
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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, NOVEMBER 17, 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; imposing
5 a criminal laboratory user fee; providing for disposition of
6 revenues generated by the fee; providing for the abatement of
7 and for other remedies relating to drug-related nuisances;
8 providing for procedure, for injunctions and for powers and
9 duties of the courts; and making repeals.

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

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

14 § 1123. Jurisdiction and venue.

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

19 * * *

(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~~

~~association or nonprofit corporation for the use of its library, 60 copies of the Laws of Pennsylvania for the purpose of enabling the library to exchange a copy of the laws for a copy of similar publications of other states and of the territories of the United States.~~

~~(5)~~ (1) 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
Over \$500,000, but not exceeding \$1,000,000.....	559.00
Each additional \$500,000 or fraction thereof over \$1,000,000.....	300.00

(ii) The following fees shall be charged for the indicated activity or 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):

<u>answer to preliminary objections or</u>	
<u>exceptions.....</u>	<u>7.00</u>
<u>Preliminary objections.....</u>	<u>14.00</u>
<u>Satisfaction of award, each.....</u>	<u>3.00</u>
<u>Short certificate.....</u>	<u>3.00</u>
<u>Stipulation.....</u>	<u>14.00</u>
<u>Subpoena.....</u>	<u>3.00</u>

~~(6) (2) 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.~~

(III) 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 (1). 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.

(2) THE FEES TO BE RECEIVED BY THE PROTHONOTARY OF THE
TRIAL DIVISION OF THE COURT OF COMMON PLEAS, AND AS CLERK OF
THE FAMILY DIVISION OF SAID COURT, IN COUNTIES OF THE FIRST
CLASS, SHALL BE AS FOLLOWS:

(I) APPEALS:

<u>THE FILING OF AN APPEAL TO THE</u>	
<u>SUPREME, SUPERIOR OR THE COMMONWEALTH</u>	
<u>COURT, INCLUDING ALL SERVICES.....</u>	<u>\$150.00</u>

THE FILING OF ANY OTHER APPEAL,
INCLUDING, BUT NOT LIMITED TO, AN
APPEAL FROM AN AWARD IN COMPULSORY
ARBITRATION, AN APPEAL FROM
ADMINISTRATIVE AGENCIES, PETITION FOR A
WRIT OF CERTIORI, APPEALS FROM THE
MUNICIPAL COURT, APPEALS FROM THE BOARD
OF VIEW AND THE BOARD OF REVISION OF
TAXES..... 65.00

(THIS APPEAL FEE IS EXCLUSIVE
OF ANY JURY LISTING FEE SET
FORTH IN THIS ACT. THIS FEE
DOES NOT INCLUDE THE COSTS OF
COMPENSATION OF ARBITRATORS.
(SEE R.C.P. 1308))

(II) CERTIFICATIONS:

ANY CERTIFICATION OR CERTIFICATE... \$25.00
ANY EXEMPLIFICATION..... \$50.00
IF THE SAME INVOLVES MORE THAN ONE
PAGE, FOR EACH ADDITIONAL PAGE..... \$3.00

(A CERTIFICATE OR CERTIFICATION
IS DEFINED AS THE
AUTHENTICATION OF ANY RECORD BY
AFFIXING THE SEAL OF THE COURT.
INCLUDES LETTERS ROGATORY AND
INTERROGATORIES TO
COMMISSIONERS.)

(III) COMMENCEMENT OF ACTIONS:

COMMENCEMENT OF ANY CIVIL ACTION:
FOR THE YEARS ONE THROUGH THREE

1	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
2	<u>ACT.....</u>	<u>\$120.00</u>
3	<u>FOR THE YEARS FOUR THROUGH SIX</u>	
4	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
5	<u>ACT.....</u>	<u>140.00</u>
6	<u>FOR THE YEARS SEVEN THROUGH TEN</u>	
7	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
8	<u>ACT.....</u>	<u>160.00</u>
9	<u>(COMMENCEMENT OF ACTION</u>	
10	<u>INCLUDES THE INSTITUTION OF ANY</u>	
11	<u>CIVIL ACTION, DIVORCE OR</u>	
12	<u>ADOPTION ACTION BY WRIT OF</u>	
13	<u>SUMMONS, COMPLAINT, PETITION OR</u>	
14	<u>REPORT OF INTENT TO ADOPT, THE</u>	
15	<u>FILING OF ANY PARTNERSHIP OR</u>	
16	<u>ASSOCIATION AGREEMENTS OR ANY</u>	
17	<u>BILLING PURSUANT TO THE BULK</u>	
18	<u>SALE ACT.)</u>	
19	<u>(IV) COMPUTER SERVICE CHARGE:</u>	
20	<u>PARTIES - TO BE PAID AT TIME OF</u>	
21	<u>COMMENCEMENT OF ACTION, APPEAL OR</u>	
22	<u>DEFENDANT'S FIRST FILING.....</u>	<u>\$5.00</u>
23	<u>NONPARTY - PROVIDING DOCKET ENTRIES</u>	
24	<u>FOR A NONPARTY PER DOCKET ENTRY EACH...</u>	<u>5.00</u>
25	<u>THE FUNDS GENERATED BY THIS</u>	
26	<u>COMPUTER SERVICE CHARGE SHALL BE SET</u>	
27	<u>ASIDE BY THE PROTHONOTARY AND REMITTED</u>	
28	<u>MONTHLY TO THE FIRST JUDICIAL DISTRICT</u>	
29	<u>PROCUREMENT ON BEHALF OF THE COURT OF</u>	
30	<u>COMMON PLEAS OF THE FIRST JUDICIAL</u>	

DISTRICT. THIS FUND SHALL BE MAINTAINED
IN A DEDICATED ACCOUNT WHICH SHALL BE
USED FOR THE DEVELOPMENT AND
IMPLEMENTATION OF EFFECTIVE AND
EFFICIENT AUTOMATION WITHIN THE OFFICE
OF THE PROTHONOTARY AS WELL AS CIVIL
COMPUTER HARDWARE, SERVICES AND
PROGRAMS IN THE FIRST JUDICIAL
DISTRICT.

(V) CUSTODY:

CUSTODY, PARTIAL CUSTODY OR
VISITATION..... \$25.00

RESPONDENT'S FIRST RESPONSIVE
FILING..... 15.00

OTHER MOTIONS AND PETITIONS - (SEE
PETITIONS AND MOTIONS)

(VI) DEFENDANT'S FIRST FILING:

THE FILING BY OR ON BEHALF OF ANY
DEFENDANT (OR ADDITIONAL DEFENDANT) OF
AN ENTRY OF APPEARANCE, ANSWER,
PRELIMINARY OBJECTIONS, WRIT TO JOIN
(WITH ENTRY OF APPEARANCE) OR COMPLAINT
AGAINST ADDITIONAL DEFENDANT, OR ANY
PAPER NOT OTHERWISE PROVIDED FOR IN
THIS ACT. A PLEADING, APPEARANCE OR
OTHER PAPER NOT OTHERWISE PROVIDED FOR
IN THIS ACT FILED ON BEHALF OF MORE
THAN ONE DEFENDANT SHALL REQUIRE ONLY
ONE FEE. THE FILING OF SEPARATE INITIAL
PLEADINGS BY A DEFENDANT REQUIRE A

1	<u>SEPARATE FEE.</u>	
2	<u>FOR THE YEARS ONE THROUGH THREE</u>	
3	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
4	<u>ACT.</u>	<u>\$60.00</u>
5	<u>FOR THE YEARS FOUR THROUGH SIX</u>	
6	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
7	<u>ACT.....</u>	<u>70.00</u>
8	<u>FOR THE YEARS SEVEN THROUGH TEN</u>	
9	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
10	<u>ACT.....</u>	<u>80.00</u>
11	<u>(VII) DIVORCE:</u>	
12	<u>COMMENCEMENT OF ACTION - (SEE</u>	
13	<u>COMMENCEMENT OF ACTION)</u>	
14	<u>DEFENDANT'S FIRST FILING - (SEE</u>	
15	<u>DEFENDANT'S FIRST FILING)</u>	
16	<u>OTHER PETITIONS AND MOTIONS - (SEE</u>	
17	<u>PETITIONS AND MOTIONS)</u>	
18	<u>PRAECIPE TO TRANSMIT</u>	
19	<u>FOR THE YEARS ONE THROUGH THREE</u>	
20	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
21	<u>ACT.....</u>	<u>\$25.00</u>
22	<u>FOR THE YEARS FOUR THROUGH SIX</u>	
23	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
24	<u>ACT.....</u>	<u>30.00</u>
25	<u>FOR THE YEARS SEVEN THROUGH TEN</u>	
26	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
27	<u>ACT.....</u>	<u>40.00</u>
28	<u>MOTION FOR APPOINTMENT OF</u>	
29	<u>PERMANENT MASTER.....</u>	<u>300.00</u>
30	<u>(VIII) EMINENT DOMAIN:</u>	

1 COMMENCEMENT OF ACTION BY

2 DECLARATION OF TAKING OR PETITION FOR A

3 BOARD OF VIEW - (SEE COMMENCEMENT OF

4 ACTION)

5 (IX) FINANCING STATEMENTS - U.C.C.'S:

6 THE FILING OF A U.C.C.-1 STATEMENT

7 OR ANY INITIAL FILING UNDER THE UNIFORM

8 COMMERCIAL CODE..... \$50.00

9 INCLUDES CONTINUATION STATEMENT AND

10 TERMINATION.

11 (X) JUDICIAL EDUCATION FEE:..... \$1.00

12 THERE SHALL BE ADDED TO EVERY

13 COMMENCEMENT OF ACTION FEE AND

14 DEFENDANT'S FIRST FILING FEE THE

15 ADDITIONAL SUM OF \$1.00 FOR THE PURPOSE

16 OF PROVIDING FUNDING FOR THE CONTINUING

17 JUDICIAL EDUCATION AND TRAINING FOR

18 MEMBERS OF THE JUDICIARY OF THE FIRST

19 JUDICIAL DISTRICT. THE FUNDS GENERATED

20 BY THIS CHARGE SHALL BE SET ASIDE BY

21 THE PROTHONOTARY AND REMITTED MONTHLY

22 TO THE FIRST JUDICIAL DISTRICT

23 PROCUREMENT TO BE MAINTAINED IN A

24 SEPARATE ACCOUNT AND USED FOR JUDICIAL

25 EDUCATION AND TRAINING.

26 (XI) JUDGMENTS:

27 JUDGMENT BY CONFESSION OR COMPLAINT

28 IN CONFESSION OF JUDGMENT (SEE R.C.P

29 2950-2974)..... \$50.00

30 ENTRY OF JUDGMENT FROM OTHER

1	<u>JURISDICTION.....</u>	<u>50.00</u>
2	<u>(XII) LIENS AND REIMBURSEMENT</u>	
3	<u>AGREEMENTS:</u>	
4	<u>THE FILING OF ANY FEDERAL TAX LIEN,</u>	
5	<u>COMMONWEALTH AND MUNICIPAL TAX LIENS,</u>	
6	<u>MECHANICS LIEN OR WAIVER OF MECHANICS</u>	
7	<u>LIEN AND ANY OTHER LIEN NOT</u>	
8	<u>SPECIFICALLY COVERED UNDER THIS ACT....</u>	<u>\$20.00</u>
9	<u>(MECHANICS LIEN FEE DOES NOT</u>	
10	<u>INCLUDE COMMENCEMENT OF ACTION</u>	
11	<u>FEE WHEN COMPLAINT IS FILED.)</u>	
12	<u>(XIII) PETITIONS AND MOTIONS:</u>	
13	<u>THE FILING OF ANY PETITION OR</u>	
14	<u>MOTION, EXCLUDING COMMENCEMENT OF</u>	
15	<u>ACTION. (SEE COMMENCEMENT)</u>	
16	<u>FOR THE YEARS ONE THROUGH THREE</u>	
17	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
18	<u>ACT.....</u>	<u>\$10.00</u>
19	<u>FOR THE YEARS FOUR THROUGH TEN</u>	
20	<u>AFTER THE EFFECTIVE DATE OF THIS</u>	
21	<u>ACT.....</u>	<u>25.00</u>
22	<u>(XIV) REFUNDS:</u>	
23	<u>THERE WILL BE NO REFUND OF ANY</u>	
24	<u>AMOUNT LESS THAN \$10.00.</u>	
25	<u>(XV) SUBPOENA:</u>	
26	<u>PRODUCING A RECORD IN RESPONSE TO</u>	
27	<u>SUBPOENA BASED ON FOUR HOUR SERVICE OR</u>	
28	<u>FRACTION THEREOF.....</u>	<u>\$40.00</u>
29	<u>SERVICE BEYOND FOUR HOURS, PER HOUR</u>	
30	<u>OR FRACTION THEREOF.....</u>	<u>10.00</u>

1 FOR EACH MILE TRAVELED (ROUND TRIP)
 2 FOR SERVICE OUT OF COUNTY..... 00.25
 3 (XVI) TRIAL LISTING/JURY DEMAND:
 4 JURY FEE WHEN THE JURY TRIAL IS
 5 DEMANDED.
 6 FOR THE YEARS ONE THROUGH THREE
 7 AFTER THE EFFECTIVE DATE OF THIS
 8 ACT..... \$100.00
 9 FOR THE YEARS FOUR THROUGH SIX
 10 AFTER THE EFFECTIVE DATE OF THIS
 11 ACT..... 125.00
 12 FOR THE YEARS SEVEN THROUGH TEN
 13 AFTER THE EFFECTIVE DATE OF THIS
 14 ACT..... 150.00
 15 (XVII) THE FEE FOR ANY PAPER OR
 16 SERVICE NOT SPECIFICALLY PROVIDED FOR IN
 17 THIS PARAGRAPH SHALL BE THE SAME AS FOR A
 18 SIMILAR SERVICE.
 19 (XVIII) THE FEE ENUMERATED IN SECTION
 20 501 SHALL BE EXCLUSIVE OF ANY TAX, LAW
 21 LIBRARY SURCHARGE OR ANY OTHER SURCHARGE OR
 22 ASSESSMENT EXISTING OR HEREAFTER LEVIED.
 23 (XIX) THE PROTHONOTARY SHALL NOT BE
 24 REQUIRED TO RECEIVE ANY PAPER OR PERFORM
 25 ANY SERVICE UNTIL THE PROPER FEE IS PAID.
 26 (XX) THE JURY FEE WHEN PAID, SHALL NOT
 27 BE REFUNDED.
 28 (XXI) UPON THE EXPIRATION OF TEN YEARS
 29 AFTER THE EFFECTIVE DATE OF THIS CLAUSE,
 30 THE FEES SET FORTH HEREIN SHALL CONTINUE

1 UNTIL CHANGED ACCORDING TO LAW.

2 (d) Counties of the second class.--In counties of the second
3 class, the prothonotary and the clerk of the orphans' court
4 division shall set apart from the fees fixed in this section or
5 under any other statute and collected by them on the following
6 actions, proceedings and appeals and remit monthly the total
7 collected to the county treasurer for the exclusive use and
8 benefit of the public law library in the county:

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

12 (2) The sum of \$1 for appeals that are filed with or are
13 to be heard by the court of common pleas which appeals are
14 not specifically set forth in paragraph (1), including, but
15 not limited to, appeals from district justices, the
16 Pittsburgh Magistrates Court and the Traffic Court of
17 Pittsburgh.

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

19 (4) The sum of \$1 for certiorari to district justices
20 and the Pittsburgh Magistrates Court and the Traffic Court of
21 Pittsburgh.

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

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

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

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

30 (9) The sum of \$1 for every filing with respect to

1 fictitious names, whether individual or corporate.

2 (10) The sum of \$1 for the probate of a will, the
3 issuance of letters of administration, or a petition for
4 disposition of decedents estates independent of the issuance
5 of letters testamentary or of administration.

6 (11) The sum of \$1 for the filing of an account of
7 fiduciary in the office of the clerk of the orphans' court
8 division or in the office of the prothonotary.

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

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

16 (e) Counties of the second class A.--In counties of the
17 second class A, the prothonotary, the register of wills and the
18 clerk of the court shall set apart from the fees fixed in this
19 section or under any other statute and collected by them on the
20 following actions and proceedings, and remit monthly the total
21 collected to the county treasurer for the exclusive use and
22 benefit of the public law library in the county, if the county
23 commissioners so request and in the amount they so request:

24 (1) The sum of not less than \$5, nor more than \$40, for
25 the commencement of any civil action or proceeding.

26 (2) The sum of not less than \$5, nor more than \$40, for
27 the probate of a will, the issuance of letters of
28 administration or any petition for disposition of decedents
29 estates independent of the issuance of letters testamentary
30 or of administration.

1 (3) The sum of not less than \$5, nor more than \$40, for
2 each misdemeanor or felony case processed by the clerk of
3 courts.

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

5 § 1725.3. Criminal laboratory user fee.

6 (a) Imposition.--A person who is placed on probation without
7 verdict pursuant to section 17 of the act of April 14, 1972
8 (P.L.233, No.64), known as The Controlled Substance, Drug,
9 Device and Cosmetic Act, or who receives Accelerated
10 Rehabilitative Disposition or who pleads guilty to or nolo
11 contendere to or who is convicted of a crime as defined in 18
12 Pa.C.S. § 106 (relating to classes of offenses) or 75 Pa.C.S. §
13 3731 (relating to driving under influence of alcohol or
14 controlled substance) or 3735 (relating to homicide by vehicle
15 while driving under influence) or a violation of The Controlled
16 Substance, Drug, Device and Cosmetic Act, shall, in addition to
17 any fines, penalties or costs, in every case where laboratory
18 services were required to prosecute the crime or violation, be
19 sentenced to pay a criminal laboratory user fee which shall
20 include, but not be limited to, the cost of sending a laboratory
21 technician to court proceedings.

22 (b) Amount of user fee.--

23 (1) Where the prosecution is conducted in a county of
24 the first class or a county of the second class and the
25 county operates a county laboratory that has provided
26 services in the prosecution, the director or similar officer
27 of the county laboratory shall determine the actual cost of
28 the laboratory services provided in the prosecution and
29 transmit a statement for services rendered to the court. If a
30 county of the first class or a county of the second class

1 does not operate a county laboratory and laboratory services
2 in the prosecution were provided by the Pennsylvania State
3 Police, the fee shall be determined under paragraph (2).

4 (2) Where the prosecution is conducted in a county other
5 than a county of the first class or a county of the second
6 class and a Pennsylvania State Police laboratory has provided
7 services in the prosecution, the director or similar officer
8 of the Pennsylvania State Police laboratory shall determine
9 the actual cost of the laboratory services provided in the
10 prosecution and transmit a statement for services rendered to
11 the court.

12 (c) Disposition of fees.--

13 (1) In a county of the first class or a county of the
14 second class that operates a county laboratory, the criminal
15 laboratory user fee shall be paid to the county and shall be
16 used solely for operation and maintenance of the county
17 laboratory. If a county of the first class or a county of the
18 second class does not operate a county laboratory, the
19 criminal laboratory user fee shall be paid into the Criminal
20 Laboratory User Fee Fund created under paragraph (2).

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

1 context clearly indicates otherwise:

2 "Community-based organization." Any group affiliated with or
3 organized for the benefit of one or more communities or
4 neighborhoods, or any group organized to benefit the quality of
5 life in a residential area.

6 "Controlled substance act." The act of April 14, 1972
7 (P.L.233, No.64), known as The Controlled Substance, Drug,
8 Device and Cosmetic Act.

9 "Drug-related nuisance." The use of any property, in whole
10 or in part, which facilitates or is intended to facilitate any
11 violation of the act of April 14, 1972 (P.L.233, No.64), known
12 as The Controlled Substance, Drug, Device and Cosmetic Act, or
13 similar act of the United States or any other state.

14 "Manufacture" or "manufacturing." The production,
15 preparation, propagation, compounding, conversion or processing
16 of a controlled substance, other drug or device or the packaging
17 or repackaging of such substance or article, or the labeling or
18 relabeling of the commercial container of such substance or
19 article, but does not include the activities of a practitioner
20 who, as an incident to his administration or dispensing such
21 substance or article in the course of his professional practice,
22 prepares, compounds, packages or labels such substance or
23 article. The term "manufacturer" means a person who manufactures
24 a controlled substance, other drug or device.

25 "Owner." An individual, corporation, partnership, trust
26 association, joint venture or any other business entity in whom
27 is vested all or any part of the title to the property alleged
28 to be a drug-related nuisance.

29 "Property." Any tangible or intangible property, including
30 an interest in any leasehold, license or real estate, such as

1 any house, apartment building, condominium, cooperative, office
2 building, store, restaurant, tavern, nightclub or warehouse, and
3 the land extending to the boundaries of the lot upon which the
4 structure is situated and anything growing on, affixed or found
5 on the land.

6 "Tenant." A person who resides in or occupies real property
7 belonging to another person pursuant to a lease agreement or
8 common law tenancy.

9 § 8383. Action to abate.

10 Wherever there is reason to believe that a drug-related
11 nuisance exists, the district attorney, the Attorney General if
12 requested by a district attorney, the solicitor for the county
13 or municipality, a resident within 1,000 feet of the property,
14 including a tenant of the property, the owner of property or any
15 community-based organization may file an action in the court of
16 common pleas to abate, enjoin and prevent the drug-related
17 nuisance. Such actions shall be commenced by the filing of a
18 complaint alleging the facts constituting the drug-related
19 nuisance.

20 § 8384. Complaint.

21 (a) Adverse impact.--The complaint or an affidavit attached
22 thereto shall describe the adverse impact associated with the
23 drug nuisance upon the surrounding neighborhood. Adverse impact
24 includes, without limitation, the presence of any one or more of
25 the following conditions:

26 (1) Diminished property value.

27 (2) Increased fear of residents to walk through and in
28 public areas, including sidewalks and streets, increased
29 volume of vehicular and pedestrian traffic to and from the
30 property.

1 (3) An increase in the number of ambulance or police
2 calls to the property which are related to the use of drugs
3 or to violence stemming from illegal activity.

4 (4) Increased noise, bothersome solicitors or approaches
5 by persons wishing to sell drugs or solicit the donation of
6 money on or near the property.

7 (5) The display of dangerous weapons on or near the
8 property.

9 (6) The discharge of firearms on or near the property.

10 (7) Search warrants served on tenants or occupants of
11 the property which resulted in the seizure of drugs.

12 (8) Investigative purchases of drugs on or near the
13 property by law enforcement officers.

14 (9) Arrests of person on or near the property for
15 violation of criminal laws.

16 (10) Housing code violations relating to the property.

17 (11) Health code violations relating to the property.

18 (12) Accumulated trash and refuse in common areas on or
19 adjacent to the property.

20 (13) An unsecured entryway on the property.

21 (b) Attempts to notify owner.--The complaint shall contain a
22 description of what attempts, if any, have been made by the
23 plaintiff or any other person or entity to notify the owner of
24 the property of the drug-related nuisance or resulting adverse
25 impact.

26 § 8385. Service of original process.

27 (a) General rule.--A copy of the summons and complaint shall
28 be served upon the defendant at least five business days prior
29 to the first hearing in the action. Service of original process
30 shall be made in accordance with the Pennsylvania Rules of Civil

1 Procedure.

2 (b) Posting at property.--If personal service cannot be
3 made, service may be made by posting the papers at the property.
4 If service is made by posting at the property, a copy of the
5 summons and complaint shall be mailed registered mail, to the
6 last known mail address, if any, of the defendant. Actual
7 receipt of the registered mail shall not be required for
8 service.

9 § 8386. Preliminary injunction.

10 Upon the filing of a motion for preliminary injunction to
11 abate the drug-related nuisance, the plaintiff shall be entitled
12 to a hearing on the motion for preliminary injunction within 10
13 business days of the filing. If it shall be made to appear, by
14 affidavit or otherwise, that there is a substantial likelihood
15 that the plaintiff will show at trial, by a preponderance of the
16 evidence, that drug-related nuisance exists, the court shall
17 enter an order preliminarily enjoining the drug-related nuisance
18 and granting such other relief as the court may deem to be
19 appropriate, including those remedies provided for in section 8.
20 Whenever possible, the court shall order the trial of the action
21 on the merits advanced and consolidated with the hearing of the
22 motion. This section shall not be construed to prohibit the
23 application for or the granting of a temporary restraining
24 order.

25 § 8387. Protection of witnesses.

26 At the time of an application for the issuance of a
27 restraining order or an injunction, if proof of the existence of
28 the drug-related nuisance depends, in whole or part, upon the
29 affidavits of witnesses who are not law enforcement officers,
30 upon a showing of prior threats of violence or acts of violence

1 by any defendant or other person alleged to be involved in the
2 drug-related nuisance, the court may issue orders to protect
3 those witnesses, providing for nondisclosure of the name,
4 address or any other identifying information pertaining to the
5 witnesses, and such other and further relief as the court may
6 deem appropriate.

7 § 8388. Security.

8 No bond shall be required to issue a preliminary injunction
9 or special injunction sought by the district attorney or the
10 solicitor for the county or municipality. A bond in an amount
11 fixed and with security approved by the court may be required to
12 issue a preliminary injunction or special injunction when the
13 plaintiff is not the district attorney, the Attorney General or
14 a solicitor for the county or municipality. Where such relief is
15 issued after an evidentiary hearing at which witnesses are
16 subject to cross examination, the court shall not require a bond
17 in excess of \$500.

18 § 8389. Judgment and remedies.

19 (a) Burden of proof.--The plaintiff must establish that a
20 drug-related nuisance exists by a preponderance of the evidence.

21 (b) Relief.--If the existence of a drug-related nuisance is
22 found, the judgment may include actual damages and a temporary
23 or permanent injunction to restrain, abate and prevent the
24 continuance or recurrence of the drug-related nuisance. The
25 court may grant declaratory relief, mandatory orders or any
26 other relief deemed necessary to accomplish the purposes of the
27 injunction or order and enforce the same, and the court may
28 retain jurisdiction of the case for the purpose of enforcing its
29 orders.

30 (c) Additional remedies.--If the existence of a drug-related

1 nuisance is found, the court shall have the power additionally
2 to fashion any one or more of the following remedies:

3 (1) Assess costs of the action against the defendant.

4 (2) When a governmental agency is a plaintiff in the
5 action, assess a civil penalty against the defendant of not
6 less than \$500 nor more than \$10,000.

7 (3) Order the owner to clean up the property and make
8 repairs upon the property.

9 (4) Suspend or revoke any business, professional,
10 operational or liquor license.

11 (5) Order the owner to make additional reasonable
12 expenditures upon the property, including, but not limited
13 to, installing secure locks on doors, increasing lighting in
14 common areas and using videotaped surveillance of the
15 property and adjacent alleyways, sidewalks and parking lots.

16 (6) Order all rental income from the property to be
17 placed in an escrow account with the court for up to 90 days
18 or until the drug-related nuisance is abated.

19 (7) Order all rental income for the property transferred
20 to a trustee, to be appointed by the court, who shall be
21 empowered to use the rental income to make reasonable
22 expenditures upon the property in order to abate the drug-
23 related nuisance.

24 (8) Order the suspension of any State, city or local
25 governmental subsidies payable to the owners of the property,
26 such as tenant assistance payments to landlords, until the
27 nuisance is abated.

28 (9) Allow the plaintiff to seal the property with the
29 cost of sealing payable by the defendant.

30 (10) Order the defendant to pay the plaintiff the cost

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

1 the fine shall be paid or discharged. If unable to pay the fine,
2 the person may be committed to jail by the court for not more
3 than three months. Evidence concerning the duration and
4 repetitive nature of the violations shall be considered by the
5 court in determining the contempt penalties.

6 (b) Additional orders.--In addition, upon finding that a
7 defendant has willfully violated a court order issued under this
8 subchapter, the court shall be also empowered to issue any
9 additional orders necessary to abate this drug-related nuisance.

10 § 8391. Release and cancellation.

11 (a) No knowledge and abatement.--The court may suspend the
12 effectiveness of an order of abatement for no more than 90 days
13 if the owner of the property establishes that he had no
14 knowledge of the drug-related nuisance and could not reasonably
15 be expected to have such knowledge and the owner avers that he
16 will immediately undertake specified measures to abate the
17 nuisance and prevent it from being a drug-related nuisance for
18 the following two-year period.

19 (b) Fines and bond.--The courts shall cancel the order of
20 abatement if the owner of the property pays all fines and liens
21 against the property, satisfies the court that the drug-related
22 nuisance has been abated for the past 90 days, corrects all
23 housing code and health code violations and posts a bond in an
24 amount to be determined by the court, which will be immediately
25 forfeitable if the drug-related nuisance recurs during the
26 following one-year period.

27 § 8392. Severability.

28 If any provision of this subchapter or its application to any
29 person or circumstance is held invalid or unenforceable, the
30 remainder of this subchapter or the application of the provision

1 to other persons or circumstances shall not be affected.

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

4 Section 24~~(d) and (e)~~ (E) AND (E.1) of the act of July 9, <—
5 1976 (P.L.586, No.142), known as the Judiciary Act of 1976.
6 42 Pa.C.S. § 1725.

7 ACT OF JULY 11, 1980 (P.L.643, NO.133), ENTITLED "AN ACT <—
8 FIXING THE FEES TO BE RECEIVED BY THE PROTHONOTARY OF
9 PHILADELPHIA COUNTY."

10 (b) All other acts and parts of acts are repealed insofar as
11 they are inconsistent with this act.

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

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

16 (1) The addition of 42 Pa.C.S. § 1725.3 shall take
17 effect immediately, except that § 1725.3(b)(2) and (c)(2)
18 shall take effect January 1, 1994.

19 (2) This section shall take effect immediately.

20 (3) The remainder of this act shall take effect in 60
21 days.