



MAR 17 2012

Senate of Pennsylvania

March 12, 2012

TO: ALL SENATORS

FROM: Stewart J. Greenleaf

Stewart

SUBJECT: Cosponsorship – **Funding for the Judiciary and PLAN**

I am introducing legislation to assist with the funding of the Pennsylvania Unified Judicial System (Judiciary) and the Pennsylvania Legal Aid Network (PLAN). 2002 Act No. 122, referred to as the Access to Justice Act, established a \$10 fee on court transactions, with \$8 deposited in the Judicial Computer System Augmentation Account and \$2 deposited into the Access to Justice Account for the benefit of PLAN. The \$2 Access to Justice fee is set to sunset on November 1, 2012. The court transactions to which the fee attaches include traffic offenses.

More recently the General Assembly enacted 2009 Act 49 providing for a supplemental surcharge on court transactions to provide additional funding for the Judiciary and PLAN during difficult economic times. As the economic downturn continued, in 2011 the surcharge was extended to December 31, 2014. This surcharge is based on the same transactions as the earlier legislation, the Access to Justice Act, except that the surcharge does not attach to traffic offenses.

My legislation amends section 3733.1 of the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, to conform the base for the supplemental surcharge to the one used for the underlying Access to Justice Act fee. In other words, the surcharge would be on the “initiation of any criminal proceeding for which a fee, charge or cost is now authorized and a conviction is obtained or a guilty plea is entered” including traffic offenses. With this change, there will be additional revenue and it will make administering the underlying fee and the surcharge consistent.

While the portion of the Act 49 surcharge (\$10.25) for the Judiciary will still expire in 2014, my legislation makes permanent the portion of the surcharge (\$1.00) which goes to PLAN. Finally, the Access to Justice Act is set to expire on November 1, 2012, unless reauthorized by the General Assembly. My legislation removes the expiration date so this valuable program for funding PLAN will continue.

Making the Access to Justice Act fee and surcharge permanent will provide a more stable funding stream for civil legal aid. PLAN lawyers provide legal services for Pennsylvanians too poor to afford their own lawyers. For example, they help protect victims of domestic violence and represent homeowners in mortgage foreclosures. Given the economy, the need for civil legal aid services is greater than ever. PLAN programs represent over 100,000 clients yearly. About one-quarter of these cases are in the family law area, including 12,000 domestic violence cases last year. PLAN programs also represented 10,000 families facing foreclosure.

Every county in the state is served by a legal aid program. However, approximately 50% of the clients eligible for services do not receive services due to limited resources and PLAN programs are reducing staff by 15% this fiscal year and have closed two offices. With further budget cuts proposed, this form of user fee will help avoid additional cuts in services.

As we work through another difficult budget, I believe that my legislation will provide some help to the Judiciary and PLAN so that they may continue to provide a high level of service to the residents of Pennsylvania.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.