

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1806 Session of  
2001

INTRODUCED BY HENNESSEY, BENNINGHOFF, CALTAGIRONE, CAPPELLI,  
CLARK, COLEMAN, CREIGHTON, DALEY, GABIG, GEIST, GODSHALL,  
HALUSKA, HERSHEY, HESS, HORSEY, JADLOWIEC, JOSEPHS, KELLER,  
LEDERER, LEH, McCALL, McILHATTAN, R. MILLER, NICKOL, PALLONE,  
PHILLIPS, PIPPY, ROHRER, RUBLEY, SAINATO, SATHER, SAYLOR,  
SCHRODER, SOLOBAY, STABACK, STEELMAN, R. STEVENSON, SURRA,  
E. Z. TAYLOR, WATERS, WILT, YOUNGBLOOD, ZIMMERMAN AND  
METCALFE, JUNE 19, 2001

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, DECEMBER 12, 2001

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, FOR qualifications <—  
4 of jurors AND FOR FILLING OF CERTAIN NEW JUDGESHIPS. <—

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

7 ~~Section 1. Section 4502 of Title 42 of the Pennsylvania~~ <—  
8 ~~Consolidated Statutes is amended to read:~~

9 SECTION 1. SECTIONS 1725.1, ~~3571(C) AND 4502~~ AND 3571(C) OF <—  
10 TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE REENACTED <—  
11 AND AMENDED TO READ:

12 § 1725.1. COSTS.

13 (A) CIVIL CASES.--SUBJECT TO SUBSECTION (F), THE COSTS TO BE  
14 CHARGED BY DISTRICT JUSTICES IN EVERY CIVIL CASE, EXCEPT AS  
15 OTHERWISE PROVIDED IN THIS SECTION, SHALL BE AS FOLLOWS:

1	(1) ACTIONS INVOLVING \$500 OR	
2	LESS.....	\$30.00
3	(2) ACTIONS INVOLVING MORE THAN	
4	\$500 BUT NOT MORE THAN \$2,000.....	\$40.00
5	(3) ACTIONS INVOLVING MORE THAN	
6	\$2,000 BUT NOT MORE THAN \$4,000.....	\$50.00
7	(4) ACTIONS INVOLVING MORE THAN	
8	\$4,000 BUT NOT MORE THAN \$8,000.....	\$75.00
9	(5) LANDLORD-TENANT ACTIONS INVOLVING	
10	LESS THAN \$2,000.....	\$45.00
11	(6) LANDLORD-TENANT ACTIONS INVOLVING MORE	
12	THAN \$2,000 BUT NOT MORE THAN \$4,000.....	\$55.00
13	(7) LANDLORD-TENANT ACTIONS INVOLVING MORE	
14	THAN \$4,000 BUT NOT MORE THAN \$8,000.....	\$75.00
15	(8) ORDER OF EXECUTION.....	\$22.50
16	(9) OBJECTION TO LEVY.....	\$10.00
17	(10) REINSTATEMENT OF COMPLAINT.....	\$ 5.00

18 SUCH COSTS SHALL INCLUDE ALL CHARGES EXCEPT THE COSTS OF A  
19 DISTRICT JUSTICE'S TRANSCRIPT OF EVERY PROCEEDING ON APPEAL OR  
20 CERTIORARI (INCLUDING AFFIDAVIT AND CERTIFICATE) WHICH SHALL BE  
21 \$2.50 PER TRANSCRIPT. SAID COSTS SHALL NOT INCLUDE, HOWEVER, THE  
22 COST OF POSTAGE AND REGISTERED MAIL WHICH SHALL BE BORNE BY THE  
23 PLAINTIFF.

24 (A.1) CUSTODY CASES.--EXCEPT AS PROVIDED IN SECTION  
25 1725(C)(2)(V) (RELATING TO ESTABLISHMENT OF FEES AND CHARGES)  
26 AND SUBJECT TO SUBSECTION (F), IN A CUSTODY CASE, THE COURT OF  
27 COMMON PLEAS SHALL, IN ADDITION TO THE COST PROVIDED BY GENERAL  
28 RULE, ASSESS A COST OF \$5.00. EIGHTY PERCENT OF THE FUNDS  
29 GENERATED BY THE CHARGE UNDER THIS SUBSECTION SHALL BE  
30 TRANSMITTED BY THE PROTHONOTARY TO THE ADMINISTRATIVE OFFICE TO

1 PAY FOR THE IMPLEMENTATION OF SECTION 1904 (RELATING TO  
2 AVAILABILITY OF CRIMINAL CHARGE INFORMATION IN CHILD CUSTODY  
3 PROCEEDINGS).

4 (B) CRIMINAL CASES.--SUBJECT TO SUBSECTION (F), THE COSTS TO  
5 BE CHARGED BY THE MINOR JUDICIARY OR BY THE COURT OF COMMON  
6 PLEAS WHERE APPROPRIATE IN EVERY CRIMINAL CASE, EXCEPT AS  
7 OTHERWISE PROVIDED IN THIS SECTION, SHALL BE AS FOLLOWS:

8 (1) SUMMARY CONVICTION, EXCEPT MOTOR VEHICLE  
9 CASES..... \$28.50

10 (2) SUMMARY CONVICTION, MOTOR VEHICLES CASES,  
11 OTHER THAN PARAGRAPH (3)..... \$22.50

12 (3) SUMMARY CONVICTION, MOTOR VEHICLE CASES,  
13 HEARING DEMANDED..... \$27.50

14 (4) MISDEMEANOR..... \$32.50

15 (5) FELONY..... \$37.50

16 SUCH COSTS SHALL INCLUDE ALL CHARGES INCLUDING THE COSTS OF  
17 GIVING A DISTRICT JUSTICE'S TRANSCRIPT TO THE PROSECUTOR OR  
18 DEFENDANT, OR BOTH, IF REQUESTED. SUCH COSTS SHALL NOT INCLUDE,  
19 HOWEVER, THE COST OF POSTAGE AND REGISTERED MAIL WHICH SHALL BE  
20 PAID BY THE DEFENDANT UPON CONVICTION.

21 (C) UNCLASSIFIED COSTS OR CHARGES.--SUBJECT TO SUBSECTION  
22 (F), THE COSTS TO BE CHARGED BY THE MINOR JUDICIARY IN THE  
23 FOLLOWING INSTANCES NOT READILY CLASSIFIABLE SHALL BE AS  
24 FOLLOWS:

25 (1) ENTERING TRANSCRIPT OF JUDGMENT FROM ANOTHER  
26 MEMBER OF THE MINOR JUDICIARY..... \$ 5.00

27 (2) MARRYING EACH COUPLE, MAKING RECORD THEREOF,  
28 AND CERTIFICATE TO THE PARTIES..... \$25.00

29 (3) GRANTING EMERGENCY RELIEF PURSUANT TO 23 PA.C.S.  
30 CH. 61 (RELATING TO PROTECTION FROM ABUSE)..... \$10.00

1           (4) ISSUING A SEARCH WARRANT (EXCEPT AS PROVIDED  
2       IN SUBSECTION (D))..... \$10.00

3           (5) ANY OTHER ISSUANCE NOT OTHERWISE PROVIDED FOR  
4       IN THIS SUBSECTION..... \$10.00

5       (D) SEARCH WARRANTS.--IN EVERY CASE WHERE A SEARCH WARRANT  
6       IS REQUESTED BY A POLICE OFFICER, CONSTABLE OR OTHER PEACE  
7       OFFICER ENGAGED AS SUCH IN THE EMPLOY OR SERVICE OF THE  
8       COMMONWEALTH OR ANY OF ITS POLITICAL SUBDIVISIONS, NO COST OR  
9       CHARGE SHALL BE ASSESSED AGAINST SUCH OFFICER, THE COMMONWEALTH  
10      OR POLITICAL SUBDIVISION FOR THE ISSUANCE OF SUCH SEARCH  
11      WARRANT.

12      (E) FISH AND BOATING OFFENSES.--

13           (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), ANY PERSON  
14      CONVICTED OF A SUMMARY OFFENSE UNDER TITLE 30 (RELATING TO  
15      FISH) SHALL, IN ADDITION TO THE FINE IMPOSED, BE SENTENCED TO  
16      PAY \$10 AS COSTS OF THE ISSUING AUTHORITY WHICH COSTS SHALL  
17      INCLUDE ALL CHARGES INCLUDING, WHEN CALLED FOR, THE COSTS OF  
18      POSTAGE AND REGISTERED OR CERTIFIED MAIL AND THE COSTS OF  
19      GIVING A TRANSCRIPT TO THE PROSECUTOR OR DEFENDANT, OR BOTH,  
20      IF REQUESTED.

21           (2) WHERE THE PERSON CHARGED WITH A SUMMARY OFFENSE  
22      UNDER TITLE 30 DEMANDS A HEARING, THE COSTS OF THE ISSUING  
23      AUTHORITY SHALL BE \$15, WHICH COSTS SHALL INCLUDE ALL CHARGES  
24      INCLUDING THE CHARGES SPECIFIED IN PARAGRAPH (1).

25      ~~(F) ANNUAL INCREASE IN COSTS. BEGINNING ON JANUARY 1, 1994,~~ <—

26      (F) ANNUAL INCREASE IN COSTS.--[BEGINNING] <—

27           (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), BEGINNING ON  
28      JANUARY 1, 1994, AND EACH JANUARY 1 THEREAFTER, THE COSTS  
29      UNDER SUBSECTIONS (A), (B) AND (C) SHALL BE INCREASED BY THE  
30      PERCENTAGE OF INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN

1 WORKERS FOR THE IMMEDIATE PRECEDING CALENDAR YEAR WHICH SHALL  
2 BE PUBLISHED IN THE PENNSYLVANIA BULLETIN ANNUALLY BY THE  
3 SUPREME COURT ON OR BEFORE THE PRECEDING NOVEMBER 30. THIS  
4 SUBSECTION SHALL EXPIRE JANUARY 1, [2001] 2010.

5 (2) FOR THE COST INCREASE TO BE EFFECTIVE FOR CALENDAR <—  
6 YEAR 2002 ONLY, THE COSTS UNDER SUBSECTIONS (A), (B) AND (C)  
7 SHALL BE INCREASED BY THE PERCENTAGE OF INCREASE IN THE  
8 CONSUMER PRICE INDEX FOR URBAN WORKERS FOR CALENDAR YEAR 2000  
9 WHICH SHALL BE PUBLISHED BY THE SUPREME COURT IN THE  
10 PENNSYLVANIA BULLETIN AS SOON AS POSSIBLE AFTER ENACTMENT.  
11 THE INCREASE FOR CALENDAR YEAR 2002 ONLY SHALL BE EFFECTIVE  
12 ONE MONTH AFTER PUBLICATION IN THE PENNSYLVANIA BULLETIN.

13 § 3571. COMMONWEALTH PORTION OF FINES, ETC.

14 \* \* \*

15 (C) COSTS IN DISTRICT JUSTICE PROCEEDINGS.--

16 (1) COSTS COLLECTED BY A DISTRICT JUSTICE SHALL BE  
17 TRANSMITTED MONTHLY TO THE COMMONWEALTH IN AMOUNTS AS  
18 PRESCRIBED IN SUBSECTION (B) AND THE BALANCE SHALL BE  
19 TRANSMITTED MONTHLY TO THE COUNTY IN WHICH THE MAGISTERIAL  
20 DISTRICT IS LOCATED. COSTS TRANSMITTED TO THE COMMONWEALTH  
21 SHALL BE CREDITED TO THE GENERAL FUND. COSTS TRANSMITTED TO  
22 THE COUNTY SHALL BE RETAINED BY THE COUNTY FOR ITS USE.

23 (2) AMOUNTS PAYABLE TO THE COMMONWEALTH:

24 (I) SUMMARY CONVICTION, EXCEPT MOTOR VEHICLE  
25 CASES..... \$10.00  
26 (II) SUMMARY CONVICTION, MOTOR VEHICLE CASES OTHER  
27 THAN SUBPARAGRAPH (III)..... \$10.00  
28 (III) SUMMARY CONVICTION, MOTOR VEHICLE CASES,  
29 HEARING DEMANDED..... \$10.00  
30 (IV) MISDEMEANOR..... \$13.00

1 (V) FELONY..... \$20.00

2 (VI) ASSUMPSIT OR TRESPASS INVOLVING:

3 (A) \$500 OR LESS..... \$12.50

4 (B) MORE THAN \$500 BUT NOT MORE THAN

5 \$2,000..... \$20.00

6 (C) MORE THAN \$2,000 BUT NOT MORE

7 THAN \$4,000..... \$30.00

8 (D) MORE THAN \$4,000 BUT NOT MORE

9 THAN \$8,000..... \$50.00

10 (VII) LANDLORD-TENANT PROCEEDING INVOLVING:

11 (A) \$2,000 OR LESS..... \$20.00

12 (B) MORE THAN \$2,000 BUT NOT MORE THAN

13 \$4,000..... \$25.00

14 (C) MORE THAN \$4,000 BUT NOT MORE THAN

15 \$8,000..... \$35.00

16 (VIII) OBJECTION TO LEVY..... \$ 5.00

17 (IX) ORDER OF EXECUTION..... \$15.00

18 (X) ISSUING A SEARCH WARRANT (EXCEPT AS PROVIDED

19 IN SECTION 1725.1(D) (RELATING TO COSTS))..... \$ 7.00

20 (XI) ORDER OF POSSESSION..... \$15.00

21 (3) IN ALL CASES WHERE COSTS ARE BORNE BY THE COUNTY

22 PURSUANT TO SECTION 1725.2 (RELATING TO ASSUMPTION OF SUMMARY

23 CONVICTION COSTS BY COUNTY), NO SHARE OF SUCH COSTS SHALL BE

24 PAYABLE TO THE COMMONWEALTH.

25 (4) 【BEGINNING】 EXCEPT AS PROVIDED IN PARAGRAPH (5), <—

26 BEGINNING ON JANUARY 1, 1994, AND EACH JANUARY 1 THEREAFTER,

27 THE COSTS UNDER PARAGRAPH (2) SHALL BE INCREASED BY THE

28 PERCENTAGE OF INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN

29 WORKERS FOR THE IMMEDIATE PRECEDING CALENDAR YEAR WHICH SHALL

30 BE PUBLISHED IN THE PENNSYLVANIA BULLETIN ANNUALLY BY THE

SUPREME COURT ON OR BEFORE THE PRECEDING NOVEMBER 30. THIS  
PARAGRAPH SHALL EXPIRE JANUARY 1, [2001] 2010.

(5) FOR THE COST INCREASE TO BE EFFECTIVE FOR CALENDAR  
YEAR 2002 ONLY, THE COSTS UNDER PARAGRAPH (2) SHALL BE  
INCREASED BY THE PERCENTAGE OF INCREASE IN THE CONSUMER PRICE  
INDEX FOR URBAN WORKERS FOR CALENDAR YEAR 2000 WHICH SHALL BE  
PUBLISHED BY THE SUPREME COURT IN THE PENNSYLVANIA BULLETIN  
AS SOON AS POSSIBLE AFTER ENACTMENT. THE INCREASE FOR  
CALENDAR YEAR 2002 ONLY SHALL BE EFFECTIVE ONE MONTH AFTER  
PUBLICATION IN THE PENNSYLVANIA BULLETIN.

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SECTION 2. SECTION 4502 OF TITLE 42 IS AMENDED TO READ:

§ 4502. Qualifications of jurors.

(a) General rule.--Every citizen of this Commonwealth who is  
of the required minimum age for voting for State or local  
officials and who resides in the county shall be qualified to  
serve as a juror therein unless such citizen:

(1) is unable to read, write, speak and understand the  
English language;

(2) is incapable, by reason of mental or physical  
infirmary, to render efficient jury service; or

(3) has been convicted of a crime punishable by  
imprisonment for more than one year and has not been granted  
a pardon or amnesty therefor.

(b) Definition.--For purposes of this section, "convicted of  
a crime punishable by imprisonment for more than one year" does  
not include a conviction for any offense under or violation of  
the former act of May 1, 1929 (P.L.905, No.403), known as The  
Vehicle Code, or the former act of April 29, 1959 (P.L.58,  
No.32), known as The Vehicle Code, which offense or violation,

1 if IT HAD BEEN committed after July 1, 1977: <—

2 (1) ~~is~~ WOULD HAVE BEEN substantially similar to an <—

3 offense currently graded as a summary offense under 75

4 Pa.C.S. (relating to vehicles); or

5 ~~(2) is not a violation of the other laws of this~~ <—

6 ~~Commonwealth.~~

7 (2) WOULD NOT HAVE BEEN A VIOLATION OF LAW. <—

8 ~~Section 2. This act shall take effect in 60 days.~~ <—

9 SECTION ~~2~~ 3. NOTWITHSTANDING THE PROVISIONS OF SECTION <—

10 7(B)(1) AND (2)(I) OF THE ACT OF DECEMBER 20, 2000 (P.L.742,

11 NO.105), ENTITLED "AN ACT AMENDING TITLE 42 (JUDICIARY AND

12 JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED STATUTES,

13 FURTHER PROVIDING FOR THE NUMBER OF JUDGES OF THE COURTS OF

14 COMMON PLEAS IN CERTAIN JUDICIAL DISTRICTS; PROVIDING FOR

15 REIMBURSEMENT FOR COMMON PLEAS COURT COSTS AND FOR JUDGMENT BY

16 CONFESSION FILED AGAINST INCORRECTLY IDENTIFIED DEBTORS; FURTHER

17 PROVIDING FOR COUNTY JUDICIAL CENTER OR COURTHOUSE, FOR

18 COMPOSITION OF INVESTIGATING GRAND JURY AND FOR CONFIDENTIAL

19 COMMUNICATIONS WITH SEXUAL ASSAULT COUNSELORS; PROVIDING FOR

20 CONFIDENTIAL COMMUNICATIONS TO CRIME STOPPER OR SIMILAR

21 ANTICRIME PROGRAM; AND FURTHER PROVIDING FOR EXEMPTION FROM

22 ATTACHMENT OF RETIREMENT FUNDS AND ACCOUNTS," THE NEW JUDGESHIPS

23 AUTHORIZED BY 42 PA.C.S. § 911(A) AND INITIALLY FILLED BY

24 ELECTION AT THE 2001 MUNICIPAL ELECTION SHALL BE CREATED ON

25 JANUARY 7, 2002.

26 SECTION 4. THE REENACTMENT AND AMENDMENT OF 42 PA.C.S. §§ <—

27 1725.1 AND 3571(C) SHALL BE RETROACTIVE TO JANUARY 1, 2001.

28 SECTION ~~3~~ 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—