

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 280 Session of 2017

INTRODUCED BY DELOZIER, MARSICO, BLOOM, A. HARRIS, JAMES, KEEFER, PEIFER AND STEPHENS, JANUARY 31, 2017

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 31, 2017

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
 2 Pennsylvania Consolidated Statutes, in bonds and  
 3 recognizances, further providing for bail to be governed by  
 4 general rules.

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

7 Section 1. Section 5702 of Title 42 of the Pennsylvania  
 8 Consolidated Statutes is amended to read:

9 § 5702. Bail to be governed by general rules.

10 (a) General rule.--Except as otherwise provided by this  
 11 title and the laws relating to the regulation of surety  
 12 companies, all matters relating to the fixing, posting,  
 13 forfeiting, exoneration and distribution of bail and  
 14 recognizances shall be governed by general rules.

15 (b) Use of cash bail.--

16 (1) In a case in which the defendant is the named  
 17 depositor, any cash bail deposited by the defendant that is  
 18 otherwise returnable to the defendant shall be held and  
 19 applied to the payment of any restitution, fees, fines and

1 costs imposed upon the defendant in connection with any  
2 criminal or delinquency case, unless the defendant shows that  
3 he or she would suffer an undue hardship.

4 (2) In a case in which the defendant is not the named  
5 depositor, the court may order, upon motion of the attorney  
6 for the Commonwealth, that any cash bail deposited on behalf  
7 of the defendant that is otherwise returnable to the  
8 depositor be held and applied to the payment of any  
9 restitution, fees, fines and costs imposed upon the defendant  
10 in connection with any criminal or delinquency case, unless  
11 the depositor shows that he or she would suffer an undue  
12 hardship.

13 (3) Written notice of the provisions of this subsection  
14 shall be provided to a depositor prior to the acceptance of a  
15 deposit.

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