

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1169 Session of  
2009

INTRODUCED BY WAUGH, BOSCOLA, BROWNE, ERICKSON, ORIE, RAFFERTY  
AND TARTAGLIONE, DECEMBER 18, 2009

REFERRED TO JUDICIARY, DECEMBER 18, 2009

AN ACT

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

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

7 Section 1. Section 9721 of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subsection to read:  
9 § 9721. Sentencing generally.

10 \* \* \*

11 (c.1) Mandatory payment of costs.--Notwithstanding the  
12 provisions of section 9728 (relating to collection of  
13 restitution, reparation, fees, costs, fines and penalties) or  
14 any provision of law to the contrary, in addition to the  
15 alternatives set forth in subsection (a), the court shall order  
16 the defendant to pay costs. In the event the court fails to  
17 issue an order for costs pursuant to section 9728, costs shall  
18 be imposed upon the defendant under this section. No court order  
19 shall be necessary for the defendant to incur liability for

1 costs under this section.

2 \* \* \*

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

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

8 \* \* \*

9 (b) Procedure.--

10 \* \* \*

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

23 \* \* \*

24 (5) The county correctional facility to which the  
25 offender has been sentenced or the Department of Corrections  
26 shall be authorized to make monetary deductions from inmate  
27 personal accounts for the purpose of collecting restitution  
28 or any other court-ordered obligation or costs imposed under  
29 section 9721(c.1). Any amount deducted shall be transmitted  
30 by the Department of Corrections or the county correctional

1 facility to the probation department of the county or other  
2 agent designated by the county commissioners of the county  
3 with the approval of the president judge of the county in  
4 which the offender was convicted. The Department of  
5 Corrections shall develop guidelines relating to its  
6 responsibilities under this paragraph.

7 \* \* \*

8 (b.2) Mandatory payment of costs.--The following apply:

9 (1) Notwithstanding any provision of law to the  
10 contrary, in the event the court fails to issue an order  
11 under subsection (a) imposing costs upon the defendant, the  
12 defendant shall nevertheless be liable for costs, as provided  
13 in section 9721(c.1). The absence of a court order shall not  
14 affect the applicability of the provisions of this section.

15 (2) When costs are imposed under section 9721(c.1), an  
16 offender who has been sentenced to a period of confinement  
17 shall be given the opportunity to file written objections  
18 with the Department of Corrections or the county correctional  
19 facility to which he has been sentenced, as appropriate. The  
20 Department of Corrections shall develop an informal,  
21 nonadversarial process to review the written objections for  
22 use by the Department of Corrections and county correctional  
23 facilities. In no case may the department or the county  
24 correctional facility make monetary deductions from the  
25 personal account of an offender without first reviewing and  
26 responding to any written objection filed by the offender.  
27 The department shall develop guidelines relating to its  
28 responsibilities under this paragraph.

29 \* \* \*

30 Section 3. This act shall apply to costs imposed on or after

1 the effective date of this act.

2 Section 4. This act shall take effect in 60 days.