

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1208 Session of 2022

INTRODUCED BY BROWNE, MARTIN, MENSCH AND BOSCOLA, APRIL 28, 2022

REFERRED TO JUDICIARY, APRIL 28, 2022

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in sentencing, further
 3 providing for payment of court costs, restitution and fines
 4 and for collection of court costs, restitution and fines by
 5 private collection agency.

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

8 Section 1. Section 9730(a) and (b)(3) and (4) of Title 42 of
 9 the Pennsylvania Consolidated Statutes are amended and
 10 subsection (b) is amended by adding paragraphs to read:

11 § 9730. Payment of court costs, restitution and fines.

12 (a) Method of payment.--The treasurer of each county [may]
 13 shall allow the use of credit cards, debit cards and bank cards
 14 in the payment of court costs, restitution and fines and may
 15 provide for automatic periodic deductions from a bank account,
 16 subject to the agreement of the owner of the account.

17 (b) Procedures regarding default.--

18 * * *

19 (2.1) If the issuing authority, senior judge or senior
 20 magisterial district judge schedules a financial

1 determination hearing for the defendant and provides notice
2 to the defendant of the hearing, but the defendant fails to
3 appear at the financial determination hearing, the issuing
4 authority, senior judge or senior magisterial district judge
5 may turn the delinquent account over to a private collection
6 agency or the county's collection enforcement unit as set
7 forth under section 9728 (relating to collection of
8 restitution, reparation, fees, costs, fines and penalties),
9 as provided by law.

10 (2.2) If the defendant has a delinquent account turned
11 over to a private collection agency or the county's
12 collection enforcement unit under paragraph (2) or (2.1), the
13 defendant may request a new financial determination hearing
14 on the defendant's financial ability to pay the court costs,
15 restitution or fines. Upon receipt of the request for a new
16 financial determination hearing under this paragraph, the
17 issuing authority, senior judge or senior magisterial
18 district judge shall schedule and conduct the hearing in
19 accordance with this subsection. In each communication with
20 the defendant, the private collection agency or the county's
21 collection enforcement unit shall notify the defendant of the
22 defendant's right to request a new financial determination
23 hearing under this paragraph. Upon notice that the defendant
24 has requested a new financial determination hearing under
25 this paragraph, the private collection agency or the county's
26 collection enforcement unit shall cease all collections
27 activities pending the conclusion of the financial
28 determination hearing. If the defendant fails to appear at
29 the financial determination hearing under this paragraph, the
30 private collection agency or county's collection enforcement

1 unit may resume collection activities.

2 (3) If the issuing authority, senior judge or senior
3 magisterial district judge determines that the defendant is
4 without the financial means to pay the costs, restitution or
5 [fine] fines immediately or in a single remittance, the
6 issuing authority, senior judge or senior magisterial
7 district judge may provide for payment in installments or, in
8 the case of costs or fines, reduce or waive the costs or
9 fines. In determining the appropriate installments, reduction
10 or waiver, the issuing authority, senior judge or senior
11 magisterial district judge shall consider the defendant's
12 financial resources, the defendant's ability to make
13 restitution and reparations and the nature of the burden the
14 payment will impose on the defendant. If the defendant is in
15 default of a payment or advises the issuing authority, senior
16 judge or senior magisterial district judge that default is
17 imminent, the issuing authority, senior judge or senior
18 magisterial district judge may schedule a rehearing on the
19 payment schedule. At the rehearing the defendant has the
20 burden of proving changes of financial condition such that
21 the defendant is without the means to meet the payment
22 schedule. The issuing authority, senior judge or senior
23 magisterial district judge may extend or accelerate the
24 schedule, leave it unaltered or sentence the defendant to a
25 period of community service as the issuing authority, senior
26 judge or senior magisterial district judge finds to be just
27 and practicable under the circumstances. The issuing
28 authority, senior judge or senior magisterial district judge
29 shall waive an existing collection fee under section
30 9730.1(b) (relating to collection of court costs, restitution

1 and fines by private collection agency) that was not
2 previously collected from the defendant who is determined to
3 be without the financial means to pay the costs, restitution
4 or fines under this paragraph.

5 (4) A decision of the issuing authority, senior judge or
6 senior magisterial district judge under paragraph (2), (2.1)
7 or (3) is subject to section 5105 (relating to right to
8 appellate review).

9 Section 2. Section 9730.1(a) and (e) of Title 42 are amended
10 and the section is amended by adding a subsection to read:

11 § 9730.1. Collection of court costs, restitution and fines by
12 private collection agency.

13 (a) Generally.--In accordance with section [9730(b)(1) and
14 (2)] 9730(b) (relating to payment of court costs, restitution
15 and fines), an issuing authority may refer the collection of
16 costs, fines and restitution of a defendant to a private
17 collection agency whether or not the defendant's maximum
18 sentence or probationary term has expired with or without
19 holding a hearing pursuant to this section. Such collection
20 agency shall adhere to accepted practices in accordance with
21 applicable Federal and State law to collect such costs, fines
22 and restitution.

23 * * *

24 (c.1) Credit reporting.--A private collection agency may not
25 share information with a consumer reporting agency regarding a
26 defendant's failure to pay costs, fines and restitution unless a
27 financial determination hearing has been conducted in accordance
28 with section 9730(b) and the issuing authority, senior judge or
29 senior magisterial district judge has determined that the
30 defendant is financially able to pay the costs, fines and

1 restitution.

2 * * *

3 (e) Definitions.--As used in this section, the following
4 words and phrases shall have the meanings given to them in this
5 subsection:

6 "Amount owing." The total amount owed by a defendant on
7 fines, costs or restitution in accordance with the order of
8 court sentencing the defendant and this section.

9 "Consumer reporting agency." As defined in section 603(f) of
10 the Fair Credit Reporting Act (Public Law 91-508, 15 U.S.C. §
11 1681a(f)).

12 "Private collection agency." A person, company, partnership
13 or other entity that uses any instrumentality of interstate
14 commerce or the mails in any business the principal purpose of
15 which is the collection of any debts, or who regularly collects
16 or attempts to collect, directly or indirectly, debts owed or
17 due or asserted to be owed or due another under the applicable
18 laws of the United States and of this Commonwealth.

19 Section 3. This act shall take effect in 120 days.