

LEGISLATIVE REFERENCE BUREAU

HOUSE
RESOLUTION
No. _____

RESOLUTION

INTRODUCED _____

By Miller, Dan L. District
NO. 42

By _____ District
NO. _____

By _____ District
NO. _____

By _____ District
NO. _____

See next page for additional co-sponsors.

<p style="text-align: center;">Referred to Committee on</p> <p>Date _____</p> <p>Reported _____</p> <p style="text-align: center;">As Committed-Amended</p> <p>Recomendation</p> <p>_____</p> <p>By Hon. _____</p>
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A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to
2 conduct a study and issue a report on the court system's
3 financial stability and its dependence on fines and fees.

4 WHEREAS, Our Commonwealth's judicial system originated as a
5 disparate collection of local part-time courts inherited from
6 the reign of the Duke of York and established by William Penn;
7 and

8 WHEREAS, The colony of Pennsylvania took major steps toward
9 unifying its judicial system by passing the Judiciary Act of
10 1722; and

11 WHEREAS, The act established the Supreme Court and the
12 Philadelphia County, Chester County and Bucks County courts of
13 common pleas; and

14 WHEREAS, In 1776, Pennsylvania adopted its first
15 constitution, often described as the most democratic in America;
16 and

17 WHEREAS, Its declaration of rights was a major source for the
18 Federal Bill of Rights; and

1 WHEREAS, The 1776 Constitution of Pennsylvania provided the
2 right to vote for all men who paid taxes; and

3 WHEREAS, The 1776 Constitution of Pennsylvania set the stage
4 for the development of a Statewide judicial system, establishing
5 the courts of common pleas, orphans' courts and courts of
6 session in each county; and

7 WHEREAS, In 1790, Pennsylvania adopted a new constitution,
8 which has been described as a model constitution; and

9 WHEREAS, The 1790 Constitution of Pennsylvania created a
10 bicameral legislature elected by the citizens of this
11 Commonwealth and made other changes to the judiciary with the
12 intent to decrease the Supreme Court workload; and

13 WHEREAS, The 1790 Constitution of Pennsylvania placed a
14 president judge at the head of every court of common pleas and
15 grouped counties into judicial districts; and

16 WHEREAS, In 1895, the General Assembly established the
17 Superior Court to further decrease the Supreme Court workload;
18 and

19 WHEREAS, In 1968, Pennsylvania adopted a new constitution,
20 making further changes to the judiciary; and

21 WHEREAS, The 1968 Constitution of Pennsylvania established a
22 unified judicial system as well as community courts and the
23 Philadelphia Municipal Court; and

24 WHEREAS, The 1968 Constitution of Pennsylvania added an
25 intermediate appellate court, the Commonwealth Court; and

26 WHEREAS, There has been a recent trend in which states are
27 increasing civil and criminal court fees and charges while
28 expanding the categories of offenses that trigger the imposition
29 of fines; and

30 WHEREAS, The budget of the judiciary is made up of three

1 components: general appropriations, statutory surcharges known
2 collectively as Act 49 fees, which provide revenue to augment
3 general appropriations to fund operations of the court system,
4 and statutory-based fees and collection-based revenue to fund
5 the entirety of the Judicial Computer System (JCS); and

6 WHEREAS, The general appropriations of the judicial branch
7 account for less than 1% of the entire State budget; and

8 WHEREAS, Reliance on the Act 49 fees portion of the
9 judiciary's budget grew from \$28 million, or 7%, in 2016-2017,
10 to \$85 million, or 19%, in 2022-2023, at a time when revenue was
11 flat or declining; and

12 WHEREAS, The JCS is entirely funded by two revenue streams:
13 fines, fees and costs collected that exceed an amount collected
14 from such sources in fiscal year 1986-1987, and a fee assessed
15 on initial filings on all levels of court; and

16 WHEREAS, JCS revenue from the two sources has been steadily
17 declining from a peak of \$65 million in 2007-2008 to \$31.1
18 million in 2022-2023; therefore be it

19 RESOLVED, That the House of Representatives direct the
20 Legislative Budget and Finance Committee to conduct a study and
21 issue a report on the court system's financial stability and its
22 dependence on fines and fees; and be it further

23 RESOLVED, That the study:

24 (1) Identify and examine the similarities and
25 differences in the various ways the states choose to fund
26 their court systems.

27 (2) Examine and analyze the historical roots of funding
28 court systems through fines and fees throughout the United
29 States.

30 (3) Analyze the effect of court dependence on fines and

1 fees on different population groups as measured by
2 socioeconomic status.

3 (4) Examine and analyze whether and how cost shifting
4 across various levels of government incentivizes the trend
5 toward reliance on fees and fines for revenue.

6 (5) Identify and quantify the various costs associated
7 with the collateral consequences imposed on individuals,
8 their families and communities who cannot afford to pay the
9 fines or fees.

10 (6) Identify and quantify the various costs associated
11 with the collection of fines and fees and related
12 enforcement;

13 and be it further

14 RESOLVED, That the Legislative Budget and Finance Committee
15 consult with other states having relevant records or knowledge
16 of relevant issues; and be it further

17 RESOLVED, That the Legislative Budget and Finance Committee
18 consult with organizations that:

19 (1) Collect and analyze financial data related to the
20 Commonwealth's court system.

21 (2) Collect and analyze financial data related to the
22 Federal court system.

23 (3) Collect and collate data on the collateral
24 consequences of convictions.

25 (4) Have knowledge of relevant issues;

26 and be it further

27 RESOLVED, That the Legislative Budget and Finance Committee
28 submit a report of its findings and recommendations to the
29 chairperson and minority chairperson of the Judiciary Committee
30 of the Senate, the chairperson and minority chairperson of the

1 Judiciary Committee of the House of Representatives, the
2 chairperson and minority chairperson of the Appropriations
3 Committee of the Senate and the chairperson and minority
4 chairperson of the Appropriations Committee of the House of
5 Representatives no later than 18 months after the adoption of
6 this resolution.