

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 301 Session of
1991

INTRODUCED BY O'DONNELL, KOSINSKI, JOSEPHS, DALEY, MELIO, PESCI,
GIGLIOTTI AND VROON, FEBRUARY 6, 1991

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 29, 1992

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for municipal
3 court jurisdiction over landlord-tenant cases; FURTHER <—
4 PROVIDING FOR THE ESTABLISHMENT OF FEES AND CHARGES AND FOR
5 CONSTABLE FEES; IMPOSING A CRIMINAL LABORATORY USER FEE; <—
6 PROVIDING FOR DISPOSITION OF REVENUES GENERATED BY THE FEE;
7 AND MAKING REPEALS.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 1123(a)(3) of Title 42 of the
11 Pennsylvania Consolidated Statutes is amended to read:

12 § 1123. Jurisdiction and venue.

13 (a) General rule.--Except as otherwise prescribed by any
14 general rule adopted pursuant to section 503 (relating to
15 reassignment of matters), the Philadelphia Municipal Court shall
16 have jurisdiction of the following matters:

17 * * *

18 (3) Matters arising under the act of April 6, 1951

19 (P.L.69, No.20), known as ["The Landlord and Tenant Act of

1 1951.["] The judges of the Philadelphia Municipal Court shall
2 have the power to enter judgments exceeding \$5,000 in matters
3 arising under this subsection.

4 * * *

5 ~~Section 2. All acts and parts of acts are repealed insofar~~ <—
6 ~~as they are inconsistent with this act.~~

7 SECTION 2. SECTION 1725 OF TITLE 42 IS AMENDED BY ADDING <—
8 SUBSECTIONS TO READ:

9 § 1725. ESTABLISHMENT OF FEES AND CHARGES.

10 * * *

11 (C) COUNTIES OF THE FIRST CLASS.--IN COUNTIES OF THE FIRST
12 CLASS:

13 (1) THERE SHALL BE CHARGED AND SET APART BY THE OFFICER
14 RECEIVING THE FEES FIXED IN THIS SECTION AND REMITTED MONTHLY
15 TO THE TREASURER OF THE BAR ASSOCIATION OR OTHER NONPROFIT
16 CORPORATION OPERATING THE PUBLIC LAW LIBRARY OF SUCH COUNTY,
17 AN AMOUNT EQUAL TO 30% OF THE FILING FEES AT THE TIME IN
18 EFFECT FOR THE PROBATE OF WILLS, THE ISSUE OF LETTERS
19 TESTAMENTARY, THE ISSUE OF LETTERS OF ADMINISTRATION AND THE
20 FILING OF ACCOUNTS WITH THE REGISTER OF WILLS, THE FILING OF
21 ACCOUNTS OF TRUSTEES AND GUARDIANS IN THE COURT OF COMMON
22 PLEAS OF THE COUNTY AND OF ALL FILINGS IN THE OFFICE OF THE
23 PROTHONOTARY OF THE COUNTY.

24 (2) THE PROVISIONS OF PARAGRAPH (1) SHALL NOT APPLY TO
25 ANY ACTIONS TAKEN OR INITIATED BY ANY POLITICAL SUBDIVISION.

26 (3) THE WRITTEN RECEIPT FOR THE MONEYS OF THE TREASURER
27 OF THE BAR ASSOCIATION OR NONPROFIT CORPORATION SHALL BE THE
28 ONLY LEGAL DISCHARGE OF THE OFFICER.

29 (4) THE DEPARTMENT OF GENERAL SERVICES SHALL ANNUALLY,
30 AND FREE OF CHARGE, DISTRIBUTE TO THE TREASURER OF EACH BAR

1 ASSOCIATION OR NONPROFIT CORPORATION FOR THE USE OF ITS
2 LIBRARY, 60 COPIES OF THE LAWS OF PENNSYLVANIA FOR THE
3 PURPOSE OF ENABLING THE LIBRARY TO EXCHANGE A COPY OF THE
4 LAWS FOR A COPY OF SIMILAR PUBLICATIONS OF OTHER STATES AND
5 OF THE TERRITORIES OF THE UNITED STATES.

6 (D) COUNTIES OF THE SECOND CLASS.--IN COUNTIES OF THE SECOND
7 CLASS, THE PROTHONOTARY AND THE CLERK OF THE ORPHANS' COURT
8 DIVISION SHALL SET APART FROM THE FEES FIXED IN THIS SECTION OR
9 UNDER ANY OTHER STATUTE AND COLLECTED BY THEM ON THE FOLLOWING
10 ACTIONS, PROCEEDINGS AND APPEALS AND REMIT MONTHLY THE TOTAL
11 COLLECTED TO THE COUNTY TREASURER FOR THE EXCLUSIVE USE AND
12 BENEFIT OF THE PUBLIC LAW LIBRARY IN THE COUNTY.

13 (1) THE SUM OF \$1 FOR APPEALS TO THE COURT OF COMMON
14 PLEAS FROM ANY ADMINISTRATIVE AGENCY, INDEPENDENT AGENCY,
15 GOVERNMENT UNIT, GOVERNMENT AGENCY OR COMMONWEALTH AGENCY.

16 (2) THE SUM OF \$1 FOR APPEALS THAT ARE FILED WITH OR ARE
17 TO BE HEARD BY THE COURT OF COMMON PLEAS WHICH APPEALS ARE
18 NOT SPECIFICALLY SET FORTH IN PARAGRAPH (1), INCLUDING, BUT
19 NOT LIMITED TO, APPEALS FROM DISTRICT JUSTICES, THE
20 PITTSBURGH MAGISTRATES COURT AND THE TRAFFIC COURT OF
21 PITTSBURGH.

22 (3) THE SUM OF \$1 FOR APPOINTMENTS OF BOARDS OF VIEW.

23 (4) THE SUM OF \$1 FOR CERTIORARI TO DISTRICT JUSTICES
24 AND THE PITTSBURGH MAGISTRATES COURT AND THE TRAFFIC COURT OF
25 PITTSBURGH.

26 (5) THE SUM OF \$1 FOR THE COMMENCEMENT OF A CIVIL ACTION
27 OR PROCEEDING.

28 (6) THE SUM OF \$1 FOR THE FILING OF A PRAECIPE FOR AND
29 ISSUANCE OF A WRIT OF EXECUTION OR ATTACHMENT.

30 (7) THE SUM OF \$1 FOR THE ENTRY OF A JUDGMENT BY

1 CONFESSION OR OTHERWISE.

2 (8) THE SUM OF \$1 FOR THE FILING OF ADVERSARY AND
3 AMICABLE SCIRE FACIAS PROCEEDINGS.

4 (9) THE SUM OF \$1 FOR EVERY FILING WITH RESPECT TO
5 FICTITIOUS NAMES, WHETHER INDIVIDUAL OR CORPORATE.

6 (10) THE SUM OF \$1 FOR THE PROBATE OF A WILL, THE
7 ISSUANCE OF LETTERS OF ADMINISTRATION, OR A PETITION FOR
8 DISPOSITION OF DECEDENTS ESTATES INDEPENDENT OF THE ISSUANCE
9 OF LETTERS TESTAMENTARY OR OF ADMINISTRATION.

10 (11) THE SUM OF \$1 FOR THE FILING OF AN ACCOUNT OF
11 FIDUCIARY IN THE OFFICE OF THE CLERK OF THE ORPHANS' COURT
12 DIVISION OR IN THE OFFICE OF THE PROTHONOTARY.

13 (12) THE SUM OF \$1 FOR THE FILING OF A PETITION FOR A
14 WRIT OF HABEAS CORPUS FOR THE CUSTODY OF A MINOR CHILD OR A
15 PETITION FOR THE AWARD OF CUSTODY OF A MINOR CHILD.

16 (13) THE SUM OF \$1 FOR THE FILING OF A PRAECIPE FOR THE
17 ISSUANCE OF MISCELLANEOUS WRITS, FOR THE FILING OF A PETITION
18 FOR A CITATION OR FOR THE FILING OF A CAVEAT NOT SPECIFICALLY
19 PROVIDED FOR IN THIS SUBSECTION.

20 SECTION 3. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ: <—

21 § 1725.3. CRIMINAL LABORATORY USER FEE.

22 (A) IMPOSITION.--A PERSON WHO IS PLACED ON PROBATION WITHOUT
23 VERDICT PURSUANT TO SECTION 17 OF THE ACT OF APRIL 14, 1972
24 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
25 DEVICE AND COSMETIC ACT, OR WHO RECEIVES ACCELERATED
26 REHABILITATIVE DISPOSITION OR WHO PLEADS GUILTY TO OR NOLO
27 CONTENDERE TO OR WHO IS CONVICTED OF A CRIME AS DEFINED IN 18
28 PA.C.S. § 106 (RELATING TO CLASSES OF OFFENSES) OR 75 PA.C.S. §
29 3731 (RELATING TO DRIVING UNDER INFLUENCE OF ALCOHOL OR
30 CONTROLLED SUBSTANCE) OR 3735 (RELATING TO HOMICIDE BY VEHICLE

1 WHILE DRIVING UNDER INFLUENCE) OR A VIOLATION OF THE CONTROLLED
2 SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, SHALL, IN ADDITION TO
3 ANY FINES, PENALTIES OR COSTS, IN EVERY CASE WHERE LABORATORY
4 SERVICES WERE REQUIRED TO PROSECUTE THE CRIME OR VIOLATION, BE
5 SENTENCED TO PAY A CRIMINAL LABORATORY USER FEE WHICH SHALL
6 INCLUDE, BUT NOT BE LIMITED TO, THE COST OF SENDING A LABORATORY
7 TECHNICIAN TO COURT PROCEEDINGS.

8 (B) AMOUNT OF USER FEE.--

9 (1) WHERE THE PROSECUTION IS CONDUCTED IN A COUNTY OF
10 THE FIRST CLASS OR A COUNTY OF THE SECOND CLASS AND THE
11 COUNTY OPERATES A COUNTY LABORATORY THAT HAS PROVIDED
12 SERVICES IN THE PROSECUTION, THE DIRECTOR OR SIMILAR OFFICER
13 OF THE COUNTY LABORATORY SHALL DETERMINE THE ACTUAL COST OF
14 THE LABORATORY SERVICES PROVIDED IN THE PROSECUTION AND
15 TRANSMIT A STATEMENT FOR SERVICES RENDERED TO THE COURT. IF A
16 COUNTY OF THE FIRST CLASS OR A COUNTY OF THE SECOND CLASS
17 DOES NOT OPERATE A COUNTY LABORATORY AND LABORATORY SERVICES
18 IN THE PROSECUTION WERE PROVIDED BY THE PENNSYLVANIA STATE
19 POLICE, THE FEE SHALL BE DETERMINED UNDER PARAGRAPH (2).

20 (2) WHERE THE PROSECUTION IS CONDUCTED IN A COUNTY OTHER
21 THAN A COUNTY OF THE FIRST CLASS OR A COUNTY OF THE SECOND
22 CLASS AND A PENNSYLVANIA STATE POLICE LABORATORY HAS PROVIDED
23 SERVICES IN THE PROSECUTION, THE DIRECTOR OR SIMILAR OFFICER
24 OF THE PENNSYLVANIA STATE POLICE LABORATORY SHALL DETERMINE
25 THE ACTUAL COST OF THE LABORATORY SERVICES PROVIDED IN THE
26 PROSECUTION AND TRANSMIT A STATEMENT FOR SERVICES RENDERED TO
27 THE COURT.

28 (C) DISPOSITION OF FEES.--

29 (1) IN A COUNTY OF THE FIRST CLASS OR A COUNTY OF THE
30 SECOND CLASS THAT OPERATES A COUNTY LABORATORY, THE CRIMINAL

1 LABORATORY USER FEE SHALL BE PAID TO THE COUNTY AND SHALL BE
2 USED SOLELY FOR OPERATION AND MAINTENANCE OF THE COUNTY
3 LABORATORY. IF A COUNTY OF THE FIRST CLASS OR A COUNTY OF THE
4 SECOND CLASS DOES NOT OPERATE A COUNTY LABORATORY, THE
5 CRIMINAL LABORATORY USER FEE SHALL BE PAID INTO THE CRIMINAL
6 LABORATORY USER FEE FUND CREATED UNDER PARAGRAPH (2).

7 (2) IN A COUNTY OTHER THAN A COUNTY OF THE FIRST CLASS
8 OR A COUNTY OF THE SECOND CLASS, OR WHERE A COUNTY OF THE
9 FIRST CLASS OR A COUNTY OF THE SECOND CLASS DOES NOT OPERATE
10 A COUNTY LABORATORY, THE CRIMINAL LABORATORY USER FEE SHALL
11 BE PAID INTO A SPECIAL NONLAPSING FUND OF THE STATE TREASURY,
12 WHICH IS HEREBY ESTABLISHED AND SHALL BE KNOWN AS THE
13 CRIMINAL LABORATORY USER FEE FUND. MONEY IN THE CRIMINAL
14 LABORATORY USER FEE FUND IS HEREBY APPROPRIATED TO THE
15 PENNSYLVANIA STATE POLICE AND SHALL BE USED SOLELY FOR
16 OPERATION AND MAINTENANCE OF PENNSYLVANIA STATE POLICE
17 CRIMINAL LABORATORIES.

18 (D) OTHER LAWS.--THE CRIMINAL LABORATORY USER FEE SHALL BE
19 IMPOSED NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE
20 CONTRARY.

21 SECTION 3 4. SECTION 2947 OF TITLE 42 IS REENACTED AND
22 AMENDED TO READ:

23 § 2947. FEES.

24 [(A) GENERAL RULE.--CONSTABLES AND DEPUTY CONSTABLES SHALL
25 BE COMPENSATED FOR PERFORMING JUDICIAL DUTIES BY THE PAYMENT OF
26 FEES AS SET FORTH IN THIS SECTION AND SHALL BE PAID ACCORDING TO
27 LAW FOR PERFORMING OTHER DUTIES.]

28 (B) TRAVEL OR MILEAGE.--ACTUAL MILEAGE FOR TRAVEL BY MOTOR
29 VEHICLE SHALL BE REIMBURSED AT A RATE EQUAL TO THE HIGHEST RATE
30 ALLOWED BY THE INTERNAL REVENUE SERVICE. IF TRAVEL IS BY OTHER

1 THAN MOTOR VEHICLE, REIMBURSEMENT SHALL BE FOR ACTUAL, VOUCHERED
2 TRAVEL EXPENSES.

3 (C) APPORTIONMENT.--IF MORE THAN ONE DEFENDANT IS
4 TRANSPORTED SIMULTANEOUSLY, REIMBURSEMENTS SHALL BE FOR ACTUAL
5 MILES TRAVELED, AND THE COST SHALL BE DIVIDED BETWEEN OR AMONG
6 THE DEFENDANTS.

7 (D) ADDITIONAL PERSONS.--A CONSTABLE OR DEPUTY CONSTABLE,
8 WHEN HE IS TRANSPORTING A PRISONER, SERVING A WARRANT IN A COURT
9 CASE OR SERVING A WARRANT ON A DEFENDANT OF THE OPPOSITE SEX,
10 MAY, AT HIS DISCRETION, BE ACCOMPANIED BY A SECOND CONSTABLE OR
11 DEPUTY CONSTABLE [WHO IS CERTIFIED PURSUANT TO SECTION 2943
12 (RELATING TO CERTIFICATION) TO PERFORM JUDICIAL DUTIES]. IN SUCH
13 CASES, EACH OFFICER SHALL RECEIVE THE FEE SET OUT IN THIS
14 SECTION. IN ALL OTHER CIVIL AND CRIMINAL CASES, THE ISSUING
15 AUTHORITY MAY AUTHORIZE SUCH PAYMENT TO A SECOND SUCH OFFICER.

16 (E) CIVIL CASES.--IN CIVIL CASES, CONSTABLE FEES MUST BE
17 PAID IN ADVANCE TO THE COURT FOR SERVICES DESIRED TO BE
18 PERFORMED. SUCH FEES SHALL NOT BE REFUNDABLE TO THE PLAINTIFF IF
19 A CASE IS SETTLED OR A DEBT IS SATISFIED LESS THAN 48 HOURS
20 PRIOR TO A SCHEDULED SALE OR EJECTMENT, IN WHICH LATTER CASE THE
21 CONSTABLE OR DEPUTY CONSTABLE SHALL BE PAID FOR [A NONFORCIBLE]
22 HOLDING THE SALE OR CARRYING OUT AN EJECTMENT, RESPECTIVELY.

23 (F) PAYMENT.--FEES SHALL BE PAID BY THE COURT TO THE
24 CONSTABLE AS SOON AS POSSIBLE AND IN EVERY CASE NOT MORE THAN
25 [30] 15 DAYS AFTER THE LATTER OF THE FOLLOWING OCCURS:

- 26 (1) THE SERVICE IS PERFORMED; AND
27 (2) THE REQUEST FOR PAYMENT IS SUBMITTED.

28 (G) SPECIFIC FEES.--FEES IN CIVIL CASES SHALL BE AS FOLLOWS:

- 29 (1) FOR SERVING COMPLAINT, SUMMONS OR NOTICE ON SUITOR
30 OR TENANT, EITHER PERSONALLY OR BY LEAVING A COPY, \$10 PLUS

1 \$5 FOR EACH ADDITIONAL DEFENDANT AT THE SAME ADDRESS.

2 [(2) FOR SERVING SUBPOENAS, \$10 FOR THE FIRST WITNESS
3 PLUS \$2.50 FOR EACH ADDITIONAL WITNESS AT THE SAME ADDRESS.]

4 (3) FOR LEVYING GOODS, INCLUDING SCHEDULE OF PROPERTY
5 LEVIED UPON AND SET ASIDE, \$35.

6 (4) FOR ADVERTISING PERSONAL PROPERTY TO PUBLIC SALE, \$5
7 PER POSTING (MAXIMUM OF \$15) PLUS ACTUAL COST OF ADVERTISING.

8 (5) FOR SELLING GOODS LEVIED, \$35.

9 (6) FOR CLERK HIRED AT SALES, \$20.

10 (7) FOR MAKING RETURN OF NOT FOUND OR NULLA BONA (NO
11 GOODS), \$10.

12 (8) FOR EXECUTING ORDER OF POSSESSION, \$10.

13 (9) FOR [NONFORCIBLE] EJECTMENT [ON ORDER OF POSSESSION,
14 \$35], \$70.

15 [(10) FOR FORCIBLE EJECTMENT, \$70.] <—

16 (11) FOR MAKING RETURN OF SERVICE, OTHER THAN NOT FOUND
17 OR NULLA BONA (NO GOODS), \$2.50.

18 (12) FOR PROVIDING [COURT-ORDERED] COURTROOM SECURITY AS
19 ORDERED, \$10 PER HOUR, PRORATED TO THE NEAREST WHOLE DOLLAR,
20 ASSESSED AGAINST ONE OR MORE PARTIES AS DETERMINED BY THE
21 COURT.

22 (H) CRIMINAL CASES.--FEES IN CRIMINAL CASES SHALL BE AS
23 FOLLOWS:

24 (1) FOR EXECUTING A WARRANT OR FOR EFFECTUATING THE
25 PAYMENT OF FINES AND COSTS BY ATTEMPTING TO EXECUTE A
26 WARRANT, \$15 PER WARRANT.

27 (2) FOR TAKING CUSTODY OF A DEFENDANT, \$5 PER DEFENDANT.

28 (3) FOR CONVEYANCE OF DEFENDANT TO OR FROM COURT, \$5 PER
29 DEFENDANT.

30 (4) FOR ATTENDANCE AT ARRAIGNMENT OR HEARING, \$5 PER

1 DEFENDANT.

2 (5) FOR EXECUTING DISCHARGE, \$5 PER DEFENDANT.

3 (6) FOR EXECUTING COMMITMENT, \$5 PER DEFENDANT

4 (7) FOR EXECUTING RELEASE, \$5 PER DEFENDANT.

5 (8) FOR MAKING RETURNS TO THE COURT [OF PROCESS SERVED
6 OR NON EST INVENTUS (NOT FOUND)], \$2.50.

7 (9) [PURSUANT TO A POLICY ESTABLISHED BY THE PRESIDENT
8 JUDGE] FOR HOLDING A DEFENDANT WHILE AWAITING THE ARRIVAL OF
9 THE DISTRICT JUSTICE AT THE OFFICE OF THE DISTRICT JUSTICE,
10 \$10 PER DEFENDANT PER HOUR BEYOND THE FIRST HALF HOUR,
11 ASSESSED TO THE COURT.

12 (10) FOR CONVEYING DEFENDANTS FOR FINGERPRINTING, \$5 PER
13 DEFENDANT.

14 (11) FOR FINGERPRINTING OR OVERSEEING THE FINGERPRINTING
15 OF DEFENDANTS AT THE DIRECTION OF THE DISTRICT JUSTICE, [\$5]
16 \$10 PER DEFENDANT, PLUS \$10 PER DEFENDANT PER HOUR BEYOND THE
17 FIRST HALF HOUR.

18 (12) FOR PROVIDING [COURT-ORDERED] COURTROOM SECURITY AS
19 ORDERED, \$10 PER HOUR, PRORATED TO THE NEAREST WHOLE DOLLAR,
20 ASSESSED AGAINST ONE OR MORE PARTIES AS DETERMINED BY THE
21 COURT.

22 (13) FOR SERVING SUBPOENAS, \$10 FOR THE FIRST WITNESS,
23 PLUS \$2.50 FOR EACH ADDITIONAL WITNESS AT THE SAME ADDRESS.
24 THE SAME FEE SHALL BE PAYABLE FOR ATTEMPTING TO SERVE A
25 SUBPOENA AT A WRONG ADDRESS SUPPLIED BY THE PARTY REQUESTING
26 THE SERVICE.

27 (I) SIMILAR FEES.--FOR CIVIL AND CRIMINAL SERVICES NOT
28 SPECIFICALLY PROVIDED FOR, THE COURT SHALL PAY THE SAME FEES AS
29 IT PAYS FOR SERVICES THAT IT DETERMINES TO BE SIMILAR TO THOSE
30 PERFORMED.

(J) ASSESSMENT BY COURT.--IN ALL CRIMINAL CASES WHEREIN THE DEFENDANT IS DISCHARGED OR INDIGENT, OR THE CASE IS OTHERWISE DISMISSED, THE COURT SHALL ASSESS TO THE COUNTY THE FEE [AND THE SURCHARGE] PROVIDED IN [SUBSECTION (L)] THIS SECTION, EXCEPT THAT, IN CASES OF PRIVATE CRIMINAL COMPLAINTS WHEREIN THE DEFENDANT IS DISCHARGED PRIOR TO THE INDICTMENT OR THE FILING OF ANY INFORMATION OR THE CASE IS OTHERWISE DISMISSED AT THE SUMMARY OFFENSE HEARING, THE COURT SHALL ASSESS THE FEE [AND SURCHARGE] TO THE AFFIANT.

[(K) ADJUSTMENT OF FEES.--THE ADMINISTRATIVE OFFICE MAY RAISE THE ABOVE FEES AND ADD NEW CATEGORIES AND FEES FROM TIME TO TIME AS IT DEEMS FAIR AND JUST FOR THE PERFORMANCE OF JUDICIAL DUTIES PROVIDED BY LAW.

(L) SURCHARGE.--THERE IS HEREBY ASSESSED A SURCHARGE OF \$2 ON EACH FEE PAYABLE FOR THE PERFORMANCE OF JUDICIAL DUTIES TO EVERY CONSTABLE OR DEPUTY CONSTABLE WHO IS CERTIFIED PURSUANT TO SECTION 2943 TO PERFORM JUDICIAL DUTIES. THIS SURCHARGE IS IMPOSED ON EACH INDIVIDUAL SERVICE FOR WHICH A FEE IS PROVIDED, INCLUDING EACH HOUR FOR WHICH AN HOURLY RATE IS TO BE PAID. MONEYS COLLECTED PURSUANT TO THIS SUBSECTION SHALL BE TURNED OVER MONTHLY BY THE ISSUING AUTHORITY TO THE COUNTY TREASURER OF THE COUNTY IN WHICH THE ISSUING AUTHORITY SERVES.

(M) SPECIAL ACCOUNT.--THERE IS HEREBY ESTABLISHED A SPECIAL RESTRICTED RECEIPTS ACCOUNT WITHIN THE GENERAL FUND OF THE STATE TREASURY, WHICH SHALL BE KNOWN AS THE CONSTABLES' EDUCATION AND TRAINING ACCOUNT, FOR THE PURPOSE OF FINANCING EXPENSES AND COSTS OF ADMINISTRATION BY THE BOARD AND OTHER DIRECT COSTS ASSOCIATED WITH THE PROGRAM AND CONTINUING EDUCATION COURSES ESTABLISHED PURSUANT TO THIS SUBCHAPTER. NO FUNDS FROM THIS SPECIAL ACCOUNT SHALL BE USED EXCEPT FOR COSTS ASSOCIATED WITH

1 THE PROGRAM AND CONTINUING EDUCATION COURSES ESTABLISHED
2 PURSUANT TO THIS SUBCHAPTER AND IN NO EVENT SHALL BE USED BY THE
3 COURT ADMINISTRATOR OR THE ADMINISTRATIVE OFFICE OF THE
4 PENNSYLVANIA COURTS FOR ANY PURPOSE WHATSOEVER.

5 (N) DISPOSITION OF FUNDS.--THE MONEYS COLLECTED BY COUNTY
6 TREASURERS UNDER SUBSECTION (L) SHALL BE FORWARDED MONTHLY BY
7 EACH COUNTY TREASURER TO THE DEPARTMENT OF REVENUE FOR DEPOSIT
8 INTO THE SPECIAL ACCOUNT. NONE OF THESE MONEYS SHALL BE
9 TRANSFERRED BY THE STATE TREASURER TO ANOTHER ACCOUNT OR FUND.

10 (O) APPROPRIATIONS.--

11 (1) FOR THE 1990-1991 FISCAL YEAR, ALL MONEYS DEPOSITED
12 IN THE SPECIAL ACCOUNT ESTABLISHED UNDER SUBSECTION (M) ARE
13 HEREBY APPROPRIATED TO THE COURT ADMINISTRATOR OF
14 PENNSYLVANIA TO BE USED FOR THE CONSTABLE EDUCATION AND
15 TRAINING PROGRAM AS SET FORTH IN SUBSECTION (M).

16 (2) FOR THE FISCAL YEAR BEGINNING JULY 1, 1991, AND EACH
17 YEAR THEREAFTER, THE GENERAL ASSEMBLY SHALL APPROPRIATE TO
18 THE COURT ADMINISTRATOR OF PENNSYLVANIA FROM THE SPECIAL
19 ACCOUNT ESTABLISHED UNDER SUBSECTION (M) SUCH FUNDS AS MAY BE
20 NECESSARY TO CARRY OUT THE PROVISIONS OF THIS ACT.

21 (P) DISBURSEMENTS.--DISBURSEMENTS FROM THE ACCOUNT SHALL BE
22 MADE ONLY BY THE ADMINISTRATIVE OFFICE.

23 (Q) AUDIT.--THE AUDITOR GENERAL SHALL CONDUCT AN AUDIT OF
24 THE ACCOUNT AS HE MAY DEEM NECESSARY OR ADVISABLE FROM TIME TO
25 TIME.]

26 SECTION 4 5. (A) THE FOLLOWING ACTS AND PARTS OF ACTS ARE
27 REPEALED:

28 SECTION 1 OF THE ACT OF JULY 20, 1917 (P.L.1158, NO.401),
29 REFERRED TO AS THE CONSTABLE FEE LAW.

30 SECTION 24(D) AND (E) OF THE ACT OF JULY 9, 1976 (P.L.586,

1 NO.142), KNOWN AS THE JUDICIARY ACT OF 1976.

2 (B) ALL OTHER ACTS AND PARTS OF ACTS ARE REPEALED INsofar AS
3 THEY ARE INCONSISTENT WITH THIS ACT.

4 ~~Section 3-5. This act shall take effect in 60 days.~~ <—

5 SECTION 6. THE ADDITION OF 42 PA.C.S. § 1725.3 SHALL APPLY <—
6 TO OFFENSES COMMITTED ON OR AFTER THE EFFECTIVE DATE OF THIS
7 ACT.

8 SECTION 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

9 (1) THE ADDITION OF 42 PA.C.S. § 1725.3 SHALL TAKE
10 EFFECT IMMEDIATELY.

11 (2) THE AMENDMENT OF 42 PA.C.S. § 2947 SHALL TAKE EFFECT
12 IN 30 DAYS.

13 (3) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

14 (4) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
15 DAYS.