

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1169 Session of
2009INTRODUCED BY WAUGH, BOSCOLA, BROWNE, ERICKSON, ORIE, RAFFERTY,
TARTAGLIONE AND FERLO, DECEMBER 18, 2009

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, JANUARY 26, 2010

AN ACT

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

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

7 Section 1. Section 9721 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subsection to read:
9 § 9721. Sentencing generally.

10 * * *

11 (c.1) Mandatory payment of costs.--Notwithstanding the
12 provisions of section 9728 (relating to collection of
13 restitution, reparation, fees, costs, fines and penalties) or
14 any provision of law to the contrary, in addition to the
15 alternatives set forth in subsection (a), the court shall order
16 the defendant to pay costs. In the event the court fails to
17 issue an order for costs pursuant to section 9728, costs shall
18 be imposed upon the defendant under this section. No court order
19 shall be necessary for the defendant to incur liability for

1 costs under this section.

2 * * *

3 Section 2. Section 9728(b)(3) and (5) of Title 42 are
4 amended and the section is amended by adding a subsection to
5 read:

6 § 9728. Collection of restitution, reparation, fees, costs,
7 fines and penalties.

8 * * *

9 (b) Procedure.--

10 * * *

11 (3) The county clerk of courts shall, upon sentencing,
12 pretrial disposition or other order, transmit to the
13 Department of Probation of the respective county or other
14 agent designated by the county commissioners of the county
15 with the approval of the president judge of the county and to
16 the county correctional facility to which the offender has
17 been sentenced or to the Department of Corrections, whichever
18 is appropriate, copies of all orders for restitution and
19 amendments or alterations thereto, reparation, fees, costs,
20 fines and penalties. This paragraph also applies in the case
21 of costs imposed under section 9721(c.1) (relating to
22 sentencing generally).

23 * * *

24 (5) The county correctional facility to which the
25 offender has been sentenced or the Department of Corrections
26 shall be authorized to make monetary deductions from inmate
27 personal accounts for the purpose of collecting restitution
28 or any other court-ordered obligation or costs imposed under
29 section 9721(c.1). Any amount deducted shall be transmitted
30 by the Department of Corrections or the county correctional

1 facility to the probation department of the county or other
2 agent designated by the county commissioners of the county
3 with the approval of the president judge of the county in
4 which the offender was convicted. The Department of
5 Corrections shall develop guidelines relating to its
6 responsibilities under this paragraph.

7 * * *

8 (b.2) Mandatory payment of costs.—The following apply: ←

9 ~~(1) Notwithstanding COSTS.--NOTWITHSTANDING any~~ ←
10 provision of law to the contrary, in the event the court
11 fails to issue an order under subsection (a) imposing costs
12 upon the defendant, the defendant shall nevertheless be
13 liable for costs, as provided in section 9721(c.1). The
14 absence of a court order shall not affect the applicability
15 of the provisions of this section.

16 ~~(2) When costs are imposed under section 9721(c.1), an~~ ←
17 offender who has been sentenced to a period of confinement
18 shall be given the opportunity to file written objections
19 with the Department of Corrections or the county correctional
20 facility to which he has been sentenced, as appropriate. The
21 Department of Corrections shall develop an informal,
22 nonadversarial process to review the written objections for
23 use by the Department of Corrections and county correctional
24 facilities. In no case may the department or the county
25 correctional facility make monetary deductions from the
26 personal account of an offender without first reviewing and
27 responding to any written objection filed by the offender.
28 The department shall develop guidelines relating to its
29 responsibilities under this paragraph.

30 * * *

1 Section 3. This act shall apply to costs imposed on or after
2 the effective date of this act.

3 Section 4. This act shall take effect in 60 days.