

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 280 Session of 2017

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

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, FEBRUARY 7, 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

1 applied to the payment of any restitution, fees, fines and
2 costs imposed upon the defendant in connection with any
3 criminal or delinquency case, unless the defendant shows that
4 he or she would suffer an undue hardship.

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

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

17 Section 2. This act shall take effect in ~~60~~ 180 days.

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