

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 10 Session of 2007

INTRODUCED BY D. O'BRIEN, MARSICO, THOMAS, DALEY, DALLY, LENTZ, REICHLLEY, SABATINA, ADOLPH, BASTIAN, BELFANTI, DePASQUALE, EVERETT, FAIRCHILD, GEORGE, GILLESPIE, GODSHALL, GOODMAN, GRELL, HALUSKA, HARHART, HARKINS, HICKERNELL, W. KELLER, KILLION, KORTZ, KOTIK, MANN, MICOZZIE, R. MILLER, MOUL, NICKOL, PALLONE, PHILLIPS, PICKETT, PRESTON, PYLE, QUIGLEY, ROAE, ROHRER, RUBLEY, SCAVELLO, SCHRODER, SONNEY, STABACK, J. TAYLOR, TRUE, WATSON, WATERS, YEWCIC AND YUDICHAK, JUNE 5, 2007

REFERRED TO COMMITTEE ON APPROPRIATIONS, JUNE 5, 2007

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, further providing for fines; and providing for the  
4 Criminal Justice Enhancement Account and for adoption of  
5 guidelines for fines.

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

8 Section 1. Section 1101 of Title 18 of the Pennsylvania  
9 Consolidated Statutes is amended to read:

10 § 1101. Fines.

11 A person who has been convicted of an offense may be  
12 sentenced to pay a fine not exceeding:

13 (1) [~~\$50,000~~] \$100,000, when the conviction is of murder  
14 or attempted murder.

15 (2) [~~\$25,000~~] \$50,000, when the conviction is of a  
16 felony of the first or second degree.

1 (3) [\$15,000] \$30,000, when the conviction is of a  
2 felony of the third degree.

3 (4) [\$10,000] \$20,000, when the conviction is of a  
4 misdemeanor of the first degree.

5 (5) [\$5,000] \$10,000, when the conviction is of a  
6 misdemeanor of the second degree.

7 (6) [\$2,500] \$5,000, when the conviction is of a  
8 misdemeanor of the third degree.

9 (7) [\$300] \$600, when the conviction is of a summary  
10 offense for which no higher fine is established.

11 (8) Any higher amount equal to double the pecuniary gain  
12 derived from the offense by the offender.

13 (9) Any higher or lower amount specifically authorized  
14 by statute.

15 Section 2. Title 18 is amended by adding a section to read:  
16 § 1111. Criminal Justice Enhancement Account.

17 (a) Establishment.--There is established within the State  
18 Treasury a restricted account to be known as the Criminal  
19 Justice Enhancement Account. The account shall be comprised of  
20 all of the following:

21 (1) Costs of prosecution imposed pursuant to subsection  
22 (b).

23 (2) Fines statutorily designated by subsection (c) to  
24 the account.

25 (b) Costs of prosecution.--In addition to any other costs of  
26 prosecution, an assessment in the amount of \$50 shall be imposed  
27 and directed to the account in each judicial proceeding where:

28 (1) the defendant accepts Accelerated Rehabilitative  
29 Disposition;

30 (2) the defendant is convicted of or enters a plea of

1 guilt or nolo contendere for a felony, misdemeanor of the  
2 first degree or misdemeanor of the second degree set forth in  
3 this title; or

4 (3) the defendant is convicted of or enters a plea of  
5 guilt or nolo contendere for a violation of section 13(a)(16)  
6 of the act of April 14, 1972 (P.L.233, No.64), known as The  
7 Controlled Substance, Drug, Device and Cosmetic Act.

8 (c) Designated offenses.--Any fines imposed for the  
9 following offenses shall be directed to the account:

10 Chapter 41 (relating to forgery and fraudulent practices)  
11 other than summary offenses under section 4105 (relating to  
12 bad checks).

13 Chapter 47 (relating to bribery and corrupt influence).

14 Chapter 49 Subch. A (relating to perjury and  
15 falsification in official matters).

16 Chapter 57 (relating to wiretapping and electronic  
17 surveillance).

18 Chapter 76 (relating to computer offenses).

19 (d) Distribution from account.--The money in the account is  
20 appropriated, upon approval of the Governor, to fulfill the  
21 provisions of section 1401(p) of the act of August 9, 1955  
22 (P.L.323, No.130), known as The County Code.

23 Section 3. Title 42 is amended by adding a section to read:

24 § 2154.3. Adoption of guidelines for fines.

25 The commission shall adopt guidelines for fines or other  
26 lawful economic sanctions, within the limits established by law,  
27 which shall be considered by the sentencing court in determining  
28 the appropriate sentence for defendants who plead guilty or nolo  
29 contendere to or who are found guilty of felonies and  
30 misdemeanors. The guidelines shall do all of the following:

1           (1) Specify the range of fines or other lawful economic  
2 sanctions, applicable to crimes of a given degree of gravity.

3           (2) Specify a range of fines or other lawful economic  
4 sanctions, of increased amount for defendants previously  
5 convicted or adjudicated delinquent for one or more  
6 misdemeanor or felony offenses committed prior to the current  
7 offense. For purposes of this paragraph, the term "previously  
8 convicted or adjudicated delinquent" shall include any  
9 finding of guilt or adjudication of delinquency whether or  
10 not sentence has been imposed or disposition ordered prior to  
11 the commission of the current offense.

12           (3) Prescribe variations from the range of fines  
13 applicable on account of aggravating or mitigating  
14 circumstances.

15           (4) Prescribe community service alternatives which may  
16 be imposed in lieu of all or part of the fines where the  
17 sentencing court finds the defendant lacks the ability to pay  
18 all or part of the fine.

19 Section 4. This act shall take effect in 120 days.