

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

**BILL NO.** Senate Bill 1160

**PRINTER NO.** 2097

**AMOUNT**

\$4.1 Million Additional Revenue

**FUND**

General Fund  
Sheriff & Deputy Sheriff's Education  
& Training Account (Restricted Revenue)

**DATE INTRODUCED**

April 28, 2016

**PRIME SPONSOR**

Senator Alloway

**DESCRIPTION AND PURPOSE OF BILL**

Senate Bill 1160 amends Title 18 (Crimes and Offenses) and Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes to address fees for services provided by sheriffs and deputy sheriffs.

This legislation creates a new Chapter 73 in Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes to provide for the imposition and collection of sheriff fees. The bill establishes fees for all of the following services of the sheriff:

- Civil actions, criminal proceedings, or public matters required by a court, statute, or regulation;
- The execution of writs or orders relating to real estate;
- The execution of a writ of inquiry, partition, condemnation, appraisement, or inquisition;
- Execution writs, fraudulent debtor attachment, retorno habendo, replevin, or order requiring the levy or sale of personal property;
- Processing of property claims filed under statute or rules of civil procedure;
- Executing venire facias or venire facias juratores issued by a court; and
- Executing writs of ejectment or possession, dower, or similar writs requiring the delivery of possession of real property.

Additionally, this legislation does the following:

- Provides for compensation for mileage incurred by sheriffs and sheriffs performing duties in jails, attending court, and serving as conservator of the peace or police officer in the event of riots, mobs, or insurrections;
- Consolidates provisions in Title 18 (Crimes and Offenses) relating to fees paid by applicants for firearms licenses into the new Chapter 73 of Title 44;
- Provides that any holder of a United States Uniformed Services identification card specifying that the person is retired shall be exempt from any fee to renew a license to carry a firearm;

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

- Provides that sheriffs in counties of the second class may establish, increase, decrease, modify or eliminate fees and charges used exclusively to offset existing costs with the approval of the president judge of the court of common pleas;
- Authorizes an additional fee of \$5 to be charged and collected by the sheriff for the initiation of a legal action. This fee shall be deposited into a special sheriff computer fund established in each county for the sole purpose of computerizing the office of the sheriff;
- In addition to fees provided for in this subchapter, the sheriff shall be paid costs, charges and expenses incident to the performance of an act required by court, order, statute, rule or regulation;
- Requires an assessment of a \$20.00 surcharge on each fee collected by the sheriff of every county upon acceptance for each service required for any complaint, summons, writ or other legal paper required to be served or posed by the sheriff. This fee shall be forwarded semiannually by the sheriff to the State Treasurer for deposit into the Sheriff and Deputy Sheriff Education and Training Account; and
- Repeals the Sheriff Fee Act of 1984 and a section of the Sheriff and Deputy Sheriff Education and Training Act of 1984. These repeals are necessary to effectuate the addition of 44 Pa.C.S. Ch. 73 Subch. B.

This act shall take effect in 60 days.

### **FISCAL IMPACT:**

The fee increases outlined in the new Chapter 73 in Title 44 (Law and Justice) affect fees that are collected by each individual county for administrative costs related to the sheriff's department and the courts. The only exception is the \$20.00 "surcharge" that is collected by the sheriff of each county and forwarded to the State Treasurer on a semi-annual basis. Currently, this surcharge is assessed at \$10.00. According to the Sheriff and Deputy Sheriff Education and Training Account's balance sheet for fiscal year 2015-2016 (as of June 30, 2016), total revenue generated from the \$10.00 surcharge was \$4,145,700.

Therefore, it's estimated that enactment of this legislation will result in an increase in revenue to the Sheriff and Deputy Sheriff Education and Training Account in the amount of \$4,145,700.

County Sheriff's will experience an increase in additional revenue being generated due to the increase in all of the Chapter 73 fees, but currently there is no data available to quantify the amount.