

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. House Bill 123

PRINTER NO. 2253

AMOUNT

No Fiscal Impact

FUND

General Fund

DATE INTRODUCED

January 21, 2015

PRIME SPONSOR

Representative Delozier

DESCRIPTION AND PURPOSE OF BILL

House Bill 123 amends Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes by making changes to the general rule pertaining to bail.

This legislation amends §5702 (relating to Bail to be governed by general rules) of Title 42 by providing for the use of cash bail. The legislation provides for the following use of cash bail:

1. Any cash bail deposited by a defendant that is otherwise returnable to the defendant shall be held and applied to the payment of any restitution, fees, fines and costs imposed upon the defendant in connection with any criminal or delinquency case, unless the defendant shows that he or she would suffer an undue hardship;
2. Any cash bail in which the defendant is not the named depositor, the court may order, upon motion of the attorney for the Commonwealth, that any cash bail deposited on behalf of the defendant that is otherwise returnable to the depositor be held and applied to the payment of any restitution, fees, fines and costs imposed upon the defendant in connection with any criminal or delinquency case, unless the depositor shows that he or she would suffer an undue hardship.

The legislation mandates that a written notice of the provisions of this new subsection shall be provided to a depositor prior to the acceptance of a deposit.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Administrative Office of Pennsylvania Courts (AOPC), there are approximately 2.5 million cases in which the AOPC have a Social Security number for the defendant and the amount owed to the courts is in excess of \$15.00. These outstanding fines, costs and restitution total in excess of \$3.7 Billion.

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Also according to the AOPC, payments made on bail assessments in 2015, where the defendant is noted as the "payor" on the receipt, totaled 36% of all cases. 64% of the cases noted that the defendant was not the "payor" on the receipt.

Enactment of this legislation may lead to faster and more efficient collections of restitution, fees, fines and costs imposed upon defendants by the courts, but it will not have any adverse fiscal impact on Commonwealth funds.