

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 631 Session of
2005

INTRODUCED BY HERSHEY, HENNESSEY, GEIST, DALEY, CAPPELLI,
CREIGHTON AND DENLINGER, FEBRUARY 16, 2005

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 16, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 personal earnings exempt from process and for collection of
4 restitution, reparation, fees, costs, fines and penalties.

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

7 Section 1. Section 8127(a) of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding a paragraph to read:

9 § 8127. Personal earnings exempt from process.

10 (a) General rule and exceptions.--The wages, salaries and
11 commissions of individuals shall while in the hands of the
12 employer be exempt from any attachment, execution or other
13 process except upon an action or proceeding:

14 * * *

15 (6) To collect under the procedures set forth in section
16 9728 (relating to collection of restitution, reparation,
17 fees, costs, fines and penalties), restitution, reparation,
18 fees, costs, fines and penalties imposed on persons convicted

1 of a summary offense.

2 * * *

3 Section 2. Section 9728(b)(4) of Title 42 is amended and the
4 section is amended by adding a subsection to read:

5 § 9728. Collection of restitution, reparation, fees, costs,
6 fines and penalties.

7 * * *

8 (b) Procedure.--

9 * * *

10 (4) The total amount for which the person is liable
11 pursuant to this section:

12 (i) may be entered as a judgment upon the person or
13 the property of the person sentenced or ordered,
14 regardless of whether the amount has been ordered to be
15 paid in installments[.]; or

16 (ii) in the case of a conviction of a summary
17 offense, may be collected through a garnishment of wages
18 pursuant to subsection (i).

19 * * *

20 (i) Garnishment of wages.--

21 (1) When a defendant defaults in payment of a fine or
22 costs imposed after being convicted of a summary offense, the
23 issuing authority may garnish the defendant's wages to effect
24 payment of the fine plus a reasonable fee, to be determined
25 under rules promulgated by the Supreme Court, for
26 administrative costs. Any provision of law to the contrary
27 notwithstanding, the Department of Labor and Industry shall
28 respond to requests from an issuing authority for information
29 relating to a convicted defendant's employer. For purposes of
30 this subsection, default shall mean the failure to remit the

1 amount of the fine or costs to the issuing authority within
2 the time specified or, if none, within a reasonable time.

3 (2) The issuing authority shall provide the convicted
4 defendant with notice of, and an opportunity to be heard
5 prior to the initiation of, the garnishment in accordance
6 with rules to be promulgated by the governing authority under
7 section 1722 (relating to adoption of administrative and
8 procedural rules).

9 (3) The issuing authority shall initiate the garnishment
10 by sending to the convicted defendant's last known address
11 notice of its intent and to the employer a notice of
12 execution upon wages. Upon receipt of the notice, the
13 employer shall certify to the issuing authority the amount of
14 wages, salary, commissions or other compensation earned by
15 the defendant. The employer shall pay to the issuing
16 authority such percentage of that amount as the issuing
17 authority demands, not to exceed 10% of the wages, salary,
18 commissions or other compensation paid to a defendant during
19 a given pay period, on a timely basis, but not less than once
20 a month, or over an extended period if agreed to by the
21 issuing authority. Failure of an employer to pay the amount
22 due to the issuing authority within the prescribed time shall
23 place the employer in contempt of the court ordering the
24 garnishment.

25 Section 3. This act shall take effect in 60 days.