

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1169 Session of 2010

INTRODUCED BY WAUGH, BOSCOLA, BROWNE, ERICKSON, ORIE, RAFFERTY, TARTAGLIONE, FERLO AND BRUBAKER, DECEMBER 18, 2009

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 16, 2010

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 sentencing generally and for collection of restitution,
4 reparation, fees, costs, fines and penalties.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby enacts as follows:

7 Section 1. Section 9721 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subsection to read:
9 § 9721. Sentencing generally.

10 * * *

11 (c.1) Mandatory payment of costs.--Notwithstanding the
12 provisions of section 9728 (relating to collection of
13 restitution, reparation, fees, costs, fines and penalties) or
14 any provision of law to the contrary, in addition to the
15 alternatives set forth in subsection (a), the court shall order
16 the defendant to pay costs. In the event the court fails to
17 issue an order for costs pursuant to section 9728, costs shall
18 be imposed upon the defendant under this section. No court order

1 shall be necessary for the defendant to incur liability for
2 costs under this section. THE PROVISIONS OF THIS SUBSECTION DO ←
3 NOT ALTER THE COURT'S DISCRETION UNDER PA.R.CRIM.P. NO. 706(C)
4 (RELATING TO FINES OR COSTS).

5 * * *

6 Section 2. Section 9728(b)(3) and (5) of Title 42 are
7 amended and the section is amended by adding a subsection to
8 read:

9 § 9728. Collection of restitution, reparation, fees, costs,
10 fines and penalties.

11 * * *

12 (b) Procedure.--

13 * * *

14 (3) The county clerk of courts shall, upon sentencing,
15 pretrial disposition or other order, transmit to the
16 Department of Probation of the respective county or other
17 agent designated by the county commissioners of the county
18 with the approval of the president judge of the county and to
19 the county correctional facility to which the offender has
20 been sentenced or to the Department of Corrections, whichever
21 is appropriate, copies of all orders for restitution and
22 amendments or alterations thereto, reparation, fees, costs,
23 fines and penalties. This paragraph also applies in the case
24 of costs imposed under section 9721(c.1) (relating to
25 sentencing generally).

26 * * *

27 (5) The county correctional facility to which the
28 offender has been sentenced or the Department of Corrections
29 shall be authorized to make monetary deductions from inmate
30 personal accounts for the purpose of collecting restitution

1 or any other court-ordered obligation or costs imposed under
2 section 9721(c.1). Any amount deducted shall be transmitted
3 by the Department of Corrections or the county correctional
4 facility to the probation department of the county or other
5 agent designated by the county commissioners of the county
6 with the approval of the president judge of the county in
7 which the offender was convicted. The Department of
8 Corrections shall develop guidelines relating to its
9 responsibilities under this paragraph.

10 * * *

11 (b.2) Mandatory payment of costs.--Notwithstanding any
12 provision of law to the contrary, in the event the court fails
13 to issue an order under subsection (a) imposing costs upon the
14 defendant, the defendant shall nevertheless be liable for costs,
15 as provided in section 9721(c.1), UNLESS THE COURT DETERMINES ←
16 OTHERWISE PURSUANT TO PA.R.CRIM.P. NO. 706(C) (RELATING TO FINES
17 OR COSTS). The absence of a court order shall not affect the
18 applicability of the provisions of this section.

19 * * *

20 Section 3. This act shall apply to costs imposed on or after
21 the effective date of this act.

22 Section 4. This act shall take effect in 60 days.