

## AMENDMENTS TO SENATE BILL NO. 1208

Sponsor: REPRESENTATIVE KAUFFMAN

Printer's No. 1620

1 Amend Bill, page 1, line 3, by inserting after "for"  
2 collection of restitution, reparation, fees, costs, fines and  
3 penalties, for

4 Amend Bill, page 1, lines 8 through 10, by striking out all  
5 of said lines and inserting

6 Section 1. Section 9728(g.1) of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 9728. Collection of restitution, reparation, fees, costs,  
9 fines and penalties.

10 \* \* \*

11 (g.1) Payment.--No less than 50% of all moneys collected by  
12 the county probation department or other agent designated by the  
13 county commissioners of the county with the approval of the  
14 president judge of the county pursuant to subsection (b)(1) and  
15 deducted pursuant to subsection (b)(5) shall, until the  
16 satisfaction of the defendant's restitution obligation, be used  
17 to pay restitution to victims. Any remaining moneys shall be  
18 used to pay the costs imposed under section 1101 of the act of  
19 November 24, 1998 (P.L.882, No.111), known as the Crime Victims  
20 Act, until satisfaction of the defendant's section 1101 costs  
21 obligation, and then shall be used to pay fees, costs, fines,  
22 penalties and other court-ordered obligations.

23 \* \* \*

24 Section 2. Section 9730(a) and (b)(3) and (4) of Title 42  
25 are amended and subsection (b) is amended by adding paragraphs  
26 to read:

27 Amend Bill, page 1, line 19, by striking out all of said line  
28 and inserting

29 (2.1) (i) If the issuing authority, senior judge or  
30 senior

31 Amend Bill, page 2, line 10, by striking out all of said line  
32 and inserting

33 (ii) In each communication with the defendant, the

1 private collection agency or the county's collection  
2 enforcement unit shall notify the defendant of the  
3 defendant's right to request a new financial  
4 determination hearing under paragraph (2.2).  
5 (2.2) (i) If the defendant has a delinquent account  
6 turned

7 Amend Bill, page 2, line 12, by striking out "(2) or"

8 Amend Bill, page 2, lines 15 and 16, by striking out "Upon  
9 receipt of the request for a new financial" and inserting

10 (ii) Upon receipt of the request for a new financial

11 Amend Bill, page 2, lines 19 through 30; page 3, lines 1 and  
12 2; by striking out "In each communication with the defendant,  
13 the" in line 19, all of lines 20 through 30 on page 2 and all of  
14 lines 1 and 2 on page 3 and inserting

15 (iii) Upon notice that the defendant has requested a  
16 new financial determination hearing under this paragraph,  
17 the private collection agency or the county's collection  
18 enforcement unit shall cease all collections activities  
19 pending the conclusion of the financial determination  
20 hearing.

21 (iv) If the defendant fails to appear at the  
22 financial determination hearing under this paragraph, the  
23 private collection agency or county's collection  
24 enforcement unit may resume collection activities.

25 (v) If the defendant requests a new financial  
26 determination hearing after failing to appear at a  
27 hearing previously requested under this paragraph, the  
28 private collection agency or county collection  
29 enforcement unit's collection activities may continue  
30 unless stayed by court order.

31 (3) (i) If the issuing authority, senior judge or  
32 senior

33 Amend Bill, page 3, line 9, by inserting a bracket before the  
34 period after "finer"

35 Amend Bill, page 3, line 9, by inserting after "finer."

36 ], except costs imposed under section 1101 of the act of  
37 November 24, 1998 (P.L.882, No.111), known as the Crime  
38 Victims Act.

39 Amend Bill, page 3, lines 14 and 15, by striking out  
40 "defendant. If the defendant is in default of a payment or" and

1 inserting

2 defendant.

3 (ii) If the defendant is in default of a payment or

4 Amend Bill, page 3, line 24, by inserting after "unaltered"

5 , reduce or waive the costs or fines, except costs

6 imposed under section 1101.1 of the Crimes Victims Act

7 Amend Bill, page 3, lines 27 and 28, by striking out

8 "circumstances. The issuing authority, senior judge or senior"

9 and inserting

10 circumstances.

11 (iii) If the issuing authority, senior judge or

12 senior magisterial district judge determines that the

13 defendant is without the financial means to pay the

14 costs, restitution or fines under this paragraph, the

15 issuing authority, senior judge or senior

16 Amend Bill, page 4, line 9, by striking out "2" and inserting

17 3

18 Amend Bill, page 5, line 19, by striking out "3" and

19 inserting

20 4