

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 311 Session of 2011

INTRODUCED BY GINGRICH, BAKER, BOBACK, BOYD, D. COSTA,
DENLINGER, J. EVANS, FLECK, FRANKEL, GILLESPIE, GOODMAN,
GRELL, GROVE, HARRIS, HESS, HORNAMAN, KAVULICH, M.K. KELLER,
KILLION, KORTZ, LONGIETTI, MILNE, MOUL, MURT, O'NEILL,
PICKETT, PYLE, SCHRODER, SWANGER, VULAKOVICH AND WATSON,
JANUARY 31, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2011

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 payment of court costs, restitution and fines.

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

6 Section 1. Section 9730(b) of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 9730. Payment of court costs, restitution and fines.

9 * * *

10 (b) Procedures regarding default.--

11 (1) If a defendant defaults in the payment of a fine,
12 court costs or restitution after imposition of sentence, the
13 issuing authority or a senior judge or senior magisterial
14 district judge appointed by the president judge for the
15 purposes of this section may conduct a hearing to determine
16 whether the defendant is financially able to pay.

1 (2) If the issuing authority, senior judge or senior
2 magisterial district judge determines that the defendant is
3 financially able to pay the fine or costs, the issuing
4 authority, senior judge or senior magisterial district judge
5 may turn the delinquent account over to a private collection
6 agency or impose imprisonment for nonpayment, as provided by
7 law.

8 (3) If the issuing authority, senior judge or senior
9 magisterial district judge determines that the defendant is
10 without the financial means to pay the fine or costs
11 immediately or in a single remittance, the issuing authority,
12 senior judge or senior magisterial district judge may provide
13 for payment in installments. In determining the appropriate
14 installments, the issuing authority, senior judge or senior
15 magisterial district judge shall consider the defendant's
16 financial resources, the defendant's ability to make
17 restitution and reparations and the nature of the burden the
18 payment will impose on the defendant. If the defendant is in
19 default of a payment or advises the issuing authority, senior
20 judge or senior magisterial district judge that default is
21 imminent, the issuing authority, senior judge or senior
22 magisterial district judge may schedule a rehearing on the
23 payment schedule. At the rehearing the defendant has the
24 burden of proving changes of financial condition such that
25 the defendant is without the means to meet the payment
26 schedule. The issuing authority, senior judge or senior
27 magisterial district judge may extend or accelerate the
28 schedule, leave it unaltered or sentence the defendant to a
29 period of community service as the issuing authority, senior
30 judge or senior magisterial district judge finds to be just

1 and practicable under the circumstances.

2 (3.1) If the defendant is in default of a payment of
3 restitution or advises the issuing authority, senior judge or
4 senior magisterial district judge that default is imminent,
5 the issuing authority, senior judge or senior magisterial
6 district judge may schedule a rehearing on the payment
7 schedule. At the rehearing the defendant has the burden of
8 proving changes of financial condition such that the
9 defendant is without the means to meet the payment schedule.
10 The issuing authority, senior judge or senior magisterial
11 district judge may do any of the following, as the issuing
12 authority, senior judge or senior magisterial judge finds to
13 be just and practicable under the circumstances:

14 (i) extend or accelerate the schedule or leave it
15 unaltered;

16 (ii) sentence the defendant to a period of community
17 service; or

18 (iii) sentence the defendant to pay interest on the
19 amount of unpaid restitution. The rate of interest to be
20 charged shall be that set forth in the act of January 30,
21 1974 (P.L.13, No.6), referred to as the Loan Interest and
22 Protection Law.

23 (4) A decision of the issuing authority, senior judge or
24 senior magisterial district judge under paragraph (2) [or],
25 (3) or (3.1) is subject to section 5105 (relating to right to
26 appellate review).

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