THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1354 Session of 2007

INTRODUCED BY HERSHEY, BOYD, CREIGHTON, GIBBONS, GILLESPIE, HENNESSEY, KORTZ, R. MILLER, MILNE, MURT, PAYNE, PHILLIPS, PYLE, ROHRER, SOLOBAY, SONNEY AND SWANGER, MAY 24, 2007

REFERRED TO COMMITTEE ON JUDICIARY, MAY 24, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2   Pennsylvania Consolidated Statutes, further providing for
3   personal earnings exempt from process and for collection of
4   restitution, reparation, fees, costs, fines and penalties.

5   The General Assembly of the Commonwealth of Pennsylvania

6 hereby enacts as follows:

7   Section 1. Section 8127(a) of Title 42 of the Pennsylvania

8 Consolidated Statutes is amended by adding a paragraph to read:

9 § 8127. Personal earnings exempt from process.

10   (a) General rule and exceptions.--The wages, salaries and

11 commissions of individuals shall while in the hands of the

12 employer be exempt from any attachment, execution or other

13 process except upon an action or proceeding:

14   * * *

15   (6) To collect under the procedures set forth in section

16   9728 (relating to collection of restitution, reparation,

17   fees, costs, fines and penalties), restitution, reparation,

18   fees, costs, fines and penalties imposed on persons convicted

1 of a summary offense.

2 * * *

3 Section 2. Section 9728(b)(4) of Title 42 is amended and the

4 section is amended by adding a subsection to read:

5 § 9728. Collection of restitution, reparation, fees, costs,

6   fines and penalties.

7 * * *

8 (b) Procedure.--

9   * * *

10   (4) The total amount for which the person is liable

11 pursuant to this section:

12   (i) may be entered as a judgment upon the person or

13   the property of the person sentenced or ordered,

14   regardless of whether the amount has been ordered to be

15   paid in installments[.]; or

16   (ii) in the case of a conviction of a summary

17   offense, may be collected through a garnishment of wages

18   pursuant to subsection (i).

19   * * *

20 (i) Garnishment of wages.--

21   (1) When a defendant defaults in payment of a fine or

22 costs imposed after being convicted of a summary offense, the

23 issuing authority may garnish the defendant's wages to effect

24 payment of the fine plus a reasonable fee, to be determined

25 under rules promulgated by the Supreme Court, for

26 administrative costs. Any provision of law to the contrary

27 notwithstanding, the Department of Labor and Industry shall

28 respond to requests from an issuing authority for information

29 relating to a convicted defendant's employer. For purposes of

30 this subsection, default shall mean the failure to remit the

1   amount of the fine or costs to the issuing authority within

2   the time specified or, if none, within a reasonable time.

3   (2) The issuing authority shall provide the convicted

4   defendant with notice of, and an opportunity to be heard

5   prior to the initiation of, the garnishment in accordance

6   with rules to be promulgated by the governing authority under

7   section 1722 (relating to adoption of administrative and

8   procedural rules).

9   (3) The issuing authority shall initiate the garnishment

10   by sending to the convicted defendant's last known address

11   notice of its intent and to the employer a notice of

12   execution upon wages. Upon receipt of the notice, the

13   employer shall certify to the issuing authority the amount of

14   wages, salary, commissions or other compensation earned by

15   the defendant. The employer shall pay to the issuing

16   authority such percentage of that amount as the issuing

17   authority demands, not to exceed 10% of the wages, salary,

18   commissions or other compensation paid to a defendant during

19   a given pay period, on a timely basis, but not less than once

20   a month, or over an extended period if agreed to by the

21   issuing authority. Failure of an employer to pay the amount

22   due to the issuing authority within the prescribed time shall

23   place the employer in contempt of the court ordering the

24   garnishment.

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