

# SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

**BILL NO.**

House Bill 1607

**PRINTER'S NO.**

2747

**AMOUNT**

No Fiscal Impact

**FUND**

General

**DATE INTRODUCED**

June 3, 2009

**PRIME SPONSOR**

Representative Caltagirone

**HISTORY OF BILL**

Referred to JUDICIARY, June 3, 2009  
Reported as amended, June 16, 2009  
First consideration, June 16, 2009  
Re-committed to RULES, June 16, 2009  
Re-reported as committed, June 25, 2009  
Re-committed to APPROPRIATIONS, June 25, 2009  
Re-reported as committed, June 25, 2009  
Second consideration, with amendments, June 25, 2009  
(Remarks see House Journal Page), June 25, 2009  
Third consideration and final passage, June 29, 2009 (199-0)

**IN THE SENATE**

Referred to JUDICIARY, July 1, 2009  
Reported as committed, July 14, 2009  
First consideration, July 14, 2009  
Re-referred to APPROPRIATIONS, July, 14, 2009  
Re-reported as committed, Oct. 2, 2009  
Second consideration, Oct. 2, 2009  
Re-committed to APPROPRIATIONS, Oct. 2, 2009  
Re-reported as amended, Oct. 5, 2009

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 1607 consolidates statutory law relating to constables by creating a new chapter, Chapter 71, under part IV in Title 44 (Law and Justice) of the Pennsylvania Consolidated Statutes and establishes surcharges.

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Constable related provisions that are currently contained in Title 42 (Judicial Code), Title 25 (Election Code), Title 75 (Vehicle Code) and several other unconsolidated acts are repealed and codified in the newly created Chapter 71 under eight subchapters. They are as follows:

- A. Preliminary Provisions – includes the scope of the chapter, a definition and the abolishing as of February 10, 1970, the office of constable in cities of the first class;
- B. Election – sets the term of office for constables at six years and provides specific provisions related to the election of constables in cities of the second and third classes, boroughs and townships;
- C. Appointment – provides for appointments of constables when a vacancy occurs and for the appointment of deputy constables;
- D. Conflicts – governs conflicts that arise between the office of constable and other positions, such as a police officer;
- E. Training – provides for mandatory training and continuing education requirements and liability insurance requirements prior to becoming certified by the Constables' Education and Training Board;
- F. Powers and Duties – provides for the powers and duties of constables and the requirement that constables shall perform all duties authorized or imposed on them by statute;
- G. Compensation – contains the fees that a constable may charge for various services performed on behalf of the court, such as serving complaints in such matters as landlord-tenant, civil and criminal;
- H. Penalties and Remedies – provides for various penalties and remedies related to the official conduct of a constable and civil and criminal penalties for the neglect or refusal to perform statutory duties.

The original intent of this legislation was to combine, in one title of the Pennsylvania Consolidated Statutes, all of the provisions of law that relate to constables in the Commonwealth. No substantive changes in the law were intended. The bill was amended in Senate Appropriations (A03983) establishing surcharges that will be required to be collected in addition to current court filing fees. The additional surcharges are as follows:

- A fee of \$10.25 will be collected and deposited into the Judicial Computer System Augmentation Account. This fee is only temporary and will be collected for a period of 25 months from the effective date of the act;

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## **FISCAL NOTE**

- A fee of \$1.00 will be collected and deposited into the Access to Justice Account. This fee is only temporary and will be collected for a period of 25 months from the effective date of the act; and
- A fee of \$2.25 will be collected and deposited into the Criminal Justice Enhancement Account. This fee will be a permanent fee and will not expire.

These surcharges will be collected on the same items as the current \$10.00 Access to Justice fee except that the surcharges do not apply to traffic citations. The current fee of \$10.00 is imposed on the following items:

- Each initial filing with a state appellate court;
- The initiation of a civil action or legal proceeding in the court of common pleas;
- The initiation of a criminal proceeding for which a fee is now authorized and a conviction is obtained, or a defendant pleads guilty;
- The initiation of a legal proceeding before the minor judiciary for which a fee is now authorized except that in criminal, summary and traffic matters there must be a conviction, or a defendant must plead guilty; and
- The filing of certain legal documents such as deeds and mortgages.

The amended legislation also extends the current Access to Justice fee so that it will be collected when a defendant is granted entry into an ARD or other diversionary program.

### **FISCAL IMPACT:**

During the past year there have been 2,896,487 court filings that would have met the criteria for the charging of a surcharge established by this legislation. Therefore, it is estimated that the Commonwealth would generate approximately \$39,102,575 additional revenue, of which \$29,688,992 would be expended for the operation of the Judiciary, \$6,517,096 for the Commonwealth to fulfill its obligation to reimburse counties for the salaries of fulltime District Attorneys, and \$2,896,487 for legal services.