

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1861 Session of 2009

INTRODUCED BY CALTAGIRONE, MARSICO AND EVERETT, JULY 15, 2009

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
AUGUST 19, 2009

AN ACT

1 Amending ~~Title~~ TITLES 23 (DOMESTIC RELATIONS) AND 42 (Judiciary
2 and Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, further providing for FEES; PROVIDING FOR DIVORCE
4 FEES; FURTHER PROVIDING FOR deposits into account and for
5 distribution of funds; AND MAKING A RELATED REPEAL. ←

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

8 ~~Section 1. Sections 3733(a.1) and 4906 of Title 42 of the~~ ←
9 ~~Pennsylvania Consolidated Statutes are amended to read:~~

10 SECTION 1. SECTION 1105 OF TITLE 23 OF THE PENNSYLVANIA ←
11 CONSOLIDATED STATUTES IS AMENDED TO READ:

12 § 1105. FEES.

13 (A) GENERAL RULE.--THE FEE TO BE CHARGED FOR ISSUING A
14 MARRIAGE LICENSE OR DECLARATION AND FOR RETURNS THEREOF TO THE
15 DEPARTMENT SHALL BE [\$3] \$28 OF WHICH \$2.50 SHALL BE RETAINED BY
16 THE COUNTY WHEREIN THE LICENSE IS ISSUED AND [50¢] \$25.50 SHALL
17 BE REMITTED TO THE COMMONWEALTH.

18 (B) TRANSMITTING COMMONWEALTH MONEYS.--ALL MONEYS COLLECTED
19 UNDER THIS SECTION FOR THE COMMONWEALTH SHALL BE TRANSMITTED TO

1 THE STATE TREASURER NO LATER THAN THE TENTH DAY OF THE FOLLOWING
2 MONTH. TWENTY-FIVE DOLLARS SHALL BE FORWARDED TO THE DEPARTMENT
3 OF PUBLIC WELFARE FOR USE FOR VICTIMS OF DOMESTIC VIOLENCE IN
4 ACCORDANCE WITH THE PROVISIONS OF SECTION 2333 OF THE ACT OF
5 APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE
6 CODE OF 1929. THE DEPARTMENT OF PUBLIC WELFARE SHALL CERTIFY
7 THAT THE MONEY WILL NOT BE USED TO SUPPLANT FEDERAL AND STATE
8 FUNDS OTHERWISE AVAILABLE FOR DOMESTIC VIOLENCE SERVICES.

9 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
10 § 3576. DIVORCE FEES.

11 (A) FEE.--A FEE OF \$15 SHALL BE CHARGED FOR THE COMMENCEMENT
12 OF AN ACTION FOR DIVORCE OR AN ACTION FOR ANNULMENT OF MARRIAGE.

13 (B) TRANSMITTING COMMONWEALTH MONEY.--ALL MONEY COLLECTED
14 UNDER THIS SECTION FOR THE COMMONWEALTH SHALL BE TRANSMITTED TO
15 THE STATE TREASURER NO LATER THAN THE TENTH DAY OF THE FOLLOWING
16 MONTH. MONEY COLLECTED UNDER SUBSECTION (A) SHALL BE FORWARDED
17 TO THE DEPARTMENT OF PUBLIC WELFARE FOR USE FOR VICTIMS OF
18 DOMESTIC VIOLENCE IN ACCORDANCE WITH THE PROVISIONS OF SECTION
19 2333 OF THE ACT OF APRIL 9, 1929 (P.L.177, NO.175), KNOWN AS THE
20 ADMINISTRATIVE CODE OF 1929. THE DEPARTMENT OF PUBLIC WELFARE
21 SHALL CERTIFY THAT THE MONEY WILL NOT BE USED TO SUPPLANT
22 FEDERAL AND STATE FUNDS OTHERWISE AVAILABLE FOR DOMESTIC
23 VIOLENCE SERVICES.

24 SECTION 3. SECTIONS 3733(A.1) AND 4906 OF TITLE 42 ARE
25 AMENDED TO READ:

26 § 3733. Deposits into account.

27 * * *

28 (a.1) Additional fees.--

29 (1) [In] Except as provided under paragraph (2.1), in
30 addition to the court costs and filing fees authorized to be

1 collected by statute:

2 (i) An additional fee of \$10 shall be charged and
3 collected by the prothonotaries of the Pennsylvania
4 Supreme, Superior and Commonwealth Courts for each
5 initial filing for which a fee, charge or cost is now
6 authorized.

7 (ii) An additional fee of \$10 shall be charged and
8 collected by the prothonotaries, clerks of orphans'
9 courts and registers of wills of all courts of common
10 pleas, or by any officials designated to perform the
11 functions thereof, for the initiation of any civil action
12 or legal proceeding.

13 (iii) An additional fee of \$10 shall be charged by
14 the clerks of courts of all courts of common pleas, or by
15 any officials designated to perform the functions
16 thereof, for the initiation of any criminal proceeding
17 for which a fee, charge or cost is now authorized and a
18 conviction is obtained or guilty plea is entered. The
19 additional fee under this subparagraph shall also be
20 charged and collected when a defendant is granted entry
21 into an Accelerated Rehabilitative Disposition program or
22 any other pretrial diversionary program.

23 (iv) An additional fee of \$10 shall be charged and
24 collected by the minor judiciary, including magisterial
25 district judges, Philadelphia Municipal Court,
26 Philadelphia Traffic Court and Pittsburgh [Magistrates]
27 Municipal Court, for the initiation of a legal proceeding
28 for which a fee or cost is now authorized, except that in
29 criminal, summary and traffic matters the fee shall be
30 charged only when a conviction is obtained or guilty plea

1 is entered. The additional fee under this subparagraph
2 shall also be charged and collected when a defendant is
3 granted entry into an Accelerated Rehabilitative
4 Disposition program or any other pretrial diversionary
5 program.

6 (v) An additional fee of \$10 shall be charged and
7 collected by the recorders of deeds and clerks of court,
8 or by any officials designated to perform similar
9 functions, for each filing of a deed, mortgage or
10 property transfer for which a fee, charge or cost is now
11 authorized. The Supreme Court shall designate by
12 financial regulations which filings meet the criteria of
13 this subparagraph.

14 (2) [The] Except as provided under paragraph (2.1), the
15 additional fees identified in paragraph (1) shall be fixed
16 and charged for the fiscal years as indicated:

17 (i) For the fiscal year 2002-2003, \$9 of each
18 additional fee shall be deposited into the Judicial
19 Computer System Augmentation Account, and \$1 of each
20 additional fee shall be deposited into the Access to
21 Justice Account under section 4904 (relating to
22 establishment of Access to Justice Account).

23 (ii) For the fiscal years 2003-2004 and 2004-2005,
24 \$8.50 of each additional fee shall be deposited into the
25 Judicial Computer System Augmentation Account, and \$1.50
26 of each additional fee shall be deposited into the Access
27 to Justice Account under section 4904.

28 (iii) For the fiscal year 2005-2006 and each fiscal
29 year thereafter, \$8 of each additional fee shall be
30 deposited into the Judicial Computer System Augmentation

Account, and \$2 of each additional fee shall be deposited into the Access to Justice Account under section 4904.

(2.1) (i) In addition to the fees imposed under this subsection, a surcharge of ~~\$23~~ \$17 shall be charged and collected for a period of 25 months beginning on the effective date of this paragraph to supplement the \$10 additional fee provided under paragraph (1).

(ii) The surcharge under subparagraph (i) may not be imposed upon a conviction or guilty plea based upon the filing of a traffic citation charging a Title 75 (relating to vehicles) offense classified as summary under a State statute or local ordinance as provided in the Pennsylvania Rules of Criminal Procedure.

(III) THE SURCHARGE UNDER SUBPARAGRAPH (I) MAY NOT BE IMPOSED UPON THE COMMENCEMENT OF AN ACTION FOR DIVORCE OR AN ACTION FOR ANNULMENT OF MARRIAGE.

~~(iii)~~ (IV) The surcharge under subparagraph (i) shall be apportioned as follows:

(A) ~~\$20.35~~ \$12.35 shall be deposited into the Judicial Computer System Augmentation Account.

(B) \$2.65 shall be deposited into the Access to Justice Account under section 4904.

~~(iv)~~ (C) \$2.00 SHALL BE DEPOSITED INTO THE CRIMINAL JUSTICE ENHANCEMENT ACCOUNT.

(V) The additional fee under paragraph (1) shall be apportioned as follows:

(A) \$8 shall be deposited into the Judicial Computer System Augmentation Account.

(B) \$2 shall be deposited into the Access to Justice Account under section 4904.

1 ~~(v)~~ (VI) The amount under subparagraph ~~(iii)(A)~~ (IV) ←
2 (A) shall be transferred by the Supreme Court to the
3 Judicial Department, except for operations of the
4 Judicial Computer System, as needed to fund the Judicial
5 Department due to insufficiencies in a general
6 appropriation act.

7 ~~(vi)~~ (VII) During the first 12 months of the period ←
8 under subparagraph (i), the Administrative Office of
9 Pennsylvania Courts shall evaluate whether the amount of
10 the surcharge is appropriate and shall recommend to the
11 General Assembly whether it should be decreased,
12 increased or remain unchanged.

13 (3) The moneys charged and collected under this
14 subsection shall be paid to the court imposing the fee, which
15 shall transfer the moneys to the Department of Revenue for
16 deposit into the appropriate account. For the purposes of
17 paragraph (1)(v), the court shall be the court of common
18 pleas.

19 * * *

20 § 4906. Distribution of funds.

21 All moneys deposited in the account and any investment income
22 accrued are hereby [annually] appropriated to the Administrative
23 Office of the Pennsylvania Courts and shall be distributed
24 [annually], upon requisition of the Court Administrator of
25 Pennsylvania, to the Pennsylvania Interest on Lawyers Trust
26 Account Board to contract exclusively with eligible legal
27 services providers for the purpose set forth in section 4905(a)
28 (relating to purpose of account). Funds received by the
29 Pennsylvania Interest on Lawyers Trust Account Board pursuant to
30 this chapter shall be maintained in a separate account and shall

1 be accounted for separately from any other funds received by the
2 board.

3 SECTION 4. REPEALS ARE AS FOLLOWS: 

4 (1) THE GENERAL ASSEMBLY DECLARES THAT THE REPEAL UNDER
5 PARAGRAPH (2) IS NECESSARY TO EFFECTUATE THE AMENDMENT OF 23
6 PA.C.S. § 1105(A).

7 (2) SECTION 19 OF THE ACT OF AUGUST 22, 1953 (P.L.1344,
8 NO.383), ENTITLED "AN ACT RELATING TO MARRIAGE; AND AMENDING,
9 REVISING, CONSOLIDATING AND CHANGING THE LAW RELATING
10 THERETO," IS REPEALED.

11 Section ~~2~~ 5. This act shall take effect in 60 days. 