINAL AMOUNT OF
7 THE JUDGMENT] \$2,500. SUCH LIQUIDATED DAMAGES SHALL BE
8 RECOVERABLE PURSUANT TO GENERAL RULES, BY SUPPLEMENTARY
9 PROCEEDINGS IN THE MATTER IN WHICH THE JUDGMENT WAS ENTERED.

10 SECTION 2. CHAPTER 91 OF TITLE 42 IS AMENDED BY ADDING A
11 SUBCHAPTER TO READ:

12 SUBCHAPTER D

13 EXCHANGE OF OFFENDERS UNDER TREATY

14 Sec.

15 9171. Exchange of offenders under treaty.

16 § 9171. Exchange of offenders under treaty.

17 Whenever a treaty is in force providing for the transfer of
18 convicted offenders between the United States and a foreign
19 country, the Governor or his designee, upon application of the
20 Secretary of Corrections, is authorized to give the approval of
21 the Commonwealth to transfer as provided in the treaty.

22 Section ~~2~~ 3. Title 42 is amended by adding a section to
23 read:

24 § 9303. Accelerated Rehabilitative Disposition.

25 An individual who is subject to section 9793 (relating to
26 registration of certain offenders for ten years) is not eligible
27 for Accelerated Rehabilitative Disposition.

28 Section ~~3~~ 4. Section 306(c) of the act of May 28, 1995 (1st
29 Sp.Sess., P.L.1009, No.14), known as the DNA Detection of Sexual
30 and Violent Offenders Act, is repealed insofar as it is

1 inconsistent with this act.

2 Section ~~4~~ 5. The addition of 42 Pa.C.S. § 9303 and the <—
3 repeal of section 306(c) of the act of May 28, 1995 (1st
4 Sp.Sess., P.L.1009, No.14), known as the DNA Detection of Sexual
5 and Violent Offenders Act, shall apply to prosecutions commenced
6 on or after the effective date of this act.

7 SECTION 6. THE AMENDMENT OF 42 PA.C.S. § 8104 SHALL BE <—
8 RETROACTIVE TO JANUARY 1, 1995.

9 Section ~~5~~ 7. This act shall take effect immediately. <—