

AMENDMENTS TO SENATE BILL NO. 1036

Sponsor: SENATOR GREENLEAF

Printer's No. 1472

1 Amend Bill, page 2, line 4, by inserting a bracket before
2 "fine"

3 Amend Bill, page 2, line 4, by inserting after "costs"
4] fine, costs or restitution

5 Amend Bill, page 2, line 11, by inserting a bracket before
6 "fine"

7 Amend Bill, page 2, line 11, by inserting after "costs"
8] fine, costs or restitution

9 Amend Bill, page 2, line 22, by inserting after "payment"
10 for the fine, costs or restitution that complies with
11 the requirements

12 Amend Bill, page 2, line 29, by inserting a bracket before
13 "changes"

14 Amend Bill, page 2, line 30, by striking out the bracket
15 before "defendant"

16 Amend Bill, page 3, line 1, by inserting after "schedule]"
17 that the

18 Amend Bill, page 3, line 5, by striking out "under section
19 9758(b)"

20 Amend Bill, page 3, line 15, by inserting after "unemployed"
21 and has assets less than 200% of the Federal poverty
22 level

23 Amend Bill, page 3, line 16, by striking out "is" and

1 inserting

2 and assets are

3 Amend Bill, page 3, by inserting between lines 24 and 25

4 (v) The defendant is unable to afford to meet the
5 defendant's basic life needs, including food, rent or
6 mortgage payments, utilities, medical expenses,
7 transportation and dependent care.

8 Amend Bill, page 4, line 10, by striking out "100%" and

9 inserting

10 125%

11 Amend Bill, page 4, line 11, by striking out "pay more than
12 \$100 per month" and inserting

13 make payments until the defendant's income is more
14 than 125% of the Federal poverty level

15 Amend Bill, page 4, line 13, by striking out "100%" and

16 inserting

17 125%

18 Amend Bill, page 4, line 14, by striking out "pay more than
19 \$150 per month" and inserting

20 make monthly installment payments that exceed two
21 times the hourly minimum wage for the locality

22 Amend Bill, page 4, line 16, by striking out "200%" and

23 inserting

24 175%

25 Amend Bill, page 4, lines 17 through 24, by striking out "pay
26 more than \$200" in line 17 and all of lines 18 through 24 and

27 inserting

28 make monthly installment payments that exceed three
29 times the hourly minimum wage for the locality.

30 (iv) A defendant whose household income is greater
31 than or equal to 175% but less than 185% of the Federal
32 poverty level shall not be required to make monthly
33 installment payments that exceed four times the hourly
34 minimum wage for the locality.

35 (v) A defendant whose household income is greater
36 than or equal to 185% but less than 200% of the Federal

1 poverty level shall not be required to make monthly
2 installment plans that exceed five times the hourly
3 minimum wage for the locality.

4 (vi) If a defendant's household income is equal to
5 or more than 200% of the Federal poverty level, the
6 court, issuing authority, senior judge or senior
7 magisterial district judge shall consider the evidence
8 presented and set a payment plan that would not impose
9 what a reasonable person would consider manifest hardship
10 to the defendant or the defendant's dependents.

11 (vii) A court, issuing authority, senior judge or
12 senior magisterial district judge may deviate from the
13 maximum monthly payment plans under this paragraph only
14 if it finds by a preponderance of the evidence presented
15 at the hearing that the defendant has the present ability
16 to pay a higher amount per month without experiencing a
17 manifest hardship.

18 Amend Bill, page 4, line 28, by inserting after "assigned"
19 a minimum of

20 Amend Bill, page 5, line 1, by inserting a bracket before
21 "Unless"

22 Amend Bill, page 5, line 2, by striking out the bracket
23 before "is"

24 Amend Bill, page 5, lines 2 through 4, by striking out "will
25 cause" in line 2, all of line 3 and "payment of court costs,
26 restitution and fines)" in line 4 and inserting

27 Unless the court finds that a defendant is financially able
28 to pay a fine or a portion of the fine that is due without
29 causing the defendant manifest hardship

30 Amend Bill, page 5, lines 13 through 25, by striking out all
31 of said lines and inserting

32 Section 2. Sections 1533(a) and (b) and 6504 of Title 75 are
33 amended to read:

34 § 1533. Suspension of operating privilege for failure to
35 respond to citation.

36 (a) Violations within Commonwealth.--The department shall
37 suspend the operating privilege of any person who has failed to
38 respond to a citation or summons to appear before an issuing
39 authority or a court of competent jurisdiction of this
40 Commonwealth for any violation of this title, other than
41 parking, or who has failed to pay any fine, costs or restitution

1 imposed by an issuing authority or such courts for violation of
2 this title, other than parking, upon being duly notified by an
3 issuing authority or a court of this Commonwealth. An issuing
4 authority or court shall notify the department that a person has
5 failed to pay any fine, costs or restitution only after making a
6 preliminary finding of non-indigency and a willful failure to
7 pay without causing manifest hardship.

8 (b) Violations outside Commonwealth.--The department shall
9 suspend the operating privilege of any person who has failed to
10 respond to a citation, summons or similar writ to appear before
11 a court of competent jurisdiction of the United States or any
12 state which has entered into an enforcement agreement with the
13 department, as authorized under section 6146 (relating to
14 enforcement agreements), for any violation of the motor vehicle
15 laws of such state, other than parking, or who has failed to pay
16 any fine or costs imposed by such court upon being duly notified
17 in accordance with the laws of such jurisdiction in which the
18 violation occurred. A person who provides proof, satisfactory to
19 the department, that the full amount of the fine and costs has
20 been forwarded to and received by the court shall not be
21 regarded as having failed to respond for the purposes of this
22 subsection. The department shall not suspend the operating
23 privilege of a person who has failed to pay a fine or costs
24 unless an issuing authority or court has first made a
25 preliminary finding of non-indigency and a willful failure to
26 pay without causing manifest hardship.

27 * * *

28 Amend Bill, page 6, line 12, by striking out "4" and
29 inserting

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