

SENATE APPROPRIATIONS COMMITTEE FISCAL NOTE

BILL NO. Senate Bill 1208

PRINTER NO. 1620

AMOUNT

See Fiscal Impact

FUND

General Fund
Motor License Fund
Local Government Funds
Access to Justice Account
Judicial Computer System Augmentation Account

DATE INTRODUCED

April 28, 2022

PRIME SPONSOR

Senator Browne

DESCRIPTION

Senate Bill 1208 amends Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in sentencing, further providing for payment of court costs, restitution and fines.

This legislation amends § 9730 (relating to payment of court costs, restitution and fines) of Title 42 to allow for the use of debit cards for payment of court costs, restitution and fines.

This section is further amended as follows:

- Adds subsection (b) (2.1) to provide that if a defendant fails to appear at a financial determination hearing, the issuing authority, senior judge or senior magisterial district judge may turn the delinquent account over to a private collection agency or the county’s collection enforcement unit;
- Adds subsection (b) (2.2) to provide that if a defendant has a delinquent account turned over to a private collection agency or the county’s collection enforcement unit, the defendant may request a new financial determination hearing. The court shall schedule and conduct the hearing. The private collection agency or the county’s collection enforcement unit shall cease all collections activities until the conclusion of the proceedings. If the defendant fails to appear at the financial determination hearing, collection efforts may resume. Under this new subsection, the court may waive or reduce court costs or fines if it is determined that a defendant is financially unable to pay them;

Additionally, § 9730.1 (relating to collection of court costs, restitution and fines by private collection agency) is amended to prohibit private collection agencies from sharing information with consumer reporting agencies related to a defendant’s failure to pay court costs, fines and restitution unless a financial determination hearing has been conducted and the court determines that the defendant is financially able to pay.

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A "consumer reporting agency" is defined as defined in section 603 (f) of the Fair Credit Reporting Act (FCRA) (Public Law 91-508, 15 U.S.C. § 1681a (f)). The FCRA defines "consumer reporting agency" as persons who regularly engage in the practice of assembling or evaluating consumer credit information for the purpose of furnishing consumer reports to third parties.

This act shall take effect in 120 days.

FISCAL IMPACT:

According to the Administrative Office of Pennsylvania Courts (AOPC), there are currently 66,835 dockets with an outstanding balance due, a failure to appear warrant issued, no payments made on the dockets, and the dockets not referred to collections, as recorded in the Magisterial District Judge System (MDJS). This does not include Philadelphia County, as that county does not utilize the MDJS.

The total outstanding amount due, which has accumulated over numerous years, is \$17,314,582. Since 2021, the outstanding amount due has increased by approximately \$1 million. The majority of these outstanding fines are for violations of the Vehicle Code. Vehicle Code-related fines and costs consist of the following:

- Traffic surcharge: \$45 to \$450. The majority of these surcharges are \$45;
- Costs: \$42.50 or \$51.50 if a hearing is requested. These funds are distributed as follows:
 - \$18.90 to the Commonwealth; and
 - \$23.60 or \$32.60 to the local government in which the violation occurred.
- Fine: \$25 and greater. These funds are distributed to the Commonwealth, counties and municipalities based on the type of violation, the law enforcement agency involved and the location of the offense;
- Emergency Medical Service Fee (EMS): \$10 is collected to support EMS systems serving rural areas throughout the Commonwealth and the Catastrophic Medical and Rehabilitation Fund for victims of traumatic injury;
- Access to Justice Account: \$4 is collected to provide legal representation to the poor in civil cases; and
- Judicial Computer System Augmentation Account (JCS): \$8 is collected to support the operation and continued development of the statewide Judicial Computer System.

Assuming 25% of the above-mentioned dockets are sent to collections and successfully collected, this would generate one-time revenue of \$4,328,645 and \$250,000 annually thereafter to be distributed to all of the following:

- General Fund;
- Motor License Fund;

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- Local Government Funds;
- Access to Justice Account; and
- Judicial Computer System Augmentation Account.

Enactment of this legislation provides an additional enforcement tool to the courts that may result in additional funds being collected for fines, court costs and restitution to victims.