

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 758 Session of 2015

INTRODUCED BY TOEPEL, LONGIETTI, STEPHENS, MASSER, BARRAR, MILLARD, ROZZI, COHEN, A. HARRIS, M. K. KELLER, MURT, QUINN, TOPPER, KILLION, BAKER, DAVIS, B. MILLER, SAYLOR, SCHLEGEL CULVER, TOOHIL, EVERETT, KORTZ, FARRY AND JOZWIAK, MARCH 9, 2015

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 16, 2015

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in judgments and other
3 liens, further providing for personal earnings exempt from
4 process; and, in sentencing, further providing for payment of
5 court costs, restitution and fines.

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

8 Section 1. Section 8127(b) of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 8127. Personal earnings exempt from process.

11 \* \* \*

12 (b) Priority.--An order of attachment for support shall have
13 first priority and an order for restitution DESCRIBED IN <--
14 SUBSECTION (A) (5) shall have second priority over any other
15 attachment, execution, garnishment or wage assignment.

16 \* \* \*

17 Section 2. Section 9730(a) and (b) (2) of Title 42 are

1 amended and the section is amended by adding subsections to  
2 read:

3 § 9730. Payment of court costs, restitution and fines.

4 (a) [Use of credit cards] Method of payment.--The treasurer  
5 of each county may allow the use of credit cards and bank cards  
6 in the payment of court costs and fines[.], and may provide for  
7 automatic periodic deductions from a bank account, subject to  
8 the agreement of the owner of the account.

9 (a.1) Wage attachment.--A court may, at sentencing, assign  
10 an amount not greater than 25% of the defendant's gross salary,  
11 wages or other earnings to be used for the payment of  
12 restitution, fines or court costs.

13 (b) Procedures regarding default.--

14 \* \* \*

15 (2) If the issuing authority, senior judge or senior  
16 magisterial district judge determines that the defendant is  
17 financially able to pay the fine or costs, the issuing  
18 authority, senior judge or senior magisterial district judge  
19 may enter an order for wage attachment, turn the delinquent  
20 account over to a private collection agency or impose  
21 imprisonment for nonpayment, as provided by law.

22 \* \* \*

23 (c) Prohibition against adverse action.--No employer may  
24 discharge, refuse to hire, or take any other adverse action  
25 against any person based in whole or in part on an order for the  
26 attachment of wages or the possibility thereof. An employer who  
27 violates this section may be held in contempt of court and shall  
28 be liable to the person for actual damages resulting from the  
29 violative action.

30 Section 3. This act shall take effect in ~~60~~ 180 days.

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