
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

AMENDMENTS TO SENATE AMENDMENTS, HOUSE OF REPRESENTATIVES,
NOVEMBER 16, 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 PROVIDING FOR THE ABATEMENT OF AND FOR OTHER REMEDIES <—
8 RELATING TO DRUG-RELATED NUISANCES; ~~AND~~ PROVIDING FOR <—
9 PROCEDURE, FOR INJUNCTIONS AND FOR POWERS AND DUTIES OF THE
10 COURTS; and making repeals.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

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

15 § 1123. Jurisdiction and venue.

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

20 * * *

(3) Matters arising under the act of April 6, 1951 (P.L.69, No.20), known as ["The Landlord and Tenant Act of 1951."] The judges of the Philadelphia Municipal Court shall have the power to enter judgments exceeding \$5,000 in matters arising under this subsection.

* * *

Section 2. Section 1725 of Title 42 is amended by adding subsections to read:

§ 1725. Establishment of fees and charges.

* * *

(c) Counties of the first class.--In counties of the first class:

(1) There shall be charged and set apart by the officer receiving the fees fixed in this section and remitted monthly to the treasurer of the bar association or other nonprofit corporation operating the public law library of such county, an amount equal to 30% of the filing fees at the time in effect for the probate of wills, the issue of letters testamentary, the issue of letters of administration and the filing of accounts with the register of wills, the filing of accounts of trustees and guardians in the court of common pleas of the county and of all filings in the office of the prothonotary of the county.

(2) The provisions of paragraph (1) shall not apply to any actions taken or initiated by any political subdivision.

(3) The written receipt for the moneys of the treasurer of the bar association or nonprofit corporation shall be the only legal discharge of the officer.

(4) The Department of General Services shall annually, 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 ~~(5) The following fees shall be received by the clerks~~ <—
7 ~~of orphans' courts of counties of the first class:~~

8 ~~(i) The following fees shall be charged for the~~
9 ~~filing of accounts of guardians and trustees based upon~~
10 ~~the size of the estate:~~

Estate not exceeding \$1,000.....	\$14.00
Each additional \$1,000 or fraction	
thereof over \$1,000, but not exceeding	
\$10,000.....	7.00
Over \$10,000, but not exceeding	
\$25,000.....	140.00
Over \$25,000, but not exceeding	
\$100,000.....	279.00
Over \$100,000, but not exceeding	
\$500,000.....	419.00
Over \$500,000, but not exceeding	
\$1,000,000.....	559.00
Each additional \$500,000 or fraction	
thereof over \$1,000,000.....	300.00

25 ~~(ii) The following fees shall be~~
26 ~~charged for the indicated activity or~~
27 ~~function:~~

Affidavit.....	\$3.00
Appeal to Supreme Court.....	35.00
Attachment.....	3.00

1	<u>Auditor's report.....</u>	<u>14.00</u>
2	<u>Bond.....</u>	<u>7.00</u>
3	<u>Bond, refunding.....</u>	<u>7.00</u>
4	<u>Claim of creditor.....</u>	<u>7.00</u>
5	<u>Copy of any record, per page.....</u>	<u>3.00</u>
6	<u>Disclaimer.....</u>	<u>7.00</u>
7	<u>Docket entries, per page.....</u>	<u>8.00</u>
8	<u>Election to take under or against will.</u>	<u>7.00</u>
9	<u>Exceptions to adjudication, opinion and</u>	
10	<u>decree or master's or auditor's report.....</u>	<u>14.00</u>
11	<u>Execution of deed by clerk.....</u>	<u>14.00</u>
12	<u>Excerpt from schedule and</u>	
13	<u>certification.....</u>	<u>7.00</u>
14	<u>Exemplification of any record.....</u>	<u>7.00</u>
15	<u>Exemption, petition for.....</u>	<u>7.00</u>
16	<u>Family settlement:</u>	
17	<u>not exceeding three pages.....</u>	<u>25.00</u>
18	<u>each additional page.....</u>	<u>6.00</u>
19	<u>Guardian, appointment of:</u>	
20	<u>not exceeding \$2,500.....</u>	<u>14.00</u>
21	<u>exceeding \$2,500.....</u>	<u>35.00</u>
22	<u>Inventory, guardian's.....</u>	<u>3.00</u>
23	<u>Marriage license.....</u>	<u>5.00</u>
24	<u>(Plus \$10.00 surcharge for</u>	
25	<u>Commonwealth of Pennsylvania)</u>	
26	<u>Consent of parent or guardian.....</u>	<u>3.00</u>
27	<u>Appointment of temporary guardian.....</u>	<u>3.00</u>
28	<u>Master's report.....</u>	<u>13.00</u>
29	<u>Petition and decree.....</u>	<u>14.00</u>
30	<u>Petition and decree for citation.....</u>	<u>28.00</u>

Pleading (other than petition):

answer to preliminary objections or

exceptions..... 7.00

Preliminary objections..... 14.00

Satisfaction of award, each..... 3.00

Short certificate..... 3.00

Stipulation..... 14.00

Subpoena..... 3.00

~~(6) The clerk of orphans' courts of counties of the first class are authorized to establish fees for services required by statute or rule of court which are not specifically provided for in paragraph (5). Any such additional fees shall be the same as those imposed for similar services. The clerks shall not be required to perform any service until the requisite fee is paid.~~

(5) THE FOLLOWING FEES SHALL BE RECEIVED BY THE CLERKS OF ORPHANS' COURTS OF COUNTIES OF THE FIRST CLASS:

<—

(I) THE FOLLOWING FEES SHALL BE CHARGED FOR THE FILING OF ACCOUNTS OF GUARDIANS AND TRUSTEES BASED UPON THE SIZE OF THE ESTATE:

ESTATE NOT EXCEEDING \$1,000..... \$14.00

EACH ADDITIONAL \$1,000 OR FRACTION

THEREOF OVER \$1,000, BUT NOT EXCEEDING

\$10,000..... 7.00

OVER \$10,000, BUT NOT EXCEEDING

\$25,000..... 140.00

OVER \$25,000, BUT NOT EXCEEDING

\$100,000..... 279.00

OVER \$100,000, BUT NOT EXCEEDING

\$500,000..... 419.00

1	<u>OVER \$500,000, BUT NOT EXCEEDING</u>	
2	<u>\$1,000,000.....</u>	<u>559.00</u>
3	<u>EACH ADDITIONAL \$500,000 OR FRACTION</u>	
4	<u>THEREOF OVER \$1,000,000.....</u>	<u>300.00</u>
5	<u>(II) THE FOLLOWING FEES SHALL BE</u>	
6	<u>CHARGED FOR THE INDICATED ACTIVITY OR</u>	
7	<u>FUNCTION:</u>	
8	<u>AFFIDAVIT.....</u>	<u>\$3.00</u>
9	<u>APPEAL TO SUPREME COURT.....</u>	<u>35.00</u>
10	<u>ATTACHMENT.....</u>	<u>3.00</u>
11	<u>AUDITOR'S REPORT.....</u>	<u>14.00</u>
12	<u>BOND.....</u>	<u>7.00</u>
13	<u>BOND, REFUNDING.....</u>	<u>7.00</u>
14	<u>CLAIM OF CREDITOR.....</u>	<u>7.00</u>
15	<u>COPY OF ANY RECORD, PER PAGE.....</u>	<u>3.00</u>
16	<u>DISCLAIMER.....</u>	<u>7.00</u>
17	<u>DOCKET ENTRIES, PER PAGE.....</u>	<u>8.00</u>
18	<u>ELECTION TO TAKE UNDER OR AGAINST WILL.</u>	<u>7.00</u>
19	<u>EXCEPTIONS TO ADJUDICATION, OPINION AND</u>	
20	<u>DECREE OR MASTER'S OR AUDITOR'S REPORT.....</u>	<u>14.00</u>
21	<u>EXECUTION OF DEED BY CLERK.....</u>	<u>14.00</u>
22	<u>EXCERPT FROM SCHEDULE AND</u>	
23	<u>CERTIFICATION.....</u>	<u>7.00</u>
24	<u>EXEMPLIFICATION OF ANY RECORD.....</u>	<u>7.00</u>
25	<u>EXEMPTION, PETITION FOR.....</u>	<u>7.00</u>
26	<u>FAMILY SETTLEMENT:</u>	
27	<u>NOT EXCEEDING THREE PAGES.....</u>	<u>25.00</u>
28	<u>EACH ADDITIONAL PAGE.....</u>	<u>6.00</u>
29	<u>GUARDIAN, APPOINTMENT OF:</u>	
30	<u>NOT EXCEEDING \$2,500.....</u>	<u>14.00</u>

1	<u>EXCEEDING \$2,500.....</u>	<u>35.00</u>
2	<u>INVENTORY, GUARDIAN'S.....</u>	<u>3.00</u>
3	<u>MARRIAGE LICENSE.....</u>	<u>5.00</u>
4	<u>(PLUS \$10.00 SURCHARGE FOR</u>	
5	<u>COMMONWEALTH OF PENNSYLVANIA)</u>	
6	<u>CONSENT OF PARENT OR GUARDIAN.....</u>	<u>3.00</u>
7	<u>APPOINTMENT OF TEMPORARY GUARDIAN.....</u>	<u>3.00</u>
8	<u>MASTER'S REPORT.....</u>	<u>13.00</u>
9	<u>PETITION AND DECREE.....</u>	<u>14.00</u>
10	<u>PETITION AND DECREE FOR CITATION.....</u>	<u>28.00</u>
11	<u>PLEADING (OTHER THAN PETITION):</u>	
12	<u>ANSWER TO PRELIMINARY OBJECTIONS OR</u>	
13	<u>EXCEPTIONS.....</u>	<u>7.00</u>
14	<u>PRELIMINARY OBJECTIONS.....</u>	<u>14.00</u>
15	<u>SATISFACTION OF AWARD, EACH.....</u>	<u>3.00</u>
16	<u>SHORT CERTIFICATE.....</u>	<u>3.00</u>
17	<u>STIPULATION.....</u>	<u>14.00</u>
18	<u>SUBPOENA.....</u>	<u>3.00</u>

19 (6) THE CLERK OF ORPHANS' COURTS OF COUNTIES OF THE
20 FIRST CLASS ARE AUTHORIZED TO ESTABLISH FEES FOR SERVICES
21 REQUIRED BY STATUTE OR RULE OF COURT WHICH ARE NOT
22 SPECIFICALLY PROVIDED FOR IN PARAGRAPH (5). ANY SUCH
23 ADDITIONAL FEES SHALL BE THE SAME AS THOSE IMPOSED FOR
24 SIMILAR SERVICES. THE CLERKS SHALL NOT BE REQUIRED TO PERFORM
25 ANY SERVICE UNTIL THE REQUISITE FEE IS PAID.

26 (d) Counties of the second class.--In counties of the second
27 class, the prothonotary and the clerk of the orphans' court
28 division shall set apart from the fees fixed in this section or
29 under any other statute and collected by them on the following
30 actions, proceedings and appeals and remit monthly the total

1 collected to the county treasurer for the exclusive use and
2 benefit of the public law library in the county.

3 (1) The sum of \$1 for appeals to the court of common
4 pleas from any administrative agency, independent agency,
5 government unit, government agency or Commonwealth agency.

6 (2) The sum of \$1 for appeals that are filed with or are
7 to be heard by the court of common pleas which appeals are
8 not specifically set forth in paragraph (1), including, but
9 not limited to, appeals from district justices, the
10 Pittsburgh Magistrates Court and the Traffic Court of
11 Pittsburgh.

12 (3) The sum of \$1 for appointments of Boards of View.

13 (4) The sum of \$1 for certiorari to district justices
14 and the Pittsburgh Magistrates Court and the Traffic Court of
15 Pittsburgh.

16 (5) The sum of \$1 for the commencement of a civil action
17 or proceeding.

18 (6) The sum of \$1 for the filing of a praecipe for and
19 issuance of a writ of execution or attachment.

20 (7) The sum of \$1 for the entry of a judgment by
21 confession or otherwise.

22 (8) The sum of \$1 for the filing of adversary and
23 amicable scire facias proceedings.

24 (9) The sum of \$1 for every filing with respect to
25 fictitious names, whether individual or corporate.

26 (10) The sum of \$1 for the probate of a will, the
27 issuance of letters of administration, or a petition for
28 disposition of decedents estates independent of the issuance
29 of letters testamentary or of administration.

30 (11) The sum of \$1 for the filing of an account of

fiduciary in the office of the clerk of the orphans' court
division or in the office of the prothonotary.

(12) The sum of \$1 for the filing of a petition for a
writ of habeas corpus for the custody of a minor child or a
petition for the award of custody of a minor child.

(13) The sum of \$1 for the filing of a praecipe for the
issuance of miscellaneous writs, for the filing of a petition
for a citation or for the filing of a caveat not specifically
provided for in this subsection.

(E) COUNTIES OF THE SECOND CLASS A.--IN COUNTIES OF THE
SECOND CLASS A, THE PROTHONOTARY, THE REGISTER OF WILLS AND THE
CLERK OF THE COURT SHALL SET APART FROM THE FEES FIXED IN THIS
SECTION OR UNDER ANY OTHER STATUTE AND COLLECTED BY THEM ON THE
FOLLOWING ACTIONS AND PROCEEDINGS, AND REMIT MONTHLY THE TOTAL
COLLECTED TO THE COUNTY TREASURER FOR THE EXCLUSIVE USE AND
BENEFIT OF THE PUBLIC LAW LIBRARY IN THE COUNTY, IF THE COUNTY
COMMISSIONERS SO REQUEST AND IN THE AMOUNT THEY SO REQUEST:

(1) THE SUM OF NOT LESS THAN \$5, NOR MORE THAN \$40, FOR
THE COMMENCEMENT OF ANY CIVIL ACTION OR PROCEEDING.

(2) THE SUM OF NOT LESS THAN \$5, NOR MORE THAN \$40, FOR
THE PROBATE OF A WILL, THE ISSUANCE OF LETTERS OF
ADMINISTRATION OR ANY PETITION FOR DISPOSITION OF DECEDENTS
ESTATES INDEPENDENT OF THE ISSUANCE OF LETTERS TESTAMENTARY
OR OF ADMINISTRATION.

(3) THE SUM OF NOT LESS THAN \$5, NOR MORE THAN \$40, FOR
EACH MISDEMEANOR OR FELONY CASE PROCESSED BY THE CLERK OF
COURTS.

Section 3. Title 42 is amended by adding a section to read:

§ 1725.3. Criminal laboratory user fee.

(a) Imposition.--A person who is placed on probation without

1 verdict pursuant to section 17 of the act of April 14, 1972
2 (P.L.233, No.64), known as The Controlled Substance, Drug,
3 Device and Cosmetic Act, or who receives Accelerated
4 Rehabilitative Disposition or who pleads guilty to or nolo
5 contendere to or who is convicted of a crime as defined in 18
6 Pa.C.S. § 106 (relating to classes of offenses) or 75 Pa.C.S. §
7 3731 (relating to driving under influence of alcohol or
8 controlled substance) or 3735 (relating to homicide by vehicle
9 while driving under influence) or a violation of The Controlled
10 Substance, Drug, Device and Cosmetic Act, shall, in addition to
11 any fines, penalties or costs, in every case where laboratory
12 services were required to prosecute the crime or violation, be
13 sentenced to pay a criminal laboratory user fee which shall
14 include, but not be limited to, the cost of sending a laboratory
15 technician to court proceedings.

16 (b) Amount of user fee.--

17 (1) Where the prosecution is conducted in a county of
18 the first class or a county of the second class and the
19 county operates a county laboratory that has provided
20 services in the prosecution, the director or similar officer
21 of the county laboratory shall determine the actual cost of
22 the laboratory services provided in the prosecution and
23 transmit a statement for services rendered to the court. If a
24 county of the first class or a county of the second class
25 does not operate a county laboratory and laboratory services
26 in the prosecution were provided by the Pennsylvania State
27 Police, the fee shall be determined under paragraph (2).

28 (2) Where the prosecution is conducted in a county other
29 than a county of the first class or a county of the second
30 class and a Pennsylvania State Police laboratory has provided

1 services in the prosecution, the director or similar officer
2 of the Pennsylvania State Police laboratory shall determine
3 the actual cost of the laboratory services provided in the
4 prosecution and transmit a statement for services rendered to
5 the court.

6 (c) Disposition of fees.--

7 (1) In a county of the first class or a county of the
8 second class that operates a county laboratory, the criminal
9 laboratory user fee shall be paid to the county and shall be
10 used solely for operation and maintenance of the county
11 laboratory. If a county of the first class or a county of the
12 second class does not operate a county laboratory, the
13 criminal laboratory user fee shall be paid into the Criminal
14 Laboratory User Fee Fund created under paragraph (2).

15 (2) In a county other than a county of the first class
16 or a county of the second class, or where a county of the
17 first class or a county of the second class does not operate
18 a county laboratory, the criminal laboratory user fee shall
19 be paid into a special nonlapsing fund of the State Treasury,
20 which is hereby established and shall be known as the
21 Criminal Laboratory User Fee Fund. Money in the Criminal
22 Laboratory User Fee Fund is hereby appropriated to the
23 Pennsylvania State Police and shall be used solely for
24 operation and maintenance of Pennsylvania State Police
25 criminal laboratories.

26 (d) Other laws.--The criminal laboratory user fee shall be
27 imposed notwithstanding any other provision of law to the
28 contrary.

29 ~~Section 4. Section 2947 of Title 42 is reenacted and amended~~ <—
30 ~~to read:~~

1 ~~§ 2947. — Fees.~~

2 ~~[(a) General rule. — Constables and deputy constables shall~~
3 ~~be compensated for performing judicial duties by the payment of~~
4 ~~fees as set forth in this section and shall be paid according to~~
5 ~~law for performing other duties.].~~

6 ~~(b) Travel or mileage. — Actual mileage for travel by motor~~
7 ~~vehicle shall be reimbursed at a rate equal to the highest rate~~
8 ~~allowed by the Internal Revenue Service. If travel is by other~~
9 ~~than motor vehicle, reimbursement shall be for actual, vouchered~~
10 ~~travel expenses.~~

11 ~~(c) Apportionment. — If more than one defendant is~~
12 ~~transported simultaneously, reimbursements shall be for actual~~
13 ~~miles traveled, and the cost shall be divided between or among~~
14 ~~the defendants.~~

15 ~~(d) Additional persons. — A constable or deputy constable,~~
16 ~~when he is transporting a prisoner, serving a warrant in a court~~
17 ~~case or serving a warrant on a defendant of the opposite sex,~~
18 ~~may, at his discretion, be accompanied by a second constable or~~
19 ~~deputy constable [who is certified pursuant to section 2943~~
20 ~~(relating to certification) to perform judicial duties]. In such~~
21 ~~cases, each officer shall receive the fee set out in this~~
22 ~~section. In all other civil and criminal cases, the issuing~~
23 ~~authority may authorize such payment to a second such officer.~~

24 ~~(e) Civil cases. — In civil cases, constable fees must be~~
25 ~~paid in advance to the court for services desired to be~~
26 ~~performed. Such fees shall not be refundable to the plaintiff if~~
27 ~~a case is settled or a debt is satisfied less than 48 hours~~
28 ~~prior to a scheduled sale or ejectment, in which latter case the~~
29 ~~constable or deputy constable shall be paid for [a nonforcible]~~
30 ~~holding the sale or carrying out an ejectment, respectively.~~

~~(f) Payment. Fees shall be paid by the court to the constable as soon as possible and in every case not more than [30] 15 days after the latter of the following occurs:~~

~~(1) the service is performed; and~~

~~(2) the request for payment is submitted.~~

~~(g) Specific fees. Fees in civil cases shall be as follows:~~

~~(1) For serving complaint, summons or notice on suitor or tenant, either personally or by leaving a copy, \$10 plus \$5 for each additional defendant at the same address.~~

~~[(2) For serving subpoenas, \$10 for the first witness plus \$2.50 for each additional witness at the same address.]~~

~~(3) For levying goods, including schedule of property levied upon and set aside, \$35.~~

~~(4) For advertising personal property to public sale, \$5 per posting (maximum of \$15) plus actual cost of advertising.~~

~~(5) For selling goods levied, \$35.~~

~~(6) For clerk hired at sales, \$20.~~

~~(7) For making return of not found or nulla bona (no goods), \$10.~~

~~(8) For executing order of possession, \$10.~~

~~(9) For [nonforcible] ejectment [on order of possession, \$35], \$70.~~

~~[(10) For forcible ejectment, \$70.]~~

~~(11) For making return of service, other than not found or nulla bona (no goods), \$2.50.~~

~~(12) For providing [court ordered] courtroom security as ordered, \$10 per hour, prorated to the nearest whole dollar, assessed against one or more parties as determined by the court.~~

~~(h) Criminal cases. Fees in criminal cases shall be as~~

1 follows:

2 ~~(1) For executing a warrant or for effectuating the~~
3 ~~payment of fines and costs by attempting to execute a~~
4 ~~warrant, \$15 per warrant.~~

5 ~~(2) For taking custody of a defendant, \$5 per defendant.~~

6 ~~(3) For conveyance of defendant to or from court, \$5 per~~
7 ~~defendant.~~

8 ~~(4) For attendance at arraignment or hearing, \$5 per~~
9 ~~defendant.~~

10 ~~(5) For executing discharge, \$5 per defendant.~~

11 ~~(6) For executing commitment, \$5 per defendant~~

12 ~~(7) For executing release, \$5 per defendant.~~

13 ~~(8) For making returns to the court [of process served~~
14 ~~or non est inventus (not found)], \$2.50.~~

15 ~~(9) [Pursuant to a policy established by the president~~
16 ~~judge] For holding a defendant while awaiting the arrival of~~
17 ~~the district justice at the office of the district justice,~~
18 ~~\$10 per defendant per hour beyond the first half hour,~~
19 ~~assessed to the court.~~

20 ~~(10) For conveying defendants for fingerprinting, \$5 per~~
21 ~~defendant.~~

22 ~~(11) For fingerprinting or overseeing the fingerprinting~~
23 ~~of defendants at the direction of the district justice, [\$5]~~
24 ~~\$10 per defendant, plus \$10 per defendant per hour beyond the~~
25 ~~first half hour.~~

26 ~~(12) For providing [court ordered] courtroom security as~~
27 ~~ordered, \$10 per hour, prorated to the nearest whole dollar,~~
28 ~~assessed against one or more parties as determined by the~~
29 ~~court.~~

30 ~~(13) For serving subpoenas, \$10 for the first witness,~~

~~plus \$2.50 for each additional witness at the same address.~~

~~The same fee shall be payable for attempting to serve a subpoena at a wrong address supplied by the party requesting the service.~~

~~(i) Similar fees. For civil and criminal services not specifically provided for, the court shall pay the same fees as it pays for services that it determines to be similar to those 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 (1)] 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 the program and continuing education courses established pursuant to this subchapter and in no event shall be used by the court administrator or the Administrative Office of the Pennsylvania Courts for any purpose whatsoever.~~

~~(n) Disposition of funds. The moneys collected by county treasurers under subsection (l) shall be forwarded monthly by each county treasurer to the Department of Revenue for deposit into the special account. None of these moneys shall be transferred by the State Treasurer to another account or fund.~~

~~(o) Appropriations.—~~

~~(1) For the 1990-1991 fiscal year, all moneys deposited in the special account established under subsection (m) are hereby appropriated to the Court Administrator of Pennsylvania to be used for the constable education and training program as set forth in subsection (m).~~

~~(2) For the fiscal year beginning July 1, 1991, and each year thereafter, the General Assembly shall appropriate to the Court Administrator of Pennsylvania from the special account established under subsection (m) such funds as may be necessary to carry out the provisions of this act.~~

~~(p) Disbursements. Disbursements from the account shall be made only by the Administrative Office.~~

1 ~~(g) Audit. The Auditor General shall conduct an audit of~~
2 ~~the account as he may deem necessary or advisable from time to~~
3 ~~time.]~~

4 SECTION 4. CHAPTER 83 OF TITLE 42 IS AMENDED BY ADDING A <—
5 SUBCHAPTER TO READ:

6 CHAPTER 83
7 PARTICULAR RIGHTS AND IMMUNITIES

8 * * *

9 SUBCHAPTER H
10 DRUG NUISANCES

11 SEC.

- 12 8381. SHORT TITLE OF SUBCHAPTER.
13 8382. DEFINITIONS.
14 8383. ACTION TO ABATE.
15 8384. COMPLAINT.
16 8385. SERVICE OF ORIGINAL PROCESS.
17 8386. PRELIMINARY INJUNCTION.
18 8387. PROTECTION OF WITNESSES.
19 8388. SECURITY.
20 8389. JUDGMENT AND REMEDIES.
21 8390. VIOLATION OF INJUNCTIONS OR ABATEMENT ORDER.
22 8391. RELEASE AND CANCELLATION.
23 8392. SEVERABILITY.

24 § 8381. SHORT TITLE OF SUBCHAPTER.

25 THIS SUBCHAPTER SHALL BE KNOWN AND MAY BE CITED AS THE DRUG
26 NUISANCE LAW.

27 § 8382. DEFINITIONS.

28 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS SUBCHAPTER
29 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
30 CONTEXT CLEARLY INDICATES OTHERWISE:

1 "COMMUNITY-BASED ORGANIZATION." ANY GROUP AFFILIATED WITH OR
2 ORGANIZED FOR THE BENEFIT OF ONE OR MORE COMMUNITIES OR
3 NEIGHBORHOODS, OR ANY GROUP ORGANIZED TO BENEFIT THE QUALITY OF
4 LIFE IN A RESIDENTIAL AREA.

5 "CONTROLLED SUBSTANCE ACT." THE ACT OF APRIL 14, 1972
6 (P.L.233, NO.64), KNOWN AS THE CONTROLLED SUBSTANCE, DRUG,
7 DEVICE AND COSMETIC ACT.

8 "DRUG-RELATED NUISANCE." THE USE OF ANY PROPERTY, IN WHOLE
9 OR IN PART, WHICH FACILITATES OR IS INTENDED TO FACILITATE ANY
10 VIOLATION OF THE ACT OF APRIL 14, 1972 (P.L.233, NO.64), KNOWN
11 AS THE CONTROLLED SUBSTANCE, DRUG, DEVICE AND COSMETIC ACT, OR
12 SIMILAR ACT OF THE UNITED STATES OR ANY OTHER STATE.

13 "MANUFACTURE" OR "MANUFACTURING." THE PRODUCTION,
14 PREPARATION, PROPAGATION, COMPOUNDING, CONVERSION OR PROCESSING
15 OF A CONTROLLED SUBSTANCE, OTHER DRUG OR DEVICE OR THE PACKAGING
16 OR REPACKAGING OF SUCH SUBSTANCE OR ARTICLE, OR THE LABELING OR
17 RELABELING OF THE COMMERCIAL CONTAINER OF SUCH SUBSTANCE OR
18 ARTICLE, BUT DOES NOT INCLUDE THE ACTIVITIES OF A PRACTITIONER
19 WHO, AS AN INCIDENT TO HIS ADMINISTRATION OR DISPENSING SUCH
20 SUBSTANCE OR ARTICLE IN THE COURSE OF HIS PROFESSIONAL PRACTICE,
21 PREPARES, COMPOUNDS, PACKAGES OR LABELS SUCH SUBSTANCE OR
22 ARTICLE. THE TERM "MANUFACTURER" MEANS A PERSON WHO MANUFACTURES
23 A CONTROLLED SUBSTANCE, OTHER DRUG OR DEVICE.

24 "OWNER." AN INDIVIDUAL, CORPORATION, PARTNERSHIP, TRUST
25 ASSOCIATION, JOINT VENTURE OR ANY OTHER BUSINESS ENTITY IN WHOM
26 IS VESTED ALL OR ANY PART OF THE TITLE TO THE PROPERTY ALLEGED
27 TO BE A DRUG-RELATED NUISANCE.

28 "PROPERTY." ANY TANGIBLE OR INTANGIBLE PROPERTY, INCLUDING
29 AN INTEREST IN ANY LEASEHOLD, LICENSE OR REAL ESTATE, SUCH AS
30 ANY HOUSE, APARTMENT BUILDING, CONDOMINIUM, COOPERATIVE, OFFICE

1 BUILDING, STORE, RESTAURANT, TAVERN, NIGHTCLUB OR WAREHOUSE, AND
2 THE LAND EXTENDING TO THE BOUNDARIES OF THE LOT UPON WHICH THE
3 STRUCTURE IS SITUATED AND ANYTHING GROWING ON, AFFIXED OR FOUND
4 ON THE LAND.

5 "TENANT." A PERSON WHO RESIDES IN OR OCCUPIES REAL PROPERTY
6 BELONGING TO ANOTHER PERSON PURSUANT TO A LEASE AGREEMENT OR
7 COMMON LAW TENANCY.

8 § 8383. ACTION TO ABATE.

9 WHEREVER THERE IS REASON TO BELIEVE THAT A DRUG-RELATED
10 NUISANCE EXISTS, THE DISTRICT ATTORNEY, THE ATTORNEY GENERAL IF <—
11 REQUESTED BY A DISTRICT ATTORNEY, THE SOLICITOR FOR THE COUNTY
12 OR MUNICIPALITY, A RESIDENT WITHIN 1,000 FEET OF THE PROPERTY,
13 INCLUDING A TENANT OF THE PROPERTY, THE OWNER OF PROPERTY OR ANY
14 COMMUNITY-BASED ORGANIZATION MAY FILE AN ACTION IN THE COURT OF
15 COMMON PLEAS TO ABATE, ENJOIN AND PREVENT THE DRUG-RELATED
16 NUISANCE. SUCH ACTIONS SHALL BE COMMENCED BY THE FILING OF A
17 COMPLAINT ALLEGING THE FACTS CONSTITUTING THE DRUG-RELATED
18 NUISANCE.

19 § 8384. COMPLAINT.

20 (A) ADVERSE IMPACT.--THE COMPLAINT OR AN AFFIDAVIT ATTACHED
21 THERETO SHALL DESCRIBE THE ADVERSE IMPACT ASSOCIATED WITH THE
22 DRUG NUISANCE UPON THE SURROUNDING NEIGHBORHOOD. ADVERSE IMPACT
23 INCLUDES, WITHOUT LIMITATION, THE PRESENCE OF ANY ONE OR MORE OF
24 THE FOLLOWING CONDITIONS:

25 (1) DIMINISHED PROPERTY VALUE.

26 (2) INCREASED FEAR OF RESIDENTS TO WALK THROUGH AND IN
27 PUBLIC AREAS, INCLUDING SIDEWALKS AND STREETS, INCREASED
28 VOLUME OF VEHICULAR AND PEDESTRIAN TRAFFIC TO AND FROM THE
29 PROPERTY.

30 (3) AN INCREASE IN THE NUMBER OF AMBULANCE OR POLICE

1 CALLS TO THE PROPERTY WHICH ARE RELATED TO THE USE OF DRUGS
2 OR TO VIOLENCE STEMMING FROM ILLEGAL ACTIVITY.

3 (4) INCREASED NOISE, BOTHERSOME SOLICITORS OR APPROACHES
4 BY PERSONS WISHING TO SELL DRUGS OR SOLICIT THE DONATION OF
5 MONEY ON OR NEAR THE PROPERTY.

6 (5) THE DISPLAY OF DANGEROUS WEAPONS ON OR NEAR THE
7 PROPERTY.

8 (6) THE DISCHARGE OF FIREARMS ON OR NEAR THE PROPERTY.

9 (7) SEARCH WARRANTS SERVED ON TENANTS OR OCCUPANTS OF
10 THE PROPERTY WHICH RESULTED IN THE SEIZURE OF DRUGS.

11 (8) INVESTIGATIVE PURCHASES OF DRUGS ON OR NEAR THE
12 PROPERTY BY LAW ENFORCEMENT OFFICERS.

13 (9) ARRESTS OF PERSON ON OR NEAR THE PROPERTY FOR
14 VIOLATION OF CRIMINAL LAWS.

15 (10) HOUSING CODE VIOLATIONS RELATING TO THE PROPERTY.

16 (11) HEALTH CODE VIOLATIONS RELATING TO THE PROPERTY.

17 (12) ACCUMULATED TRASH AND REFUSE IN COMMON AREAS ON OR
18 ADJACENT TO THE PROPERTY.

19 (13) AN UNSECURED ENTRYWAY ON THE PROPERTY.

20 (B) ATTEMPTS TO NOTIFY OWNER.--THE COMPLAINT SHALL CONTAIN A
21 DESCRIPTION OF WHAT ATTEMPTS, IF ANY, HAVE BEEN MADE BY THE
22 PLAINTIFF OR ANY OTHER PERSON OR ENTITY TO NOTIFY THE OWNER OF
23 THE PROPERTY OF THE DRUG-RELATED NUISANCE OR RESULTING ADVERSE
24 IMPACT.

25 § 8385. SERVICE OF ORIGINAL PROCESS.

26 (A) GENERAL RULE.--A COPY OF THE SUMMONS AND COMPLAINT SHALL
27 BE SERVED UPON THE DEFENDANT AT LEAST FIVE BUSINESS DAYS PRIOR
28 TO THE FIRST HEARING IN THE ACTION. SERVICE OF ORIGINAL PROCESS
29 SHALL BE MADE IN ACCORDANCE WITH THE PENNSYLVANIA RULES OF CIVIL
30 PROCEDURE.

(B) POSTING AT PROPERTY.--IF PERSONAL SERVICE CANNOT BE MADE, SERVICE MAY BE MADE BY POSTING THE PAPERS AT THE PROPERTY. IF SERVICE IS MADE BY POSTING AT THE PROPERTY, A COPY OF THE SUMMONS AND COMPLAINT SHALL BE MAILED REGISTERED MAIL, TO THE LAST KNOWN MAIL ADDRESS, IF ANY, OF THE DEFENDANT. ACTUAL RECEIPT OF THE REGISTERED MAIL SHALL NOT BE REQUIRED FOR SERVICE.

§ 8386. PRELIMINARY INJUNCTION.

UPON THE FILING OF A MOTION FOR PRELIMINARY INJUNCTION TO ABATE THE DRUG-RELATED NUISANCE, THE PLAINTIFF SHALL BE ENTITLED TO A HEARING ON THE MOTION FOR PRELIMINARY INJUNCTION WITHIN 10 BUSINESS DAYS OF THE FILING. IF IT SHALL BE MADE TO APPEAR, BY AFFIDAVIT OR OTHERWISE, THAT THERE IS A SUBSTANTIAL LIKELIHOOD THAT THE PLAINTIFF WILL SHOW AT TRIAL, BY A PREPONDERANCE OF THE EVIDENCE, THAT DRUG-RELATED NUISANCE EXISTS, THE COURT SHALL ENTER AN ORDER PRELIMINARILY ENJOINING THE DRUG-RELATED NUISANCE AND GRANTING SUCH OTHER RELIEF AS THE COURT MAY DEEM TO BE APPROPRIATE, INCLUDING THOSE REMEDIES PROVIDED FOR IN SECTION 8. WHENEVER POSSIBLE, THE COURT SHALL ORDER THE TRIAL OF THE ACTION ON THE MERITS ADVANCED AND CONSOLIDATED WITH THE HEARING OF THE MOTION. THIS SECTION SHALL NOT BE CONSTRUED TO PROHIBIT THE APPLICATION FOR OR THE GRANTING OF A TEMPORARY RESTRAINING ORDER.

§ 8387. PROTECTION OF WITNESSES.

AT THE TIME OF AN APPLICATION FOR THE ISSUANCE OF A RESTRAINING ORDER OR AN INJUNCTION, IF PROOF OF THE EXISTENCE OF THE DRUG-RELATED NUISANCE DEPENDS, IN WHOLE OR PART, UPON THE AFFIDAVITS OF WITNESSES WHO ARE NOT LAW ENFORCEMENT OFFICERS, UPON A SHOWING OF PRIOR THREATS OF VIOLENCE OR ACTS OF VIOLENCE BY ANY DEFENDANT OR OTHER PERSON ALLEGED TO BE INVOLVED IN THE

1 DRUG-RELATED NUISANCE, THE COURT MAY ISSUE ORDERS TO PROTECT
2 THOSE WITNESSES, PROVIDING FOR NONDISCLOSURE OF THE NAME,
3 ADDRESS OR ANY OTHER IDENTIFYING INFORMATION PERTAINING TO THE
4 WITNESSES, AND SUCH OTHER AND FURTHER RELIEF AS THE COURT MAY
5 DEEM APPROPRIATE.

6 § 8388. SECURITY.

7 NO BOND SHALL BE REQUIRED TO ISSUE A PRELIMINARY INJUNCTION
8 OR SPECIAL INJUNCTION SOUGHT BY THE DISTRICT ATTORNEY OR THE
9 SOLICITOR FOR THE COUNTY OR MUNICIPALITY. A BOND IN AN AMOUNT
10 FIXED AND WITH SECURITY APPROVED BY THE COURT MAY BE REQUIRED TO
11 ISSUE A PRELIMINARY INJUNCTION OR SPECIAL INJUNCTION WHEN THE
12 PLAINTIFF IS NOT THE DISTRICT ATTORNEY OR, THE ATTORNEY GENERAL <—
13 OR A SOLICITOR FOR THE COUNTY OR MUNICIPALITY. WHERE SUCH RELIEF
14 IS ISSUED AFTER AN EVIDENTIARY HEARING AT WHICH WITNESSES ARE
15 SUBJECT TO CROSS EXAMINATION, THE COURT SHALL NOT REQUIRE A BOND
16 IN EXCESS OF \$500.

17 § 8389. JUDGMENT AND REMEDIES.

18 (A) BURDEN OF PROOF.--THE PLAINTIFF MUST ESTABLISH THAT A
19 DRUG-RELATED NUISANCE EXISTS BY A PREPONDERANCE OF THE EVIDENCE.

20 (B) RELIEF.--IF THE EXISTENCE OF A DRUG-RELATED NUISANCE IS
21 FOUND, THE JUDGMENT MAY INCLUDE ACTUAL DAMAGES AND A TEMPORARY
22 OR PERMANENT INJUNCTION TO RESTRAIN, ABATE AND PREVENT THE
23 CONTINUANCE OR RECURRENCE OF THE DRUG-RELATED NUISANCE. THE
24 COURT MAY GRANT DECLARATORY RELIEF, MANDATORY ORDERS OR ANY
25 OTHER RELIEF DEEMED NECESSARY TO ACCOMPLISH THE PURPOSES OF THE
26 INJUNCTION OR ORDER AND ENFORCE THE SAME, AND THE COURT MAY
27 RETAIN JURISDICTION OF THE CASE FOR THE PURPOSE OF ENFORCING ITS
28 ORDERS.

29 (C) ADDITIONAL REMEDIES.--IF THE EXISTENCE OF A DRUG-RELATED
30 NUISANCE IS FOUND, THE COURT SHALL HAVE THE POWER ADDITIONALLY

1 TO FASHION ANY ONE OR MORE OF THE FOLLOWING REMEDIES:

2 (1) ASSESS COSTS OF THE ACTION AGAINST THE DEFENDANT.

3 (2) WHEN A GOVERNMENTAL AGENCY IS A PLAINTIFF IN THE
4 ACTION, ASSESS A CIVIL PENALTY AGAINST THE DEFENDANT OF NOT
5 LESS THAN \$500 NOR MORE THAN \$10,000.

6 (3) ORDER THE OWNER TO CLEAN UP THE PROPERTY AND MAKE
7 REPAIRS UPON THE PROPERTY.

8 (4) SUSPEND OR REVOKE ANY BUSINESS, PROFESSIONAL,
9 OPERATIONAL OR LIQUOR LICENSE.

10 (5) ORDER THE OWNER TO MAKE ADDITIONAL REASONABLE
11 EXPENDITURES UPON THE PROPERTY, INCLUDING, BUT NOT LIMITED
12 TO, INSTALLING SECURE LOCKS ON DOORS, INCREASING LIGHTING IN
13 COMMON AREAS AND USING VIDEOTAPED SURVEILLANCE OF THE
14 PROPERTY AND ADJACENT ALLEYS, SIDEWALKS AND PARKING LOTS.

15 (6) ORDER ALL RENTAL INCOME FROM THE PROPERTY TO BE
16 PLACED IN AN ESCROW ACCOUNT WITH THE COURT FOR UP TO 90 DAYS
17 OR UNTIL THE DRUG-RELATED NUISANCE IS ABATED.

18 (7) ORDER ALL RENTAL INCOME FOR THE PROPERTY TRANSFERRED
19 TO A TRUSTEE, TO BE APPOINTED BY THE COURT, WHO SHALL BE
20 EMPOWERED TO USE THE RENTAL INCOME TO MAKE REASONABLE
21 EXPENDITURES UPON THE PROPERTY IN ORDER TO ABATE THE DRUG-
22 RELATED NUISANCE.

23 (8) ORDER THE SUSPENSION OF ANY STATE, CITY OR LOCAL
24 GOVERNMENTAL SUBSIDIES PAYABLE TO THE OWNERS OF THE PROPERTY,
25 SUCH AS TENANT ASSISTANCE PAYMENTS TO LANDLORDS, UNTIL THE
26 NUISANCE IS ABATED.

27 (9) ALLOW THE PLAINTIFF TO SEAL THE PROPERTY WITH THE
28 COST OF SEALING PAYABLE BY THE DEFENDANT.

29 (10) ORDER THE DEFENDANT TO PAY THE PLAINTIFF THE COST
30 OF THE SUIT, INCLUDING REASONABLE ATTORNEY FEES.

(D) FACTORS TO CONSIDER.--IN MAKING AN ORDER UNDER
SUBSECTION (C), THE COURT SHALL CONSIDER, AMONG OTHERS, THE
FOLLOWING FACTORS:

(1) THE NUMBER OF PEOPLE RESIDING AT THE PROPERTY.

(2) THE PROXIMITY OF THE PROPERTY TO OTHER RESIDENTIAL
STRUCTURES.

(3) THE NUMBER OF TIMES THE PROPERTY HAS BEEN CITED FOR
HOUSING CODE OR HEALTH CODE VIOLATIONS.

(4) THE NUMBER OF TIMES THE OWNER HAS BEEN NOTIFIED OF
DRUG-RELATED PROBLEMS AT THE PROPERTY.

(5) THE EXTENT AND DURATION OF THE DRUG-RELATED NUISANCE
AT THE TIME OF THE ORDER.

(6) PRIOR EFFORTS OR LACK OF EFFORT BY THE DEFENDANT TO
ABATE THE DRUG-RELATED NUISANCE.

(7) THE AVAILABILITY OF ALTERNATIVE HOUSING FOR TENANTS
OF THE BUILDING.

(8) THE EXTENT OF CONCERN ABOUT THE DRUG-RELATED
NUISANCE THAT HAS BEEN EXPRESSED BY NEARBY RESIDENTS OR
VISITORS TO THE AREA.

(9) THE OWNER'S INVOLVEMENT IN THE DRUG-RELATED
NUISANCE.

(10) THE OWNER'S INVOLVEMENT IN OTHER DRUG-RELATED
NUISANCES.

§ 8390. VIOLATION OF INJUNCTIONS OR ABATEMENT ORDER.

(A) CONTEMPT.--A VIOLATION OF ANY COURT ORDER ISSUED UNDER
THIS SUBCHAPTER IS PUNISHABLE AS A CONTEMPT OF COURT BY A FINE
OF NOT LESS THAN \$500 NOR MORE THAN \$75,000. THE COURT MAY ORDER
THE SHERIFF OR OTHER PROPER OFFICER OF ANY COUNTY TO TAKE INTO
CUSTODY AND COMMIT TO JAIL ANY PERSON FINED FOR A CONTEMPT UNTIL
THE FINE SHALL BE PAID OR DISCHARGED. IF UNABLE TO PAY THE FINE,

1 THE PERSON MAY BE COMMITTED TO JAIL BY THE COURT FOR NOT MORE
2 THAN THREE MONTHS. EVIDENCE CONCERNING THE DURATION AND
3 REPETITIVE NATURE OF THE VIOLATIONS SHALL BE CONSIDERED BY THE
4 COURT IN DETERMINING THE CONTEMPT PENALTIES.

5 (B) ADDITIONAL ORDERS.--IN ADDITION, UPON FINDING THAT A
6 DEFENDANT HAS WILLFULLY VIOLATED A COURT ORDER ISSUED UNDER THIS
7 SUBCHAPTER, THE COURT SHALL BE ALSO EMPOWERED TO ISSUE ANY
8 ADDITIONAL ORDERS NECESSARY TO ABATE THIS DRUG-RELATED NUISANCE.
9 § 8391. RELEASE AND CANCELLATION.

10 (A) NO KNOWLEDGE AND ABATEMENT.--THE COURT MAY SUSPEND THE
11 EFFECTIVENESS OF AN ORDER OF ABATEMENT FOR NO MORE THAN 90 DAYS
12 IF THE OWNER OF THE PROPERTY ESTABLISHES THAT HE HAD NO
13 KNOWLEDGE OF THE DRUG-RELATED NUISANCE AND COULD NOT REASONABLY
14 BE EXPECTED TO HAVE SUCH KNOWLEDGE AND THE OWNER AVERS THAT HE
15 WILL IMMEDIATELY UNDERTAKE SPECIFIED MEASURES TO ABATE THE
16 NUISANCE AND PREVENT IT FROM BEING A DRUG-RELATED NUISANCE FOR
17 THE FOLLOWING TWO-YEAR PERIOD.

18 (B) FINES AND BOND.--THE COURTS SHALL CANCEL THE ORDER OF
19 ABATEMENT IF THE OWNER OF THE PROPERTY PAYS ALL FINES AND LIENS
20 AGAINST THE PROPERTY, SATISFIES THE COURT THAT THE DRUG-RELATED
21 NUISANCE HAS BEEN ABATED FOR THE PAST 90 DAYS, CORRECTS ALL
22 HOUSING CODE AND HEALTH CODE VIOLATIONS AND POSTS A BOND IN AN
23 AMOUNT TO BE DETERMINED BY THE COURT, WHICH WILL BE IMMEDIATELY
24 FORFEITABLE IF THE DRUG-RELATED NUISANCE RECURS DURING THE
25 FOLLOWING ONE-YEAR PERIOD.

26 § 8392. SEVERABILITY.

27 IF ANY PROVISION OF THIS SUBCHAPTER OR ITS APPLICATION TO ANY
28 PERSON OR CIRCUMSTANCE IS HELD INVALID OR UNENFORCEABLE, THE
29 REMAINDER OF THIS SUBCHAPTER OR THE APPLICATION OF THE PROVISION
30 TO OTHER PERSONS OR CIRCUMSTANCES SHALL NOT BE AFFECTED.

1 Section 5. (a) The following acts and parts of acts are
2 repealed:

3 ~~Section 1 of the act of July 20, 1917 (P.L.1158, No.401),~~ <—
4 ~~referred to as the Constable Fee Law.~~

5 Section 24(d) and (e) of the act of July 9, 1976 (P.L.586,
6 No.142), known as the Judiciary Act of 1976.

7 ~~(b) The following acts or parts of acts are repealed insofar~~ <—
8 ~~as they relate to fees collected by clerks of orphans' courts of~~
9 ~~counties of the first class:~~

10 ~~Section 24(a) of the act of July 9, 1976 (P.L.586, No.142),~~
11 ~~known as the Judiciary Act of 1976.~~

12 42 Pa.C.S. § 1725.

13 ~~(e)~~ (B) All other acts and parts of acts are repealed <—
14 insofar as they are inconsistent with this act.

15 Section 6. The addition of 42 Pa.C.S. § 1725.3 shall apply
16 to offenses committed on or after the effective date of this
17 act.

18 Section 7. This act shall take effect as follows:

19 (1) The addition of 42 Pa.C.S. § 1725.3 shall take
20 effect immediately, EXCEPT THAT § 1725.3(B)(2) AND (C)(2) <—
21 SHALL TAKE EFFECT JANUARY 1, 1994.

22 ~~(2) The amendment of 42 Pa.C.S. § 2947 shall take effect~~ <—
23 ~~in 30 days.~~

24 ~~(3)~~ (2) This section shall take effect immediately. <—

25 ~~(4)~~ (3) The remainder of this act shall take effect in <—
26 60 days.