
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 129 Session of
2019

INTRODUCED BY COX, BERNSTINE, GILLEN, IRVIN, JAMES, KAUFFMAN,
KORTZ, SAYLOR, SCHLOSSBERG, SOLOMON, STEPHENS, STRUZZI AND
FARRY, JANUARY 28, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 2019

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. Sections 8127(b) and 9730 of Title 42 of the
9 Pennsylvania Consolidated Statutes are 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 described in subsection (a)(5) shall
14 have second priority over any other attachment, execution,
15 garnishment or wage assignment.

16 * * *

17 § 9730. Payment of court costs, restitution and fines.

18 (a) [Use of credit cards] Method of payment.--The treasurer
19 of each county may allow the use of credit cards and bank cards

1 in the payment of court costs, restitution and fines[.], and may
2 provide for automatic periodic deductions from a bank account,
3 subject to the agreement of the owner of the account.

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

8 (b) Procedures regarding default.--

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

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, restitution or
18 fine, the issuing authority, senior judge or senior
19 magisterial district judge may enter an order for wage
20 attachment, turn the delinquent account over to a private
21 collection agency or impose imprisonment for nonpayment, as
22 provided by law.

23 (3) If the issuing authority, senior judge or senior
24 magisterial district judge determines that the defendant is
25 without the financial means to pay the [fine or] costs,
26 restitution or fine immediately or in a single remittance,
27 the issuing authority, senior judge or senior magisterial
28 district judge may provide for payment in installments. In
29 determining the appropriate installments, the issuing
30 authority, senior judge or senior magisterial district judge

1 shall consider the defendant's financial resources[, the
2 defendant's ability to make restitution and reparations and
3 the nature of the burden the payment will impose on the
4 defendant] and ability to pay. If the defendant is in default
5 of a payment or advises the issuing authority, senior judge
6 or senior magisterial district judge that default is
7 imminent, the issuing authority, senior judge or senior
8 magisterial district judge may schedule a rehearing on the
9 payment schedule. At the rehearing the defendant has the
10 burden of proving changes of financial condition such that
11 the defendant is without the means to meet the payment
12 schedule. The issuing authority, senior judge or senior
13 magisterial district judge may extend or accelerate the
14 schedule, leave it unaltered or sentence the defendant to a
15 period of community service as the issuing authority, senior
16 judge or senior magisterial district judge finds to be just
17 and practicable under the circumstances.

18 (4) A decision of the issuing authority, senior judge or
19 senior magisterial district judge under paragraph (2) or (3)
20 is subject to section 5105 (relating to right to appellate
21 review).

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

29 Section 2. This act shall take effect in 180 days.