

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 86

Session of
1997

INTRODUCED BY DALEY, HANNA AND ROBINSON, JANUARY 28, 1997

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 10, 1997

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, REPEALING PROVISIONS
3 RELATING TO THE JUDICIAL COMPUTER SYSTEM AUGMENTATION
4 ACCOUNT; FURTHER PROVIDING FOR THE DUTY OF A JUDGMENT
5 CREDITOR TO ENTER SATISFACTION; AND empowering the Governor
6 to authorize the transfer of certain convicted offenders
7 pursuant to outstanding treaties. <—

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

10 ~~Section 1. Chapter 91 of Title 42 of the Pennsylvania~~ <—
11 ~~Consolidated Statutes is amended by adding a subchapter to read:~~

12 SECTION 1. SECTION 3733 OF TITLE 42 OF THE PENNSYLVANIA <—
13 CONSOLIDATED STATUTES IS AMENDED TO READ:

14 § 3733. DEPOSITS INTO ACCOUNT.

15 (A) GENERAL RULE.--BEGINNING JULY 1, 1987, AND THEREAFTER,
16 THE TOTAL OF ALL FINES, FEES AND COSTS COLLECTED BY ANY DIVISION
17 OF THE UNIFIED JUDICIAL SYSTEM WHICH ARE IN EXCESS OF THE AMOUNT
18 COLLECTED FROM SUCH SOURCES IN THE FISCAL YEAR 1986-1987 SHALL
19 BE DEPOSITED IN THE JUDICIAL COMPUTER SYSTEM AUGMENTATION

1 ACCOUNT. ANY FINES, FEES OR COSTS WHICH ARE ALLOCATED BY LAW OR
2 OTHERWISE DIRECTED TO THE PENNSYLVANIA FISH AND BOAT COMMISSION,
3 TO THE PENNSYLVANIA GAME COMMISSION OR TO COUNTIES AND
4 MUNICIPALITIES, TO THE CRIME VICTIM'S COMPENSATION BOARD, TO THE
5 COMMISSION ON CRIME AND DELINQUENCY FOR VICTIM-WITNESS SERVICES
6 GRANTS UNDER SECTION 477.15(C) OF THE ACT OF APRIL 9, 1929
7 (P.L.177, NO.175), KNOWN AS THE ADMINISTRATIVE CODE OF 1929, TO
8 RAPE CRISIS CENTERS, TO THE EMERGENCY MEDICAL SERVICES OPERATING
9 FUND OR TO DOMESTIC VIOLENCE SHELTERS SHALL NOT BE AFFECTED BY
10 THIS SUBCHAPTER.

11 (A.1) ADDITIONAL FEES.--IN ADDITION TO THE COURT COSTS AND
12 FILING FEES AUTHORIZED TO BE COLLECTED BY STATUTE, AN ADDITIONAL
13 FEE OF \$5 SHALL BE CHARGED AND COLLECTED BY THE PROTHONOTARIES
14 OF THE PENNSYLVANIA SUPREME, SUPERIOR AND COMMONWEALTH COURTS
15 FOR EACH INITIAL FILING FOR WHICH A FEE, CHARGE OR COST IS NOW
16 AUTHORIZED. AN ADDITIONAL FEE OF \$5 SHALL BE CHARGED AND
17 COLLECTED BY THE PROTHONOTARIES, CLERKS OF ORPHANS' COURTS AND
18 REGISTERS OF WILLS OF ALL COURTS OF COMMON PLEAS, OR BY ANY
19 OFFICIALS DESIGNATED TO PERFORM THE FUNCTIONS THEREOF, FOR THE
20 INITIATION OF ANY CIVIL ACTION OR LEGAL PROCEEDING. AN
21 ADDITIONAL FEE OF \$5 SHALL BE CHARGED BY THE CLERKS OF COURTS OF
22 ALL COURTS OF COMMON PLEAS, OR BY ANY OFFICIALS DESIGNATED TO
23 PERFORM THE FUNCTIONS THEREOF, FOR THE INITIATION OF ANY
24 CRIMINAL PROCEEDING FOR WHICH A FEE, CHARGE OR COST IS NOW
25 AUTHORIZED AND A CONVICTION IS OBTAINED OR GUILTY PLEA IS
26 ENTERED, EXCEPT IN MISDEMEANOR CASES IN WHICH CASE A FEE OF
27 \$1.50 WILL BE CHARGED. AN ADDITIONAL FEE OF \$1.50 SHALL BE
28 CHARGED AND COLLECTED BY THE MINOR JUDICIARY, INCLUDING DISTRICT
29 JUSTICES, PHILADELPHIA MUNICIPAL COURT, PHILADELPHIA TRAFFIC
30 COURT AND PITTSBURGH MAGISTRATES COURT, FOR THE INITIATION OF A

1 LEGAL PROCEEDING FOR WHICH A FEE OR COST IS NOW AUTHORIZED,
2 EXCEPT THAT IN CRIMINAL, SUMMARY AND TRAFFIC MATTERS THE FEE
3 SHALL BE CHARGED ONLY WHEN A CONVICTION IS OBTAINED OR GUILTY
4 PLEA IS ENTERED. THE ADDITIONAL FEES SHALL BE DEPOSITED INTO THE
5 JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT.

6 [(B) LIMITATION ON TOTAL AMOUNT IN ACCOUNT.--UNTIL JULY 1,
7 1994, THE TOTAL AMOUNT OF FUNDS ANNUALLY DEPOSITED INTO THE
8 JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT SHALL NOT EXCEED
9 \$20,000,000 PER YEAR. FOR THE PERIOD JULY 1, 1994, AND
10 THEREAFTER, THE TOTAL AMOUNT OF FUNDS ANNUALLY DEPOSITED INTO
11 THE JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT SHALL NOT
12 EXCEED \$10,000,000 PER YEAR. ALL MONEYS IN EXCESS OF THESE
13 AMOUNTS SHALL BE DEPOSITED INTO THE APPROPRIATE FUNDS DESIGNATED
14 BY LAW.

15 (C) EXPIRATION OF SECTION.--THE PROVISIONS OF THIS SECTION
16 SHALL EXPIRE WHEN THE SUM OF \$100,000,000 HAS BEEN DEPOSITED
17 INTO THE JUDICIAL COMPUTER SYSTEM AUGMENTATION ACCOUNT. THE
18 \$100,000,000 SHALL BE THE SUM OF ALL DEPOSITS INTO THE JUDICIAL
19 COMPUTER SYSTEM AUGMENTATION ACCOUNT BEGINNING ON AND AFTER JUNE
20 29, 1990.]

21 SECTION 2. SECTION 8104(B) OF TITLE 42 IS AMENDED TO READ:
22 § 8104. DUTY OF JUDGMENT CREDITOR TO ENTER SATISFACTION.

23 * * *

24 (B) LIQUIDATED DAMAGES.--A JUDGMENT CREDITOR WHO SHALL
25 [FAIL] WILLFULLY OR UNREASONABLY FAIL WITHOUT GOOD CAUSE OR
26 REFUSE FOR MORE THAN [30] 90 DAYS AFTER WRITTEN NOTICE IN THE
27 MANNER PRESCRIBED BY GENERAL RULES TO COMPLY WITH A REQUEST
28 PURSUANT TO SUBSECTION (A) SHALL PAY TO THE JUDGMENT DEBTOR AS
29 LIQUIDATED DAMAGES 1% OF THE ORIGINAL AMOUNT OF THE JUDGMENT FOR
30 EACH [DAY] MONTH OF DELINQUENCY BEYOND SUCH [30] 90 DAYS, BUT

1 NOT LESS THAN \$250 NOR MORE THAN [50% OF THE ORIGINAL AMOUNT OF
2 THE JUDGMENT] \$2,500. SUCH LIQUIDATED DAMAGES SHALL BE
3 RECOVERABLE PURSUANT TO GENERAL RULES, BY SUPPLEMENTARY
4 PROCEEDINGS IN THE MATTER IN WHICH THE JUDGMENT WAS ENTERED.

5 SECTION 3. CHAPTER 91 OF TITLE 42 IS AMENDED BY ADDING A
6 SUBCHAPTER TO READ:

7 SUBCHAPTER D

8 EXCHANGE OF OFFENDERS UNDER TREATY

9 Sec.

10 9171. Exchange of offenders under treaty.

11 § 9171. Exchange of offenders under treaty.

12 Whenever a treaty is in force providing for the transfer of
13 convicted offenders between the United States and a foreign
14 country, the Governor or his designee, upon application of the
15 Secretary of Corrections, is authorized to give the approval of
16 the Commonwealth to transfer as provided in the treaty.

17 ~~Section 2. This act shall take effect immediately.~~ <—

18 SECTION 4. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

19 (1) THE AMENDMENT OF 42 PA.C.S. § 3733 SHALL TAKE EFFECT
20 JULY 1, 1997, OR IMMEDIATELY, WHICHEVER IS LATER.

21 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
22 IMMEDIATELY.