

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 247 Session of
1989

INTRODUCED BY CALTAGIRONE, MOEHLMANN, LETTERMAN, PETRONE,
KASUNIC, JOSEPHS, BELFANTI, HECKLER, GRUITZA, McCALL,
STABACK, BILLOW, CARLSON, HASAY, HAGARTY, BORTNER, JAROLIN,
DISTLER, ROBBINS, WASS, TRELLO, DeWEESE, MARKOSEK, MERRY,
CESSAR, FOSTER, B. SMITH, STAIRS, G. SNYDER, DORR, PHILLIPS,
WOZNIAK, BOWLEY AND SCHEETZ, FEBRUARY 6, 1989

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 28, 1989

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 deposits into the Judicial Computer System Augmentation
4 Account; imposing additional fees; and making refunds.

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

7 Section 1. Section 3733(a) of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended to read:

9 § 3733. Deposits into account.

10 (a) General rule.--Beginning July 1, 1987, and thereafter,
11 the total of all fines, fees and costs collected by any division
12 of the unified judicial system which are in excess of the amount
13 collected from such sources in the fiscal year 1986-1987 shall
14 be deposited in the Judicial Computer System Augmentation
15 Account. Any fines, fees or costs which are allocated by law or
16 otherwise directed to the Pennsylvania Fish Commission, to the

1 Pennsylvania Game Commission or to counties and municipalities,
2 to the Crime Victim's Compensation Board, to the Commission on
3 Crime and Delinquency for victim-witness services grants under
4 section 477.15(c) of the act of April 9, 1929 (P.L.177, No.175),
5 known as The Administrative Code of 1929, to rape crisis
6 centers, to the Emergency Medical Services Operating Fund or to
7 domestic violence shelters shall not be affected by this
8 subchapter.

9 (a.1) Additional fees.--In addition to the court costs and
10 filing fees authorized to be collected by statute, an additional
11 fee of \$5 shall be charged and collected by the prothonotaries
12 of the Pennsylvania Supreme, Superior and Commonwealth Courts
13 for each initial filing for which a fee, charge or cost is now
14 authorized. An additional fee of \$5 shall be charged and <—

15 collected by the prothonotaries and clerks of courts of all
16 courts of common pleas, all registers of wills and recorders of
17 deeds for any transaction for which a fee, charge or cost is now
18 authorized, except that a fee of \$1.50 will be charged and
19 collected on all criminal proceedings involving misdemeanors. An
20 additional fee of \$1.50 shall be charged and collected by the
21 minor judiciary, including District Justices, Philadelphia
22 Municipal Court, Philadelphia Traffic Court and Pittsburgh
23 Magistrates Court on any transaction for which a fee is now

24 authorized. AN ADDITIONAL FEE OF \$5 SHALL BE CHARGED AND <—
25 COLLECTED BY THE PROTHONOTARIES, CLERKS OF ORPHANS' COURTS AND
26 REGISTERS OF WILLS OF ALL COURTS OF COMMON PLEAS, OR BY ANY
27 OFFICIALS DESIGNATED TO PERFORM THE FUNCTIONS THEREOF, FOR THE
28 INITIATION OF ANY CIVIL ACTION OR LEGAL PROCEEDING. AN
29 ADDITIONAL FEE OF \$5 SHALL BE CHARGED BY THE CLERKS OF COURTS OF
30 ALL COURTS OF COMMON PLEAS, OR BY ANY OFFICIALS DESIGNATED TO

1 PERFORM THE FUNCTIONS THEREOF, FOR THE INITIATION OF ANY
2 CRIMINAL PROCEEDING FOR WHICH A FEE, CHARGE OR COST IS NOW
3 AUTHORIZED AND A CONVICTION IS OBTAINED OR GUILTY PLEA IS
4 ENTERED, EXCEPT IN MISDEMEANOR CASES IN WHICH CASE A FEE OF
5 \$1.50 WILL BE CHARGED. AN ADDITIONAL FEE OF \$1.50 SHALL BE
6 CHARGED AND COLLECTED BY THE MINOR JUDICIARY, INCLUDING DISTRICT
7 JUSTICES, PHILADELPHIA MUNICIPAL COURT, PHILADELPHIA TRAFFIC
8 COURT AND PITTSBURGH MAGISTRATES COURT, FOR THE INITIATION OF A
9 LEGAL PROCEEDING FOR WHICH A FEE OR COST IS NOW AUTHORIZED,
10 EXCEPT THAT IN CRIMINAL, SUMMARY AND TRAFFIC MATTERS THE FEE
11 SHALL BE CHARGED ONLY WHEN A CONVICTION IS OBTAINED OR GUILTY
12 PLEA IS ENTERED. The additional fees shall be deposited into the
13 Judicial Computer System Augmentation Account.

14 * * *

15 Section 2. Any fines, fees or costs collected under section
16 3(a) of the act of July 13, 1987 (P.L.340, No.64), entitled "An
17 act providing for the establishment, funding and operation of a
18 special restricted receipt account within the General Fund to
19 support the establishment and operation of a Statewide judicial
20 computer system; providing for annual appropriations from the
21 restricted funds; and providing for the payment of a portion of
22 all fines, fees and costs collected by the judiciary into the
23 restricted receipt account," or under 42 Pa.C.S. § 3733
24 (relating to deposits into account) which cannot be collected
25 under 42 Pa.C.S. § 3733 because of this amendatory act shall be
26 refunded to the affected boards, agencies, commissions or
27 political subdivisions.

28 Section 3. Section 1 (section 3733(a)) shall be retroactive
29 to July 1, 1987.

30 SECTION 4. THIS ACT SHALL EXPIRE WHEN THE SUM OF \$80,000,000 <—

1 HAS BEEN DEPOSITED INTO THE JUDICIAL COMPUTER SYSTEM
2 AUGMENTATION ACCOUNT.

3 Section 4 5. This act shall take effect immediately.

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