

JUDICIAL CODE (42 PA.C.S.) - COSTS, COMMONWEALTH PORTION OF FINES,
PLACE OF DETENTION, SENTENCING GENERALLY AND COLLECTION OF
RESTITUTION, REPARATION, FEES, COSTS, FINES AND PENALTIES
Act of Oct. 27, 2010, P.L. 949, No. 96 Cl. 42
Session of 2010
No. 2010-96

SB 1169

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs, for Commonwealth portion of fines, etc., for place of detention, for sentencing generally and for collection of restitution, reparation, fees, costs, fines and penalties.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. Sections 1725.1(f)(1) and 3571(c)(4) of Title 42 of the Pennsylvania Consolidated Statutes are reenacted and amended to read:

§ 1725.1. Costs.

* * *

(f) Annual increase in costs.--

(1) Except as provided in paragraph (2), beginning on January 1, 1994, and each January 1 thereafter, the costs under subsections (a), (b) and (c) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for the immediate preceding calendar year which shall be published in the Pennsylvania Bulletin annually by the Supreme Court on or before the preceding November 30. This subsection shall expire January 1, [2010] **2025**.

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§ 3571. Commonwealth portion of fines, etc.

* * *

(c) Costs in magisterial district judge proceedings.--

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(4) Except as provided in paragraph (5), beginning on January 1, 1994, and each January 1 thereafter, the costs under paragraph (2) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for the immediate preceding calendar year which shall be published in the Pennsylvania Bulletin annually by the Supreme Court on or before the preceding November 30. This paragraph shall expire January 1, [2010] **2025**.

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Section 2. Sections 6327 and 9721 of Title 42 are amended by adding subsections to read:

§ 6327. Place of detention.

* * *

(c.1) Detention of child.--

(1) A child who is subject to criminal proceedings having been charged with an act set forth under paragraph (2)(i), (ii) or (iii) of the definition of "delinquent act" in section 6302, who has not been released on bail and who may seek or is seeking transfer to juvenile proceedings under section 6322 (relating to transfer from criminal proceedings) may be detained in a secure detention facility approved by the Department of Public

Welfare for the detention of alleged and adjudicated delinquent children if the attorney for the Commonwealth has consented to and the court has ordered the detention.

(2) Secure detention ordered under this subsection shall not affect a child's eligibility for or ability to post bail.

(3) For a child held in secure detention under this subsection, the court shall order the immediate transfer of the child to the county jail if any of the following apply:

(i) The court determines that the child is no longer seeking transfer under section 6322.

(ii) The court denies the motion filed under section 6322.

(iii) The child attains 18 years of age. This subparagraph does not apply if:

(A) the court has granted the motion filed under section 6322; or

(B) the child is otherwise under order of commitment to the secure detention facility pursuant to the jurisdiction of the court in a delinquency matter.

* * *

§ 9721. Sentencing generally.

* * *

(c.1) Mandatory payment of costs.--Notwithstanding the provisions of section 9728 (relating to collection of restitution, reparation, fees, costs, fines and penalties) or any provision of law to the contrary, in addition to the alternatives set forth in subsection (a), the court shall order the defendant to pay costs. In the event the court fails to issue an order for costs pursuant to section 9728, costs shall be imposed upon the defendant under this section. No court order shall be necessary for the defendant to incur liability for costs under this section. The provisions of this subsection do not alter the court's discretion under Pa.R.Crim.P. No. 706(C) (relating to fines or costs).

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Section 3. Section 9728(b)(3) and (5) of Title 42 are amended and the section is amended by adding a subsection to read:

§ 9728. Collection of restitution, reparation, fees, costs, fines and penalties.

* * *

(b) Procedure.--

* * *

(3) The county clerk of courts shall, upon sentencing, pretrial disposition or other order, transmit to the Department of Probation of the respective county or other agent designated by the county commissioners of the county with the approval of the president judge of the county and to the county correctional facility to which the offender has been sentenced or to the Department of Corrections, whichever is appropriate, copies of all orders for restitution and amendments or alterations thereto, reparation, fees, costs, fines and penalties. **This paragraph also applies in the case of costs imposed under section 9721(c.1) (relating to sentencing generally).**

* * *

(5) The county correctional facility to which the offender has been sentenced or the Department of Corrections shall be authorized to make monetary deductions from inmate personal accounts for the purpose of collecting restitution or any other court-ordered obligation **or costs imposed under section 9721(c.1).** Any amount deducted shall be transmitted by the Department of Corrections or the county correctional facility to the probation department of the county or other agent

designated by the county commissioners of the county with the approval of the president judge of the county in which the offender was convicted. The Department of Corrections shall develop guidelines relating to its responsibilities under this paragraph.

* * *

(b.2) Mandatory payment of costs.--Notwithstanding any provision of law to the contrary, in the event the court fails to issue an order under subsection (a) imposing costs upon the defendant, the defendant shall nevertheless be liable for costs, as provided in section 9721(c.1) , unless the court determines otherwise pursuant to Pa.R.Crim.P. No. 706(C) (relating to fines or costs) . The absence of a court order shall not affect the applicability of the provisions of this section.

* * *

Section 4. This act shall apply as follows:

(1) The reenactment, amendment and addition of 42 Pa.C.S. §§ 1725.1(f)(1), 3571(c)(4), 9721(c.1) and 9728(b)(3) and (5) and (b.2) shall apply to costs imposed on or after the effective date of this paragraph.

(2) The addition of 42 Pa.C.S. § 6327(c.1) shall apply to a criminal proceeding commenced on or after the effective date of this paragraph.

Section 5. This act shall take effect as follows:

(1) The following provisions shall take effect immediately:

- (i) The addition of 42 Pa.C.S. § 6327(c.1).
- (ii) Section 4(2) of this act.
- (iii) This section.

(2) The remainder of this act shall take effect in 60 days.

APPROVED--The 27th day of October, A.D. 2010.

EDWARD G. RENDELL