

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1835 Session of
1979

INTRODUCED BY SPENCER, SCIRICA AND BERSON, OCTOBER 15, 1979

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 15, 1979

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, authorizing attachment of
3 certain income for execution on bail forfeitures.

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

6 Section 1. Title 42, act of November 25, 1970 (P.L.707,
7 No.230), known as the Pennsylvania Consolidated Statutes, is
8 amended by adding a section to read:

9 § 5703. Attachment of income on bail forfeiture.

10 (a) Attachment authorized.--The Commonwealth and the
11 counties may, for their own use, and the counties and their
12 several clerks of courts or successor officers may, for the use
13 of the Commonwealth, execute on a judgment obtained on a
14 forfeiture on a bail bond by attachment of wages, salary or
15 commissions of the person in default or the surety.

16 (b) Limitations.--The amount of any attachment pursuant to
17 subsection (a) shall not exceed 25% of the wages, salary or
18 commissions the individual receives in a week after deduction of

1 any amounts otherwise required by law to be withheld.

2 (c) Notice.--The bail bond surety shall be given notice of
3 the defendant's forfeiture within 30 days of the event giving
4 rise to the forfeiture.

5 (d) Judicial order.--Attachment may be taken under this
6 section only upon a judicial order specifically authorizing the
7 attachment.

8 (e) Limit on petition for judicial order.--The Commonwealth
9 or the county shall not petition for a judicial order until at
10 least 90 days from the entry of judgment on the forfeiture.

11 (f) Required statements in bail bond.--Bail bonds shall
12 contain language, clearly understandable by a person not trained
13 in law, explaining that in the event of a default the
14 defendant's and surety's wages may be subject to garnishment.

15 (g) Notice to defend.--Although proceedings to obtain an
16 order under subsection (d) may be by way of petition and need
17 not be by complaint in assumpsit, such petition shall
18 nevertheless begin with a "notice to defend" in substantially
19 the form prescribed by the Rules of Civil Procedure governing
20 actions in assumpsit.

21 (h) Loss of employment.--No employer shall discharge an
22 employee by reason of the fact that his earnings have been
23 subjected to garnishment.

24 Section 2. This act shall take effect in 60 days.