



HOUSE COMMITTEE ON APPROPRIATIONS

2009-10 Legislative Session

FISCAL NOTE

HOUSE BILL: 1607

PRINTER'S NO: 2747

PRIME SPONSOR: Caltagirone

FISCAL IMPACT SUMMARY	FY 2009/10	FY 2010/11
Revenue Increase:		
Judicial Computer System Augmentation Account	\$14,726,000*	\$29,452,000*
Access to Justice Account	\$1,437,000*	\$ 2,873,000*
Criminal Justice Enhancement Account	\$3,233,000*	\$6,465,000*
Total revenue increase	\$19,396,000*	\$38,790,000*

***See Analysis**

OVERVIEW:

House Bill 1607 codifies and consolidates the acts relating to constables into Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes. The purpose of the Title 44 codification is to repeal acts that are obsolete, modernize terminology and clarify the law without making substantive changes. However, this legislation does provide for alternatives related to the use of firearms by constables.

This legislation repeals Chapter 53 (Recidivism risk reduction incentive) of Title 44 (Law and Justice). Current language related to recidivism risk reduction exists in Title 61 (Prisons and Parole).

House Bill 1607 also provides for the expansion of individuals subject to paying the existing \$10 surcharge by collecting the fee from defendants who are granted entry into an Accelerated Rehabilitative Disposition program or any other diversionary program. The \$10 surcharge will be apportioned as follows:

- \$8 will be deposited into the Judicial Computer System Augmentation Account
- \$2 will be deposited into the Access to Justice Account.

House Bill 1607 will amend Section 3733 of the Title 42 by imposing an additional, temporary surcharge of \$11.25 on:

- Initial filings with the Pennsylvania Supreme, Superior, and Commonwealth Courts.
- Any civil action or legal proceeding commenced with the prothonotaries, clerks of orphans' courts and registers of wills.

- Any criminal proceeding for which a conviction is obtained, a guilty plea is entered or a defendant is granted entry into an Accelerated Rehabilitative Disposition (ARD) program or any other pretrial diversionary program.
- Initial filings with the magisterial district judges (**with the exception of summary traffic offenses**).
- Recording of certain deeds, mortgages or property transfers filings which meet criteria to be designated by the Supreme Court.

The surcharge of \$11.25 will be collected for 25 months and be apportioned as follows:

- \$10.25 will be deposited into the Judicial Computer System Augmentation Account.
- \$1.00 will be deposited into the Access to Justice Account.

House Bill 1607 also provides for a permanent fee of \$2.25 to be charged for the same filings, procedures, and proceedings outlined above. This \$2.25 fee is to be deposited into the Criminal Justice Enhancement Account which funds the salaries of full-time County district attorneys.

The repeal of Chapter 53 in Title 44 takes effect October 13, 2009 or immediately, whichever is later.

The codification and consolidation of acts related to constables in Title 44 and the elimination of obsolete provisions in every title of the Pennsylvania Consolidated Statutes take effect immediately.

This remainder of this act takes effect in 60 days.

ANALYSIS:

The portion of the bill that is a codification of existing laws and the repeal of Chapter 53 in Title 44 is not expected to have a negative fiscal impact on Commonwealth funds.

According to AOPC, the estimated number of ARD dispositions in 2007 was 42,000. This fiscal note assumes that the additional surcharges in House Bill 1607 will be in effect for six months and that approximately 21,000 ARD dispositions will be subject to the existing \$10 surcharge for a total increase in revenue of \$210,000 for an six month period in fiscal year 2009/10. The increase in revenue collected for ARD dispositions is included in calculations related to the Access to Justice, Judicial Computer System Augmentation, and Criminal Justice Enhancement Accounts.

AOPC indicates that the estimated number of baseline court filings that would be subject to the following surcharges is approximately 240,000 filings a month, 1.4 million in a six-month period, or 2.8 million filings in a 12-month period.

According to AOPC, the number filings/proceedings/dispositions subject to the \$11.25 surcharge increase is expected to generate an additional \$16 million during six months in fiscal year 2009/10 and will be apportioned as follows:

- \$1.4 million to the Access to Justice Account

- \$14.7million to the Judicial Computer System Augmentation Account

The \$2.25 fee for the Criminal Justice Enhancement account will generate approximately \$3.2 million during six months in fiscal year 2009/10.

For fiscal year 2010/11 the Judiciary can expect to collect an estimated total of \$39 million. In fiscal year 2010/11, expanded ARD fees would generate approximately \$420,000 and the \$11.25 surcharge increase would generate approximately \$32.3 million. The total increase in revenue collected by the Judiciary in fiscal year 2010/11 would be apportioned as follows:

- \$2.9 million to the Access to Justice Account
- \$29.5 million to the Judicial Computer System Augmentation Account
- \$6.5 million to the Criminal Justice Enhancement Account

The temporary increase in fees by the courts is to be effective for 25 months:

- FY 2009/10 – 6 months
- FY 2010/11 – 12 months
- FY 2011/12 – 7 months

Fees collected in fiscal year 2011/12, for seven months, would generate approximately \$18.9 million (\$1.7 million to Access to Justice Account and \$17.2 million to the Judicial Computer System Augmentation Account). The permanent fee for the Criminal Justice Enhancement Account would generate \$6.5 million in revenue for the entire fiscal year in 2011/12.

The actual amount of revenue generated under House Bill 1607 will be affected by the actual number of court filings that occur in each year.

PREPARED BY: Rayko Pacana, Budget Analyst
House Appropriations Committee, (D)

DATE: November 4, 2009

General Note and Disclaimer: *This Fiscal Note was prepared pursuant to House Rule 19(a), and the elements considered and reported above are required by Section 5 of the rule. Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*