

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1133 Session of
2003

INTRODUCED BY GANNON, THOMAS, BARD, BEBKO-JONES, BELFANTI, BUNT, CAPPELLI, CIVERA, CLYMER, CREIGHTON, CRUZ, DALLY, DeWEESE, DIGIROLAMO, EGOLF, FRANKEL, GABIG, GEIST, GODSHALL, GOODMAN, HARHAI, HERMAN, HORSEY, JAMES, KELLER, KIRKLAND, LAUGHLIN, LEWIS, MANDERINO, MANN, McGEEHAN, McNAUGHTON, MELIO, R. MILLER, NAILOR, PALLONE, PERZEL, REICHLEY, ROONEY, ROSS, SAYLOR, SCAVELLO, SCHRODER, SCRIMENTI, SHANER, STABACK, STERN, WASHINGTON, WATSON, WEBER AND YOUNGBLOOD, APRIL 9, 2003

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 9, 2003

AN ACT

1 Amending the act of April 9, 1929 (P.L.343, No.176), entitled,
2 as amended, "An act relating to the finances of the State
3 government; providing for the settlement, assessment,
4 collection, and lien of taxes, bonus, and all other accounts
5 due the Commonwealth, the collection and recovery of fees and
6 other money or property due or belonging to the Commonwealth,
7 or any agency thereof, including escheated property and the
8 proceeds of its sale, the custody and disbursement or other
9 disposition of funds and securities belonging to or in the
10 possession of the Commonwealth, and the settlement of claims
11 against the Commonwealth, the resettlement of accounts and
12 appeals to the courts, refunds of moneys erroneously paid to
13 the Commonwealth, auditing the accounts of the Commonwealth
14 and all agencies thereof, of all public officers collecting
15 moneys payable to the Commonwealth, or any agency thereof,
16 and all receipts of appropriations from the Commonwealth,
17 authorizing the Commonwealth to issue tax anticipation notes
18 to defray current expenses, implementing the provisions of
19 section 7(a) of Article VIII of the Constitution of
20 Pennsylvania authorizing and restricting the incurring of
21 certain debt and imposing penalties; affecting every
22 department, board, commission, and officer of the State
23 government, every political subdivision of the State, and
24 certain officers of such subdivisions, every person,
25 association, and corporation required to pay, assess, or
26 collect taxes, or to make returns or reports under the laws
27 imposing taxes for State purposes, or to pay license fees or

1 other moneys to the Commonwealth, or any agency thereof,
2 every State depository and every debtor or creditor of the
3 Commonwealth," further providing for definitions, for
4 property held by courts, public officers and agencies and for
5 depositing funds relating to abandoned and unclaimed
6 property.

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

9 Section 1. Section 1301.1 of the act of April 9, 1929
10 (P.L.343, No.176), known as The Fiscal Code, is amended by
11 adding definitions to read:

12 Section 1301.1. Definitions.--As used in this article,
13 unless the context otherwise requires:

14 * * *

15 "Crime Victim's Compensation Fund" shall mean the special
16 nonlapsing fund created by the act of November 24, 1998
17 (P.L.882, No.111), known as the "Crime Victims Act."

18 * * *

19 "Restitution" shall mean restitution ordered by a court in
20 accordance with the provisions of 18 Pa.C.S. § 1106 (relating to
21 restitution for injuries to person or property) and collected in
22 accordance with the provisions of 42 Pa.C.S. § 9728 (relating to
23 collection of restitution, reparation, fees, costs, fines and
24 penalties).

25 * * *

26 Section 2. Sections 1301.9 and 1301.18 of the act, amended
27 June 29, 2002 (P.L.614, No.91), are amended to read:

28 Section 1301.9. Property Held by Courts and Public Officers
29 and Agencies.--The following property is presumed abandoned and
30 unclaimed:

31 1. Except as provided in clause 2 or 6, all property held
32 for the owner by any court, public corporation, public authority

1 or instrumentality of the United States, the Commonwealth, or
2 any other state, or by a public officer or political subdivision
3 thereof, unclaimed by the owner for more than five (5) years
4 from the date it first became demandable or distributable.

5 2. Bicycles held for the owner by a municipality unclaimed
6 by the owner for more than ninety (90) days from the date it
7 first became demandable or distributable.

8 3. The bicycles held pursuant to clause 2 may be disposed of
9 by the municipality at public auction at such time and place as
10 may be designated by the municipality or the governing body may,
11 by resolution, donate the bicycles to a charitable organization.
12 Any proceeds from the sale of the bicycles shall be retained by
13 the municipality and used for municipal purposes.

14 4. Bicycles held by or acquired by the Commonwealth for
15 ninety (90) days may be disposed of at public auction at such
16 time and place as may be designated by the State Treasurer.
17 Proceeds of such sale or sales shall be deposited in the General
18 Fund.

19 5. All property held by or subject to the control of any
20 court, public corporation, public authority or instrumentality
21 of the Commonwealth or by a public officer or political
22 subdivision thereof, which is without a rightful or lawful
23 owner, to the extent not otherwise provided for by law, held for
24 more than one year.

25 6. Restitution held for the owner by any court, public
26 corporation, public authority or instrumentality of the
27 Commonwealth, or by a public officer or political subdivision
28 thereof, unclaimed by the owner for more than five (5) years
29 from the date it first became demandable or distributable.

30 Section 1301.18. Deposit of Funds.--(a) [All] Except as

1 provided in subsection (a.1), all funds received under this
2 article, including the proceeds from the sale of property under
3 section 1301.17, shall forthwith be deposited by the State
4 Treasurer in the General Fund of the Commonwealth except that
5 the State Treasurer shall retain in a separate trust fund an
6 amount not exceeding twenty-five thousand dollars (\$25,000) plus
7 twenty per centum of deposits and sums paid to the State
8 Treasurer under subsection (c) of section 1301.13 during the
9 preceding twelve (12) months from which the State Treasurer
10 shall make reimbursements under section 1301.14 and prompt
11 payment of claims duly allowed under section 1301.19. Before
12 making the deposit, the State Treasurer shall record the name
13 and last known address of each person appearing from the
14 holders' reports to be entitled to the property and of the name
15 and last known address of each insured person or annuitant, and
16 with respect to each policy or contract listed in the report of
17 an insurer, its number, the name of the insurer and the amount
18 due. The record with respect to any specific claim shall be
19 available to the claimant at all regular business hours.

20 (a.1) (1) On or before the thirtieth day of June, all of
21 the funds received under clause (6) of section 1301.9 shall
22 forthwith be deposited annually by the State Treasurer in the
23 Crime Victims' Compensation Fund.

24 (2) Of these funds, the State Treasurer shall transfer five
25 per centum in a special fund hereby established in the State
26 Treasury to be designated the Rightful Owners' Claims Payment
27 Fund from which the State Treasurer shall make reimbursements
28 and prompt payments of claims for funds received under clause
29 (6) of section 1301.9 duly allowed as provided by this act.

30 (3) If at any time the State Treasurer determines that there

1 are insufficient funds in the Rightful Owners' Claims Payment
2 Fund to pay all claims duly allowed by the State Treasurer or by
3 order of a court of law to be paid, the State Treasurer shall
4 withdraw from the Crime Victims' Compensation Fund an amount
5 sufficient to pay such claims, and need only notify the
6 administrators of the Crime Victims' Compensation Fund as to
7 when and what amount shall be withdrawn.

8 (4) If, however, the Rightful Owners' Claims Payment Fund
9 has sufficient funds to satisfy all claims duly allowed by the
10 State Treasurer or by order of a court of law to be paid
11 throughout the twelve (12) month period immediately following
12 the annual deposit by the State Treasurer in the Crime Victims'
13 Compensation Fund, the remaining balance, if any, of the five
14 per centum transferred by the State Treasurer during the
15 preceding year shall be transferred to the Crime Victims'
16 Compensation Fund.

17 (5) Before making the deposit in the Crime Victims'
18 Compensation Fund and the Rightful Owners' Claims Payment Fund,
19 the State Treasurer shall record the name and last known address
20 of each person appearing from the holders' reports to be
21 entitled to the property. The record with respect to any
22 specific claim shall be available to the claimant at all regular
23 business hours.

24 (6) Notwithstanding any other provision of this subsection,
25 the State Treasurer shall make reimbursements and prompt payment
26 of claims for funds received under clause (6) of section 1301.9
27 first under clause (2) of this section and then from other
28 available sources as provided by this act.

29 (b) The General Assembly shall annually appropriate to the
30 State Treasurer such funds as it deems necessary and appropriate

1 to administer this article.

2 Section 3. This act shall take effect in 60 days.