

JUDICIAL CODE (42 PA.C.S.) - SURCHARGE, FEE DEPOSIT INTO THE
ACCESS TO JUSTICE ACCOUNT, DISPOSITION OF OBSOLETE RECORDS,
FORM OF PERMANENT RECORDATION AND COPIES OF DESTROYED RECORDS
Act of Jul. 9, 2014, P.L. 1004, No. 113 Cl. 42
Session of 2014
No. 2014-113

HB 1337

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in facilities and supplies relating to judicial computer system, further providing for surcharge and for fee deposit into the access to justice account; and, in disposition of obsolete records, further providing for form of permanent recordation and for copies of destroyed records.

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

Section 1. Sections 3733.1(a) and (c), 4323 and 4324 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 3733.1. Surcharge.

(a) Imposition of surcharge.--In addition to each fee imposed under section 3733(a.1) (relating to deposits into account), except as set forth in subsection (b), the following apply:

(1) A surcharge of \$11.25 shall be charged and collected. This paragraph shall expire December 31, [2014] **2017.**

(2) A permanent fee of \$2.25 shall be charged and collected.

(3) A permanent fee of \$2 shall be charged and collected.

* * *

(c) Allocation and appropriation.--

(1) The surcharge under subsection (a)(1) [shall be allocated as follows:

(i) One dollar shall be deposited into the Access to Justice Account.

(ii) The remainder of money] shall be deposited into a separate reserve account within the Judicial Computer System Augmentation Account. Notwithstanding section 3732 (relating to utilization of funds in account), money deposited under this [subparagraph] **paragraph** is hereby appropriated to the Supreme Court, upon compliance with Article XV of the act of April 9, 1929 (P.L.343, No.176), known as The Fiscal Code, for the operation of the Judicial Department.

(2) The fee under subsection (a)(2) shall be deposited into the Criminal Justice Enhancement Account.

(3) The fee under subsection (a)(3) shall be deposited into the Access to Justice Account.

§ 4323. Form of [permanent] recordation.

[Records which are classified as records of permanent value shall, prior to destruction or other removal from the office of the person having custody thereof, be processed in conformity with general rules so that they may be reproduced by any

photostatic, photographic, microphotographic, microfilm, video tape, magnetic tape, or other mechanical process which produces a clear, accurate and permanent copy, microcopy or reproduction of the original, in accordance with standards not less than those approved for permanent records by the National Bureau of Standards.] **(a) In general.--Records may be reproduced in accordance with subsection (c).**

(b) Records of permanent value.--Records that are classified as records of permanent value may be reproduced in accordance with subsection (c) provided that, if the original record is being destroyed after reproduction:

(1) the reproduction format shall be human readable;
or

(2) if the reproduction format is electronic or otherwise not human readable, the governing authority, in consultation with the County Records Committee, shall create and apply standards, policies and procedures for the creation, maintenance, backup, migration and transmission of permanent records in that format.

(c) Means of reproduction.--Any photostatic, photographic, micrographic, microfilm, microcard, miniature photographic, optical, electronic or other future technologies, analog or digital, which accurately reproduces the original and forms secure and unalterable copies for recording may be utilized for reproducing records as authorized in accordance with this subchapter.

(d) Documents previously recorded, copied or recopied.--A document within the scope of this section and that previously has been recorded, copied or recopied also may be reproduced by processes authorized by this section.

§ 4324. Copies of destroyed records.

[The photostatic, photographic, microphotographic, microfilmed or otherwise reproduced] **A copy of any record destroyed or disposed of as authorized pursuant to this subchapter, or a certified copy thereof, if produced in accordance with section 4323 (relating to form of recordation) shall be admissible in evidence in any matter, and shall have the same force and effect as though the original record had been produced and proved. It shall be the duty of the person who would have had custody of the original record, had it not been destroyed pursuant to law, to prepare enlarged, typed or photographic copies of such reproduced records whenever their production is required.**

Section 2. This act shall take effect in 30 days.

APPROVED--The 9th day of July, A.D. 2014.

TOM CORBETT