

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 256 Session of
2005

INTRODUCED BY ARMSTRONG, RAFFERTY, MUSTO, THOMPSON, KASUNIC,
PILEGGI, WENGER, RHOADES, WONDERLING, BOSCOLA, WAUGH,
TARTAGLIONE, COSTA, KITCHEN, O'PAKE, ROBBINS, STACK,
ERICKSON, C. WILLIAMS AND REGOLA, FEBRUARY 11, 2005

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 27, 2005

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, FURTHER PROVIDING FOR <—
3 ESTABLISHMENT OF FEES AND CHARGES; ELIMINATING THE EXPIRATION
4 OF PROVISIONS ON ACCESS TO JUSTICE; further providing for the
5 right of action regarding profits received as a result of the
6 commission of a crime; AND MAKING A RELATED REPEAL. <—

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

9 ~~Section 1. Section 8312(b) and (h) of Title 42 of the~~ <—
10 ~~Pennsylvania Consolidated Statutes are amended to read:~~

11 SECTION 1. SECTION 1725(C)(2) OF TITLE 42 OF THE <—
12 PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED AND THE SUBSECTION
13 IS AMENDED BY ADDING PARAGRAPHS TO READ:

14 § 1725. ESTABLISHMENT OF FEES AND CHARGES.

15 * * *

16 (C) COUNTIES OF THE FIRST CLASS.--

17 * * *

18 (2) THE FEES TO BE RECEIVED BY THE PROTHONOTARY ON

1 BEHALF OF THE TRIAL DIVISION [OF THE COURT OF COMMON PLEAS]
2 AND AS [CLERK] CLERK OF THE FAMILY DIVISION OF [SAID COURT]
3 THE COURT OF COMMON PLEAS IN COUNTIES OF THE FIRST CLASS
4 SHALL BE AS FOLLOWS:

5 (I) APPEALS:

6 THE FILING OF AN APPEAL TO THE
7 SUPREME, SUPERIOR OR THE COMMONWEALTH
8 COURT, INCLUDING ALL SERVICES.....[\$150.00] \$161.00

9 THE FILING OF ANY OTHER APPEAL,
10 INCLUDING, BUT NOT LIMITED TO, AN
11 APPEAL FROM AN AWARD IN COMPULSORY
12 ARBITRATION, AN APPEAL FROM
13 ADMINISTRATIVE AGENCIES, PETITION FOR A
14 WRIT OF CERTIORI, APPEALS FROM THE
15 MUNICIPAL COURT, APPEALS FROM THE BOARD
16 OF VIEW AND THE BOARD OF REVISION OF
17 TAXES..... [65.00] 86.00

18 (THIS APPEAL FEE IS EXCLUSIVE
19 OF ANY JURY LISTING FEE SET
20 FORTH IN THIS ACT. THIS FEE
21 DOES NOT INCLUDE THE COSTS OF
22 COMPENSATION OF ARBITRATORS.

23 (SEE PA.R.C.P. NO.1308))

24 (II) CERTIFICATIONS:

25 ANY CERTIFICATION OR CERTIFICATE..[\$25.00] \$27.00
26 ANY EXEMPLIFICATION..... [50.00] 54.00
27 IF THE SAME INVOLVES MORE THAN ONE
28 PAGE, FOR EACH ADDITIONAL PAGE..... 3.00

29 (A CERTIFICATE OR CERTIFICATION
30 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
AFTER THE EFFECTIVE DATE OF THIS

ACT..... \$120.00

FOR THE YEARS FOUR THROUGH SIX
AFTER THE EFFECTIVE DATE OF THIS

ACT..... 140.00

FOR THE YEARS SEVEN THROUGH TEN
AFTER THE EFFECTIVE DATE OF THIS

ACT.....160.00] 172.00

(COMMENCEMENT OF ACTION

INCLUDES THE INSTITUTION OF ANY
CIVIL ACTION, DIVORCE OR
ADOPTION ACTION BY WRIT OF
SUMMONS, COMPLAINT, PETITION OR
REPORT OF INTENT TO ADOPT, THE
FILING OF ANY PARTNERSHIP OR
ASSOCIATION AGREEMENTS OR ANY
BILLING PURSUANT TO THE BULK
SALE ACT.)

(IV) [COMPUTER SERVICE CHARGE]

AUTOMATION MAINTENANCE FEE:

PARTIES - TO BE PAID AT TIME OF
COMMENCEMENT OF ACTION, APPEAL OR

1	DEFENDANT'S FIRST FILING.....	\$5.00
2	NONPARTY - PROVIDING DOCKET ENTRIES	
3	FOR A NONPARTY PER DOCKET ENTRY EACH...	5.00
4	THE FUNDS GENERATED BY THIS	
5	COMPUTER SERVICE CHARGE SHALL BE SET	
6	ASIDE BY THE PROTHONOTARY AND REMITTED	
7	MONTHLY TO THE FIRST JUDICIAL DISTRICT	
8	PROCUREMENT ON BEHALF OF THE COURT OF	
9	COMMON PLEAS OF THE FIRST JUDICIAL	
10	DISTRICT. THIS FUND SHALL BE MAINTAINED	
11	IN A DEDICATED ACCOUNT WHICH SHALL BE	
12	USED FOR THE DEVELOPMENT AND	
13	IMPLEMENTATION OF EFFECTIVE AND	
14	EFFICIENT AUTOMATION WITHIN THE OFFICE	
15	OF THE PROTHONOTARY AS WELL AS CIVIL	
16	COMPUTER HARDWARE, SERVICES AND	
17	PROGRAMS IN THE FIRST JUDICIAL	
18	DISTRICT.	
19	(V) CUSTODY:	
20	CUSTODY, PARTIAL CUSTODY OR	
21	VISITATION.....[\$30.00]	<u>\$32.00</u>
22	RESPONDENT'S FIRST RESPONSIVE	
23	FILING..... [15.00]	<u>16.00</u>
24	OTHER MOTIONS AND PETITIONS - (SEE	
25	PETITIONS AND MOTIONS)	
26	THIRTEEN PERCENT OF THE FUNDS GENERATED BY	
27	THE CHARGE UNDER THIS SUBPARAGRAPH SHALL BE	
28	TRANSMITTED BY THE PROTHONOTARY TO THE	
29	ADMINISTRATIVE OFFICE TO PAY FOR THE	
30	IMPLEMENTATION OF SECTION 1904 (RELATING TO	

1 AVAILABILITY OF CRIMINAL CHARGE INFORMATION
2 IN CHILD CUSTODY PROCEEDINGS).

3 (VI) DEFENDANT'S FIRST FILING:

4 THE FILING BY OR ON BEHALF OF ANY
5 DEFENDANT (OR ADDITIONAL DEFENDANT) OF
6 AN ENTRY OF APPEARANCE, ANSWER,
7 PRELIMINARY OBJECTIONS, WRIT TO JOIN
8 (WITH ENTRY OF APPEARANCE) OR COMPLAINT
9 AGAINST ADDITIONAL DEFENDANT OR ANY
10 PAPER NOT OTHERWISE PROVIDED FOR IN
11 THIS PARAGRAPH. A PLEADING, APPEARANCE
12 OR OTHER PAPER NOT OTHERWISE PROVIDED
13 FOR IN THIS ACT FILED ON BEHALF OF MORE
14 THAN ONE DEFENDANT SHALL REQUIRE ONLY
15 ONE FEE. THE FILING OF SEPARATE INITIAL
16 PLEADINGS BY A DEFENDANT REQUIRE A

17 [SEPARATE FEE.] SEPARATE FEE..... \$86.00

18 [FOR THE YEARS ONE THROUGH
19 THREE AFTER THE EFFECTIVE DATE OF
20 THIS ACT..... \$60.00

21 FOR THE YEARS FOUR THROUGH SIX
22 AFTER THE EFFECTIVE DATE OF THIS
23 ACT..... 70.00

24 FOR THE YEARS SEVEN THROUGH TEN
25 AFTER THE EFFECTIVE DATE OF THIS
26 ACT..... 80.00]

27 (VII) DIVORCE:

28 COMMENCEMENT OF ACTION - (SEE
29 COMMENCEMENT OF ACTIONS)

30 DEFENDANT'S FIRST FILING - (SEE

1 DEFENDANT'S FIRST FILING)
 2 OTHER PETITIONS AND MOTIONS - (SEE
 3 PETITIONS AND MOTIONS)
 4 [PRAECIPE TO TRANSMIT:
 5 FOR THE YEARS ONE THROUGH THREE
 6 AFTER THE EFFECTIVE DATE OF THIS
 7 ACT..... \$25.00
 8 FOR THE YEARS FOUR THROUGH SIX
 9 AFTER THE EFFECTIVE DATE OF THIS
 10 ACT..... 30.00
 11 FOR THE YEARS SEVEN THROUGH TEN
 12 AFTER THE EFFECTIVE DATE OF THIS
 13 ACT..... 40.00]
 14 PRAECIPE TO TRANSMIT:..... \$43.00
 15 [MOTION FOR APPOINTMENT OF
 16 PERMANENT MASTER..... 300.00]
 17 MOTION FOR APPOINTMENT OF
 18 PERMANENT MASTER..... 322.00
 19 (VIII) EMINENT DOMAIN:
 20 COMMENCEMENT OF ACTION BY
 21 DECLARATION OF TAKING OR PETITION FOR A
 22 BOARD OF VIEW - (SEE COMMENCEMENT OF
 23 ACTIONS)
 24 [(IX) UNIFORM COMMERCIAL CODE AS
 25 PROVIDED IN 13 PA.C.S. § 9525 (RELATING TO
 26 FEES).]
 27 (X) JUDICIAL EDUCATION FEE..... \$1.00
 28 THERE SHALL BE ADDED TO EVERY
 29 COMMENCEMENT OF ACTION FEE AND
 30 DEFENDANT'S FIRST FILING FEE THE

1 ADDITIONAL SUM OF \$1.00 FOR THE PURPOSE
2 OF PROVIDING FUNDING FOR THE CONTINUING
3 JUDICIAL EDUCATION AND TRAINING FOR
4 MEMBERS OF THE JUDICIARY OF THE FIRST
5 JUDICIAL DISTRICT. THE FUNDS GENERATED
6 BY THIS CHARGE SHALL BE SET ASIDE BY
7 THE PROTHONOTARY AND REMITTED MONTHLY
8 TO THE FIRST JUDICIAL DISTRICT
9 PROCUREMENT TO BE MAINTAINED IN A
10 SEPARATE ACCOUNT AND USED FOR JUDICIAL
11 EDUCATION AND TRAINING.

12 (XI) JUDGMENTS:

13 JUDGMENT BY CONFESSION OR COMPLAINT
14 IN CONFESSION OF JUDGMENT (SEE
15 PA.R.C.P. NOS.2950-2974).....[\$50.00] \$54.00
16 ENTRY OF JUDGMENT FROM OTHER
17 JURISDICTION..... [50.00] 54.00

18 (XII) LIENS AND REIMBURSEMENT

19 AGREEMENTS:

20 THE FILING OF ANY FEDERAL TAX LIEN,
21 COMMONWEALTH AND MUNICIPAL TAX LIENS,
22 MECHANICS' LIEN OR WAIVER OF MECHANICS'
23 LIEN AND ANY OTHER LIEN NOT
24 SPECIFICALLY COVERED UNDER THIS ACT...[\$20.00] \$21.00

25 (MECHANICS' LIEN FEE DOES NOT
26 INCLUDE COMMENCEMENT OF ACTION
27 FEE WHEN COMPLAINT IS FILED.)

28 (XIII) PETITIONS AND MOTIONS:

29 THE FILING OF ANY PETITION OR
30 MOTION, EXCLUDING COMMENCEMENT OF

1	[ACTION (SEE COMMENCEMENT OF ACTIONS):]	
2	<u>ACTION (SEE COMMENCEMENT OF ACTIONS)...</u>	<u>\$27.00</u>
3	[FOR THE YEARS ONE THROUGH	
4	THREE AFTER THE EFFECTIVE DATE OF	
5	THIS ACT.....	\$10.00
6	FOR THE YEARS FOUR THROUGH TEN	
7	AFTER THE EFFECTIVE DATE OF THIS	
8	ACT.....	25.00]
9	(XIV) [REFUNDS:	
10	THERE WILL BE NO REFUND OF ANY	
11	AMOUNT LESS THAN \$10.00.] <u>NAME SEARCH..</u>	<u>\$38.00</u>
12	(XV) SUBPOENA:	
13	<u>ISSUANCE OF SUBPOENA AS AUTHORIZED</u>	
14	<u>BY PA.R.C.P. NO.234.2.....</u>	<u>\$5.00</u>
15	PRODUCING A RECORD IN RESPONSE TO	
16	SUBPOENA BASED ON FOUR-HOUR SERVICE OR	
17	FRACTION THEREOF.....[\$40.00]	<u>\$43.00</u>
18	SERVICE BEYOND FOUR HOURS, PER HOUR	
19	OR FRACTION THEREOF..... [10.00]	<u>11.00</u>
20	FOR EACH MILE TRAVELED (ROUND TRIP)	
21	FOR SERVICE OUT OF COUNTY.....[00.25]	<u>00.365</u>
22	(XVI) TRIAL LISTING/JURY [DEMAND:]	
23	<u>DEMAND.....</u>	<u>\$161.00</u>
24	[JURY FEE WHEN THE JURY TRIAL IS	
25	DEMANDED:	
26	FOR THE YEARS ONE THROUGH THREE	
27	AFTER THE EFFECTIVE DATE OF THIS	
28	ACT.....	\$100.00
29	FOR THE YEARS FOUR THROUGH SIX	
30	AFTER THE EFFECTIVE DATE OF THIS	

1	ACT.....	125.00
2	FOR THE YEARS SEVEN THROUGH TEN	
3	AFTER THE EFFECTIVE DATE OF THIS	
4	ACT.....	150.00]
5	(XVII) [THE FEE FOR ANY PAPER OR	
6	SERVICE NOT SPECIFICALLY PROVIDED FOR IN	
7	THIS PARAGRAPH SHALL BE THE SAME AS FOR A	
8	SIMILAR SERVICE.] <u>RECORD RETENTION FEE.....</u>	<u>\$1.00</u>
9	<u>A RECORD RETENTION FEE SHALL BE</u>	
10	<u>ADDED TO EVERY MOTION OR PETITION,</u>	
11	<u>EXCLUDING A MOTION OR PETITION WHICH</u>	
12	<u>CONSTITUTES AN INITIAL FILING, THE</u>	
13	<u>ADDITIONAL SUM OF \$1.00 FOR THE PURPOSE</u>	
14	<u>OF PROVIDING FUNDING TO ESTABLISH AND</u>	
15	<u>MAINTAIN A RECORD RETENTION PROGRAM FOR</u>	
16	<u>THE FIRST JUDICIAL DISTRICT. THE FUNDS</u>	
17	<u>GENERATED BY THIS CHARGE SHALL BE SET</u>	
18	<u>ASIDE BY THE PROTHONOTARY AND REMITTED</u>	
19	<u>MONTHLY TO THE FIRST JUDICIAL DISTRICT</u>	
20	<u>PROCUREMENT TO BE MAINTAINED IN A</u>	
21	<u>SEPARATE ACCOUNT AND USED FOR RECORD</u>	
22	<u>RETENTION PURPOSES.</u>	
23	(XVIII) [THE FEE ENUMERATED IN THIS	
24	PARAGRAPH SHALL BE EXCLUSIVE OF ANY TAX,	
25	LAW LIBRARY SURCHARGE OR ANY OTHER	
26	SURCHARGE OR ASSESSMENT EXISTING OR	
27	HEREAFTER LEVIED.] <u>PROTHONOTARY AUTOMATION</u>	
28	<u>DEVELOPMENT FEE.....</u>	<u>\$5.00</u>
29	<u>IN ADDITION TO ANY OTHER FEE</u>	
30	<u>AUTHORIZED BY LAW, AN AUTOMATION FEE</u>	

1 MAY BE CHARGED AND COLLECTED BY THE
2 PROTHONOTARY UPON INITIATION OF ANY
3 ACTION OR LEGAL PROCEEDING. THE
4 AUTOMATION FEE SHALL BE DEPOSITED INTO
5 A SPECIAL PROTHONOTARY AUTOMATION FUND
6 ESTABLISHED FOR AND MAINTAINED BY THE
7 FIRST JUDICIAL DISTRICT OF
8 PENNSYLVANIA. MONEYS DEPOSITED INTO THE
9 SPECIAL PROTHONOTARY AUTOMATION FUND
10 AND ANY INTEREST ACCRUED THEREON SHALL
11 BE USED SOLELY FOR THE PURPOSE OF
12 PROTHONOTARY AUTOMATION, INCLUDING
13 AUTOMATION UPDATES.

14 (XIX) THE PROTHONOTARY IS AUTHORIZED,
15 WITH THE APPROVAL OF THE PRESIDENT JUDGE,
16 TO ESTABLISH FEES FOR SERVICES REQUIRED BY
17 STATUTE OR GENERAL RULE WHICH ARE NOT
18 SPECIFICALLY PROVIDED FOR IN THIS
19 PARAGRAPH. ANY FEES SO ESTABLISHED SHALL BE
20 THE SAME AS THOSE IMPOSED FOR SIMILAR
21 SERVICES. THE PROTHONOTARY SHALL NOT BE
22 REQUIRED TO RECEIVE ANY PAPER OR PERFORM
23 ANY SERVICE UNTIL THE PROPER FEE IS PAID.

24 (XX) REFUNDS: THERE WILL BE NO REFUND
25 OF ANY AMOUNT LESS THAN \$15. THE JURY FEE
26 WHEN PAID SHALL NOT BE REFUNDED.

27 [(XXI) UPON THE EXPIRATION OF TEN
28 YEARS AFTER THE EFFECTIVE DATE OF THIS
29 PARAGRAPH, THE FEES SET FORTH HEREIN SHALL
30 CONTINUE UNTIL CHANGED ACCORDING TO LAW.]

(XXII) SPECIAL COURT ADMINISTRATION

<u>FEE.....</u>	<u>\$5.00</u>
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THERE SHALL BE ADDED TO EVERY COMMENCEMENT OF ACTION FEE AND DEFENDANT'S FIRST FILING FEE THE ADDITIONAL SUM OF \$5.00 FOR THE PURPOSE OF PROVIDING FUNDING FOR THE ADMINISTRATION OF GUN AND ZONE COURTS IN THE FIRST JUDICIAL DISTRICT. THE FUNDS GENERATED BY THIS CHARGE SHALL BE SET ASIDE BY THE PROTHONOTARY AND REMITTED MONTHLY TO THE FIRST JUDICIAL DISTRICT SPECIAL GUN AND ZONE COURT FUND WHICH SHALL BE ESTABLISHED TO CARRY OUT THE PURPOSES OF THIS SUBPARAGRAPH. THE MONEY IN THE FUND AND ANY INTEREST ACCRUED THEREON SHALL BE USED SOLELY FOR THE PURPOSE OF THE OPERATION AND ADMINISTRATION OF GUN AND ZONE COURTS.

(XXIII) THE FEES ENUMERATED IN THIS
PARAGRAPH SHALL BE EXCLUSIVE OF ANY TAX,
LAW LIBRARY SURCHARGE OR ANY OTHER
SURCHARGE OR ASSESSMENT EXISTING OR
HEREAFTER LEVIED.

(3) THE FEES TO BE RECEIVED BY THE
PROTHONOTARY ON BEHALF OF THE PHILADELPHIA
MUNICIPAL COURT IN CIVIL ACTIONS SHALL BE AS
FOLLOWS:

(I) COMMENCEMENT OF CIVIL ACTION \$0 TO

1	<u>\$2,000.....</u>	<u>\$20.00</u>
2	<u>(II) COMMENCEMENT OF CIVIL ACTIONS</u>	
3	<u>\$2,001 TO \$10,000.....</u>	<u>\$40.00</u>
4	<u>(III) COMMENCEMENT OF LANDLORD AND</u>	
5	<u>TENANT CIVIL ACTIONS \$0 TO \$2,000.....</u>	<u>\$20.00</u>
6	<u>(IV) COMMENCEMENT OF LANDLORD AND</u>	
7	<u>TENANT ACTIONS \$2,001 TO \$10,000.....</u>	<u>\$40.00</u>
8	<u>(V) COMMENCEMENT OF LANDLORD AND</u>	
9	<u>TENANT CIVIL ACTIONS OVER \$10,000.....</u>	<u>\$60.00</u>
10	<u>(VI) INDEXING.....</u>	<u>\$5.00</u>
11	<u>(VII) WRIT OF POSSESSION.....</u>	<u>\$4.00</u>
12	<u>(VIII) MOTIONS (PETITIONS).....</u>	<u>\$10.00</u>
13	<u>(IX) ADDITIONAL DEFENDANT FILING SHALL</u>	
14	<u>BE SAME AS INITIAL FILING</u>	
15	<u>(X) COUNTERCLAIM SHALL BE SAME AS</u>	
16	<u>INITIAL FILING</u>	
17	<u>(XI) CROSS-CLAIM SHALL BE SAME AS</u>	
18	<u>INITIAL FILING</u>	
19	<u>(XII) SET OFFS SHALL BE SAME AS</u>	
20	<u>INITIAL FILING</u>	
21	<u>(XIII) SUBPOENA.....</u>	<u>\$3.00</u>
22	<u>(XIV) WRIT OF REVIVAL.....</u>	<u>\$6.00</u>
23	<u>(XV) RECORD RETENTION FEE.....</u>	<u>\$1.00</u>
24	<u>THERE SHALL BE ADDED TO EVERY MOTION THE</u>	
25	<u>ADDITIONAL SUM OF \$1 FOR THE PURPOSE OF</u>	
26	<u>PROVIDING FUNDING FOR ESTABLISHING AND</u>	
27	<u>MAINTAINING A RECORD RETENTION PROGRAM FOR</u>	
28	<u>THE FIRST JUDICIAL DISTRICT. THE FUNDS</u>	
29	<u>GENERATED BY THIS CHARGE SHALL BE SET ASIDE</u>	
30	<u>BY THE PROTHONOTARY AND REMITTED MONTHLY TO</u>	

1 THE FIRST JUDICIAL DISTRICT PROCUREMENT TO
2 BE MAINTAINED IN A SEPARATE ACCOUNT AND
3 USED FOR RECORD RETENTION PURPOSES.

4 (XVI) AUTOMATION FEE:

5 (A) INITIAL PLEADING IN ALL CIVIL
6 ACTIONS AND LANDLORD TENANT ACTIONS.... \$5.00

7 (B) ALL CIVIL PETITIONS AND
8 MOTIONS..... \$2.00

9 THE FUNDS GENERATED BY THIS AUTOMATION
10 FEE SHALL BE SET ASIDE BY THE
11 PROTHONOTARY AND REMITTED MONTHLY TO
12 THE FIRST JUDICIAL DISTRICT.

13 (XVII) THE FEES ENUMERATED IN THIS
14 PARAGRAPH DO NOT COVER ANY COSTS FOR
15 SERVICES PERFORMED BY THE SHERIFF OR OTHER
16 WRIT SERVER. SERVICE OF INITIAL PROCESS
17 SHALL BE \$27. ALL OTHER FEES OF THE SHERIFF
18 OR OTHER WRIT SERVER SHALL BE IN ACCORDANCE
19 WITH THE SHERIFF'S FEE BILL APPLICABLE TO
20 PHILADELPHIA COUNTY.

21 (XVIII) THE COMMENCEMENT OF ANY ACTION
22 OR PROCEEDING AS WELL AS COMPLAINTS AND ALL
23 WRITS SHALL BE EXEMPT FROM ANY LIBRARY FEE
24 OR TAXES.

25 (4) BEGINNING ON JANUARY 1, 2008, AND EACH
26 JANUARY 1 THEREAFTER, THE PROTHONOTARY MAY,
27 WITH THE APPROVAL OF THE PRESIDENT JUDGE OF THE
28 APPLICABLE COURT, PERIODICALLY INCREASE ANY FEE
29 OR CHARGE IMPOSED AS OF THE EFFECTIVE DATE OF
30 THIS PARAGRAPH PURSUANT TO PARAGRAPHS (2) OR

1 (3). HOWEVER, NO SUCH FEE OR CHARGE MAY BE
2 INCREASED MORE THAN ONCE IN ANY THREE-YEAR
3 PERIOD AND THE AMOUNT OF ANY INCREASE MAY NOT
4 BE GREATER THAN THE PERCENTAGE OF INCREASE IN
5 THE CONSUMER PRICE INDEX FOR URBAN WORKERS FOR
6 THE IMMEDIATE THREE YEARS PRECEDING THE LAST
7 INCREASE IN THE FEE OR CHARGE.

8 (5) THE FIRST JUDICIAL DISTRICT OF
9 PENNSYLVANIA MAY IMPOSE A CHARGE FOR THE
10 PRODUCTION OF RECORDS PRODUCED PURSUANT TO A
11 SUBPOENA SERVED ON THE FIRST JUDICIAL DISTRICT
12 OR ITS EMPLOYEES AS FOLLOWS:

13 <u>(I) PRODUCING A RECORD IN RESPONSE TO</u>	
14 <u>A SUBPOENA BASED ON FOUR-HOUR SERVICE OR</u>	
15 <u>FRACTION THEREOF.....</u>	<u>\$43.00</u>
16 <u>(II) SERVICE BEYOND FOUR HOURS, PER</u>	
17 <u>HOOR OR FRACTION THEREOF.....</u>	<u>11.00</u>
18 <u>(III) FOR EACH MILE TRAVELED (ROUND</u>	
19 <u>TRIP) FOR SERVICE OUT OF COUNTY.....</u>	<u>00.365</u>

20 * * *

21 SECTION 2. SECTION 4907 OF TITLE 42 IS AMENDED TO READ:

22 [§ 4907. EXPIRATION OF CHAPTER.

23 THIS CHAPTER SHALL EXPIRE IN FIVE YEARS.]

24 SECTION 3. SECTION 8312(B) AND (H) OF TITLE 42 ARE AMENDED
25 TO READ:

26 § 8312. Profits received as a result of commission of crime.

27 * * *

28 (b) Right of action.--Notwithstanding any inconsistent
29 provision of law or rules of civil procedure with respect to the
30 timely bringing of an action, any eligible person shall have the

1 right to bring a civil action in a court of competent
2 jurisdiction to recover money damages from a person convicted of
3 a crime or the legal representative of that convicted person
4 within three years of the discovery of any profits from a crime.
5 Any damages awarded in this action shall be recoverable only up
6 to the value of the profits from the crime and all reasonable
7 attorney fees and other costs associated with the litigation of
8 the action. If an action is filed under this subsection after
9 the expiration of all other applicable statutes of limitation,
10 any other eligible person must file any action for damages as a
11 result of the crime within three years of the actual discovery
12 of profits from the crime or of actual notice received from or
13 notice published by the [board] office of the discovery,
14 whichever is later. If any profits from a crime remain after the
15 payment of claims made under this section, the [board] office
16 shall have the right to bring a civil action within two years in
17 a court of competent jurisdiction to recover any payments made
18 by the [board pursuant to Article IV of the act of April 9, 1929
19 (P.L.177, No.175), known as The Administrative Code of 1929, and
20 any expenses incurred by the board pursuant to Article IV of The
21 Administrative Code of 1929] office pursuant to the act of
22 November 24, 1998 (P.L.882, No.111), known as the Crime Victims
23 Act, and any expenses incurred by the office pursuant to that
24 act or this section with regard to such crime or the person
25 convicted of such crime.

26 * * *

27 (h) Definitions.--As used in this section, the following
28 words and phrases shall have the meanings given to them in this
29 subsection:

30 ["Board." The Crime Victim's Compensation Board as defined

1 in section 477 of the act of April 9, 1929 (P.L.177, No.175),
2 known as The Administrative Code of 1929.]

3 "Convicted." Includes conviction by entry of a plea of
4 guilty or nolo contendere, conviction after trial and a finding
5 of not guilty due to insanity or of guilty but mentally ill.

6 "Eligible person." Includes any of the following persons:

7 (1) A victim of the particular crime in question, as
8 "victim" is defined in [section 479.1 of the act of April 9,
9 1929 (P.L.177, No.175), known as The Administrative Code of
10 1929.] section 103 of the act of November 24, 1998 (P.L.882,
11 No.111), known as the Crime Victims Act.

12 (2) An intervenor in such crime.

13 (3) A surviving spouse, parent or child of a deceased
14 victim of or intervenor in such crime.

15 (4) Any other person dependent for his principal support
16 upon a deceased victim of or intervenor in such crime.

17 No person who is criminally responsible for the crime in
18 question or was an accomplice of the person who is criminally
19 responsible shall be an eligible person.

20 "Office." The Office of Victims' Services in the
21 Pennsylvania Commission on Crime and Delinquency as defined in
22 section 103 of the act of November 24, 1998 (P.L.882, No.111),
23 known as the Crime Victims Act.

24 "Profit from a crime." Includes any of the following:

25 (1) Any property obtained through or income generated
26 from the commission of a crime of which the defendant was
27 convicted.

28 (2) Any property obtained by or income generated from
29 the sale, conversion or exchange of proceeds of a crime of
30 which the defendant was convicted, including any gain

1 realized by such sale, conversion or exchange.

2 (3) Any property which the defendant obtained or income
3 generated as a result of having committed the crime of which
4 the defendant was convicted, including any assets obtained
5 through the use of unique knowledge obtained during the
6 commission of or in preparation for the commission of the
7 crime, as well as any property obtained by or income
8 generated from the sale, conversion or exchange of such
9 property and any gain realized by such sale, conversion or
10 exchange.

11 ~~Section 2. This act shall take effect in 60 days.~~ <—

12 SECTION 4. THE ACT OF DECEMBER 5, 1980 (P.L.1107, NO.190), <—
13 REFERRED TO AS THE PHILADELPHIA MUNICIPAL COURT FEE LAW, IS
14 REPEALED.

15 SECTION 5. THIS ACT SHALL APPLY TO ALL ACTIONS INSTITUTED ON
16 OR AFTER THE EFFECTIVE DATE OF THIS ACT.

17 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

18 (1) THE AMENDMENT OF 42 PA.C.S. § 8312(B) AND (H) SHALL
19 TAKE EFFECT IN 60 DAYS.

20 (2) THIS SECTION SHALL TAKE EFFECT IMMEDIATELY.

21 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN SEVEN
22 DAYS.