

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1222 Session of
2003

INTRODUCED BY WEBER, ARMSTRONG, BUNT, CRAHALLA, DIGIROLAMO,
GABIG, GEIST, GILLESPIE, HERMAN, HICKERNELL, HORSEY, KELLER,
LEWIS, MARSICO, R. MILLER, O'NEILL, PAYNE, REICHLEY,
E. Z. TAYLOR, WATSON, YOUNGBLOOD AND HARPER, APRIL 24, 2003

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, OCTOBER 28, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing FOR
3 IDENTIFICATION OF INCORRECT DEBTOR, for summary offenses
4 involving vehicles AND FOR SENTENCE OF INTERMEDIATE
5 PUNISHMENT. <—

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

8 ~~Section 1. Section 5553(c) of Title 42 of the Pennsylvania~~ <—
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTIONS 2737.1 AND 5553(A), (B) AND (C) OF TITLE <—
11 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO
12 READ:

13 § 2737.1. INCORRECT DEBTOR IDENTIFIED.

14 [AT THE TIME A](A) PROCEDURE.--A CREDITOR THAT FILES FOR A
15 JUDGMENT BY CONFESSION UNDER SECTION 2737(3) (RELATING TO POWERS
16 AND DUTIES OF THE OFFICE OF THE PROTHONOTARY)[, THE CREDITOR
17 FILING THE JUDGMENT SHALL PROVIDE THE DEBTOR WITH WRITTEN

1 INSTRUCTIONS REGARDING THE PROCEDURE TO FOLLOW TO STRIKE THE
2 JUDGMENT.] SHALL COMPLY WITH THE PENNSYLVANIA RULES OF CIVIL
3 PROCEDURE REGARDING CONFESSION OF JUDGMENT, INCLUDING ANY NOTICE
4 PROVISIONS. A DEBTOR WHO HAS BEEN INCORRECTLY IDENTIFIED AND HAD
5 A CONFESSION OR JUDGMENT ENTERED AGAINST HIM [SHALL BE ENTITLED
6 TO] MAY PETITION THE COURT FOR COSTS AND REASONABLE ATTORNEY
7 FEES AS DETERMINED BY THE COURT. [THE INSTRUCTIONS PROVIDED TO
8 THE DEBTOR SHALL EXPLAIN TO THE DEBTOR THAT UNDER THIS SECTION
9 HE IS ENTITLED TO COSTS AND REASONABLE ATTORNEY FEES AS
10 DETERMINED BY THE COURT IF HE WAS INCORRECTLY IDENTIFIED.]

11 (B) EFFECT ON JUDGMENT.--A JUDGMENT SHALL NOT BE STRICKEN OR
12 OPENED BECAUSE OF A CREDITOR'S FAILURE TO PROVIDE A CORRECTLY
13 IDENTIFIED DEBTOR WITH INSTRUCTIONS PURSUANT TO THIS SECTION
14 REGARDING PROCEDURES TO FOLLOW TO STRIKE A JUDGMENT OR REGARDING
15 ANY RIGHTS AVAILABLE TO AN INCORRECTLY IDENTIFIED DEBTOR.

16 § 5553. Summary offenses involving vehicles.

17 * * *

18 (A) GENERAL RULE.--EXCEPT AS PROVIDED IN SUBSECTION (B) OR
19 (C), PROCEEDINGS FOR A SUMMARY [OFFENSES] OFFENSE UNDER TITLE 75
20 (RELATING TO VEHICLES) MUST BE COMMENCED WITHIN 30 DAYS AFTER
21 THE COMMISSION OF THE ALLEGED OFFENSE OR WITHIN 30 DAYS AFTER
22 THE DISCOVERY OF THE COMMISSION OF THE OFFENSE OR THE IDENTITY
23 OF THE OFFENDER, WHICHEVER IS LATER, AND NOT THEREAFTER.

24 [(B) MINOR OFFENSES.--EXCEPT AS PROVIDED IN SUBSECTION (C),
25 PROCEEDINGS FOR SUMMARY OFFENSES UNDER THE FOLLOWING PROVISIONS
26 OF TITLE 75 MUST BE COMMENCED WITHIN 30 DAYS AFTER THE
27 COMMISSION OF THE ALLEGED OFFENSE OR WITHIN 30 DAYS AFTER THE
28 DISCOVERY OF THE COMMISSION OF THE OFFENSE OR THE IDENTITY OF
29 THE OFFENDER, WHICHEVER IS LATER, AND NOT THEREAFTER:]

30 CHAPTER 31 (RELATING TO GENERAL PROVISIONS).

1 CHAPTER 33 (RELATING TO RULES OF THE ROAD IN GENERAL).

2 CHAPTER 35 (RELATING TO SPECIAL VEHICLES AND
3 PEDESTRIANS).

4 SUBCHAPTERS A (RELATING TO OFFENSES IN GENERAL) AND C
5 (RELATING TO ACCIDENTS AND ACCIDENT REPORTS) OF CHAPTER 37.

6 (c) Exception.--Where]

7 (c) Exceptions.--

8 (1) Where proceedings are timely commenced against a
9 person reasonably believed to have committed the [offense] <—
10 SUMMARY OFFENSE OR OFFENSES charged and it subsequently <—
11 appears that a person other than the person charged is the
12 offender, proceedings may be commenced against the other
13 person within 30 days after the identity of the person is
14 discovered and not thereafter.

15 ~~(2) Where there are multiple offenses arising out of the~~ <—
16 ~~same conduct or the same criminal episode and the police~~
17 ~~officer reasonably believes that an offense under 75 Pa.C.S.~~
18 ~~§ 1543 (relating to driving while operating privilege is~~
19 ~~suspended or revoked) has occurred, proceedings on all~~
20 ~~offenses arising from the conduct or episode may be commenced~~
21 ~~within 30 days after the police officer receives verification~~
22 ~~of the basis for the suspension from the Department of~~
23 ~~Transportation as required under 75 Pa.C.S. § 1543(c).~~

24 (2) WHERE A POLICE OFFICER REASONABLY BELIEVES THAT <—
25 THERE ARE MULTIPLE SUMMARY OFFENSES ARISING OUT OF THE SAME
26 CONDUCT OR THE SAME CRIMINAL EPISODE AND THAT AN OFFENSE
27 UNDER 75 PA.C.S. § 1543 (RELATING TO DRIVING WHILE OPERATING
28 PRIVILEGE IS SUSPENDED OR REVOKED) HAS OCCURRED, PROCEEDINGS
29 ON ALL SUMMARY OFFENSES ARISING FROM THE CONDUCT OR EPISODE
30 MAY BE COMMENCED AT THE SAME TIME AND MUST BE COMMENCED

1 WITHIN 30 DAYS AFTER THE COMMISSION OF THE ALLEGED OFFENSES
2 OR WITHIN 30 DAYS AFTER THE DISCOVERY OF THE COMMISSION OF
3 THE OFFENSES OR THE IDENTITY OF THE OFFENDER OR WITHIN 30
4 DAYS AFTER THE POLICE OFFICER RECEIVES VERIFICATION OF THE
5 BASIS FOR THE SUSPENSION FROM THE DEPARTMENT OF
6 TRANSPORTATION AS REQUIRED UNDER 75 PA.C.S. § 1543(C),
7 WHICHEVER IS LATER, AND NOT THEREAFTER.

8 * * *

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

10 SECTION 2. SECTION 9763(C)(3) OF TITLE 42, ADDED SEPTEMBER <—
11 30, 2003 (P.L.120, NO.24), IS AMENDED TO READ:

12 § 9763. SENTENCE OF INTERMEDIATE PUNISHMENT.

13 * * *

14 (C) RESTRICTION.--

15 * * *

16 (3) IF THE DEFENDANT IS DETERMINED NOT TO BE IN NEED OF
17 DRUG AND ALCOHOL TREATMENT, THE DEFENDANT MAY ONLY BE
18 SENTENCED TO INTERMEDIATE PUNISHMENT:

19 (I) BY HOUSE ARREST [OR] AND ELECTRONIC
20 SURVEILLANCE;

21 (II) PARTIAL CONFINEMENT PROGRAMS, SUCH AS WORK
22 RELEASE, WORK CAMPS AND HALFWAY FACILITIES; OR

23 (III) ANY COMBINATION OF THE PROGRAMS SET FORTH IN
24 THIS SUBSECTION.

25 * * *

26 SECTION 3. THE ADDITION OF 42 PA.C.S. § 2737.1(B) IS
27 INTENDED TO CLARIFY AND CONFIRM THE ORIGINAL INTENT OF THE
28 GENERAL ASSEMBLY IN ADDING 42 PA.C.S. § 2737.1 IN THE ACT OF
29 DECEMBER 20, 2000 (P.L.742, NO.105), ENTITLED "AN ACT AMENDING
30 TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE PENNSYLVANIA

1 CONSOLIDATED STATUTES, FURTHER PROVIDING FOR THE NUMBER OF
2 JUDGES OF THE COURTS OF COMMON PLEAS IN CERTAIN JUDICIAL
3 DISTRICTS; PROVIDING FOR REIMBURSEMENT FOR COMMON PLEAS COURT
4 COSTS AND FOR JUDGMENT BY CONFESSION FILED AGAINST INCORRECTLY
5 IDENTIFIED DEBTORS; FURTHER PROVIDING FOR COUNTY JUDICIAL CENTER
6 OR COURTHOUSE, FOR COMPOSITION OF INVESTIGATING GRAND JURY AND
7 FOR CONFIDENTIAL COMMUNICATIONS WITH SEXUAL ASSAULT COUNSELORS;
8 PROVIDING FOR CONFIDENTIAL COMMUNICATIONS TO CRIME STOPPER OR
9 SIMILAR ANTICRIME PROGRAM; AND FURTHER PROVIDING FOR EXEMPTION
10 FROM ATTACHMENT OF RETIREMENT FUNDS AND ACCOUNTS." TO THE EXTENT
11 NECESSARY TO CLARIFY THE MEANING AND INTERPRETATION OF 42
12 PA.C.S. § 2737.1, THE ADDITION OF 42 PA.C.S. § 2737.1(B) SHALL
13 APPLY RETROACTIVELY TO CAUSES OF ACTION WHICH AROSE ON OR BEFORE
14 THE EFFECTIVE DATE OF THIS SECTION.

15 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

16 (1) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

17 (2) THE AMENDMENT OF 42 PA.C.S. § 2737.1 SHALL TAKE
18 EFFECT IMMEDIATELY.

19 (3) THE AMENDMENT OF 42 PA.C.S. § 9763(C)(3) SHALL TAKE
20 EFFECT FEBRUARY 1, 2004, OR IMMEDIATELY, WHICHEVER IS LATER.

21 (4) SECTION 3 OF THIS ACT SHALL TAKE EFFECT IMMEDIATELY.

22 (5) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
23 DAYS.