

AMENDMENTS TO HOUSE BILL NO. 758

Sponsor: REPRESENTATIVE PETRARCA

Printer's No. 1825

1 Amend Bill, page 1, line 17; page 2, lines 1 and 2; by
2 striking out all of said lines on said pages and inserting
3 Section 2. Section 9730 of Title 42 is amended to read:

4 Amend Bill, page 2, line 6, by inserting after "costs"
5 , restitution

6 Amend Bill, page 2, line 12, by striking out "restitution,
7 finer or"

8 Amend Bill, page 2, line 12, by inserting after "costs"
9 , restitution or fines

10 Amend Bill, page 2, line 14, by striking out all of said line
11 and inserting

12 (1) If a defendant defaults in the payment of [a fine,]
13 court costs [or], restitution or fine after imposition of
14 sentence, the issuing authority or a senior judge or senior
15 magisterial district judge appointed by the president judge
16 for the purposes of this section may conduct a hearing to
17 determine whether the defendant is financially able to pay.

18 Amend Bill, page 2, line 17, by inserting a bracket before
19 "fine"

20 Amend Bill, page 2, line 17, by inserting a bracket after
21 "or"

22 Amend Bill, page 2, line 17, by inserting after "costs"
23 , restitution or fine

24 Amend Bill, page 2, line 22, by striking out all of said line
25 and inserting

1 (3) If the issuing authority, senior judge or senior
2 magisterial district judge determines that the defendant is
3 without the financial means to pay the [fine or] costs,
4 restitution or fine immediately or in a single remittance,
5 the issuing authority, senior judge or senior magisterial
6 district judge may provide for payment in installments. In
7 determining the appropriate installments, the issuing
8 authority, senior judge or senior magisterial district judge
9 shall consider the defendant's financial resources[, the
10 defendant's ability to make restitution and reparations and
11 the nature of the burden the payment will impose on the
12 defendant] and ability to pay. If the defendant is in default
13 of a payment or advises the issuing authority, senior judge
14 or senior magisterial district judge that default is
15 imminent, the issuing authority, senior judge or senior
16 magisterial district judge may schedule a rehearing on the
17 payment schedule. At the rehearing the defendant has the
18 burden of proving changes of financial condition such that
19 the defendant is without the means to meet the payment
20 schedule. The issuing authority, senior judge or senior
21 magisterial district judge may extend or accelerate the
22 schedule, leave it unaltered or sentence the defendant to a
23 period of community service as the issuing authority, senior
24 judge or senior magisterial district judge finds to be just
25 and practicable under the circumstances.

26 (4) A decision of the issuing authority, senior judge or
27 senior magisterial district judge under paragraph (2) or (3)
28 is subject to section 5105 (relating to right to appellate
29 review).