

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## SENATE BILL

No. 1169 Session of  
2010INTRODUCED BY WAUGH, BOSCOLA, BROWNE, ERICKSON, ORIE, RAFFERTY,  
TARTAGLIONE, FERLO AND BRUBAKER, DECEMBER 18, 2009AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JULY 1, 2010

## 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, ETC., FOR  
4 sentencing generally and for collection of restitution,  
5 reparation, fees, costs, fines and penalties. ←

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

8 ~~Section 1. Section 9721 of Title 42 of the Pennsylvania~~ ←  
9 ~~Consolidated Statutes is amended by adding a subsection to read:~~

10 SECTION 1. SECTIONS 1725.1(F)(1) AND 3571(C)(4) OF TITLE 42 ←  
11 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE REENACTED AND  
12 AMENDED TO READ:

13 § 1725.1. COSTS.

14 \* \* \*

15 (F) ANNUAL INCREASE IN COSTS.--

16 (1) EXCEPT AS PROVIDED IN PARAGRAPH (2), BEGINNING ON  
17 JANUARY 1, 1994, AND EACH JANUARY 1 THEREAFTER, THE COSTS  
18 UNDER SUBSECTIONS (A), (B) AND (C) SHALL BE INCREASED BY THE

1 PERCENTAGE OF INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN  
2 WORKERS FOR THE IMMEDIATE PRECEDING CALENDAR YEAR WHICH SHALL  
3 BE PUBLISHED IN THE PENNSYLVANIA BULLETIN ANNUALLY BY THE  
4 SUPREME COURT ON OR BEFORE THE PRECEDING NOVEMBER 30. THIS  
5 SUBSECTION SHALL EXPIRE JANUARY 1, [2010] 2025.

6 \* \* \*

7 § 3571. COMMONWEALTH PORTION OF FINES, ETC.

8 \* \* \*

9 (C) COSTS IN MAGISTERIAL DISTRICT JUDGE PROCEEDINGS.--

10 \* \* \*

11 (4) EXCEPT AS PROVIDED IN PARAGRAPH (5), BEGINNING ON  
12 JANUARY 1, 1994, AND EACH JANUARY 1 THEREAFTER, THE COSTS  
13 UNDER PARAGRAPH (2) SHALL BE INCREASED BY THE PERCENTAGE OF  
14 INCREASE IN THE CONSUMER PRICE INDEX FOR URBAN WORKERS FOR  
15 THE IMMEDIATE PRECEDING CALENDAR YEAR WHICH SHALL BE  
16 PUBLISHED IN THE PENNSYLVANIA BULLETIN ANNUALLY BY THE  
17 SUPREME COURT ON OR BEFORE THE PRECEDING NOVEMBER 30. THIS  
18 PARAGRAPH SHALL EXPIRE JANUARY 1, [2010] 2025.

19 \* \* \*

20 SECTION 2. SECTION 9721 OF TITLE 42 IS AMENDED BY ADDING A  
21 SUBSECTION TO READ:

22 § 9721. Sentencing generally.

23 \* \* \*

24 (c.1) Mandatory payment of costs.--Notwithstanding the  
25 provisions of section 9728 (relating to collection of  
26 restitution, reparation, fees, costs, fines and penalties) or  
27 any provision of law to the contrary, in addition to the  
28 alternatives set forth in subsection (a), the court shall order  
29 the defendant to pay costs. In the event the court fails to  
30 issue an order for costs pursuant to section 9728, costs shall

1 be imposed upon the defendant under this section. No court order  
2 shall be necessary for the defendant to incur liability for  
3 costs under this section. THE PROVISIONS OF THIS SUBSECTION DO ←  
4 NOT ALTER THE COURT'S DISCRETION UNDER PA.R.CRIM.P. NO. 706(C)  
5 (RELATING TO FINES OR COSTS).

6 \* \* \*

7 Section 2 3. Section 9728(b)(3) and (5) of Title 42 are ←  
8 amended and the section is amended by adding a subsection to  
9 read:

10 § 9728. Collection of restitution, reparation, fees, costs,  
11 fines and penalties.

12 \* \* \*

13 (b) Procedure.--

14 \* \* \*

15 (3) The county clerk of courts shall, upon sentencing,  
16 pretrial disposition or other order, transmit to the  
17 Department of Probation of the respective county or other  
18 agent designated by the county commissioners of the county  
19 with the approval of the president judge of the county and to  
20 the county correctional facility to which the offender has  
21 been sentenced or to the Department of Corrections, whichever  
22 is appropriate, copies of all orders for restitution and  
23 amendments or alterations thereto, reparation, fees, costs,  
24 fines and penalties. This paragraph also applies in the case  
25 of costs imposed under section 9721(c.1) (relating to  
26 sentencing generally).

27 \* \* \*

28 (5) The county correctional facility to which the  
29 offender has been sentenced or the Department of Corrections  
30 shall be authorized to make monetary deductions from inmate

1 personal accounts for the purpose of collecting restitution  
2 or any other court-ordered obligation or costs imposed under  
3 section 9721(c.1). Any amount deducted shall be transmitted  
4 by the Department of Corrections or the county correctional  
5 facility to the probation department of the county or other  
6 agent designated by the county commissioners of the county  
7 with the approval of the president judge of the county in  
8 which the offender was convicted. The Department of  
9 Corrections shall develop guidelines relating to its  
10 responsibilities under this paragraph.

11 \* \* \*

12 (b.2) Mandatory payment of costs.--Notwithstanding any  
13 provision of law to the contrary, in the event the court fails  
14 to issue an order under subsection (a) imposing costs upon the  
15 defendant, the defendant shall nevertheless be liable for costs,  
16 as provided in section 9721(c.1), UNLESS THE COURT DETERMINES ←  
17 OTHERWISE PURSUANT TO PA.R.CRIM.P. NO. 706(C) (RELATING TO FINES  
18 OR COSTS). The absence of a court order shall not affect the  
19 applicability of the provisions of this section.

20 \* \* \*

21 Section ~~3~~ 4. This act shall apply to costs imposed on or ←  
22 after the effective date of this ~~act~~ SECTION. ←

23 Section ~~4~~ 5. This act shall take effect in 60 days. ←