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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 72 Session of  
2019

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INTRODUCED BY STREET AND COSTA, JANUARY 23, 2019

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REFERRED TO JUDICIARY, JANUARY 23, 2019

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in facilities and  
3 supplies, further providing for surcharge; and, in forfeiture  
4 of assets, providing for legal representation in forfeiture  
5 proceedings.

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

8 Section 1. Section 3733.1(a) and (c) of Title 42 of the  
9 Pennsylvania Consolidated Statutes are amended by adding  
10 paragraphs to read:

11 § 3733.1. Surcharge.

12 (a) Imposition of surcharge.--In addition to each fee  
13 imposed under section 3733(a.1) (relating to deposits into  
14 account), except as set forth in subsection (b), the following  
15 apply:

16 \* \* \*

17 (4) A permanent fee of \$2.25 shall be charged and  
18 collected on a filing relating to a civil action.

19 \* \* \*

20 (c) Allocation and appropriation.--

1 \* \* \*

2 (4) The fee under subsection (a) (4) shall be collected  
3 and paid in accordance with section 3572 (relating to county  
4 portion of fines, etc.) and used in accordance with section  
5 5806.3 (relating to legal representation in forfeiture  
6 proceedings).

7 Section 2. Title 42 is amended by adding a section to read:  
8 § 5806.3. Legal representation in forfeiture proceedings.

9 Notwithstanding the act of December 2, 1968 (P.L.1144,  
10 No.358), known as the Public Defender Act, the following apply:

11 (1) If a person with standing files a claim to contest  
12 the forfeiture of property in a forfeiture proceeding under  
13 this chapter and is financially unable to obtain legal  
14 representation by an attorney and the property subject to  
15 forfeiture is real property, the court of common pleas having  
16 jurisdiction over the property, at the request of the person,  
17 shall provide the person with an attorney for the purpose of  
18 providing legal representation with respect to the claim.

19 (2) If a person with standing who has not been charged  
20 in a related criminal case files a claim to contest the  
21 forfeiture of property in a forfeiture proceeding under this  
22 chapter and is financially unable to obtain legal  
23 representation by an attorney, the court of common pleas  
24 having jurisdiction may provide the person with an attorney  
25 for the purpose of providing legal representation with  
26 respect to the claim.

27 (3) In determining whether to provide legal  
28 representation under this section, the court of common pleas  
29 having jurisdiction shall take into account the following  
30 factors:

1           (i) The person's standing to file a claim to contest  
2           the forfeiture.

3           (ii) Whether the claim appears to be made in good  
4           faith.

5           (4) Each county in this Commonwealth shall develop  
6           procedures and use funds received from the fee authorized in  
7           section 3733.1(a)(4) (relating to surcharge) for the purpose  
8           of administering this section.

9           Section 3. This act shall take effect in 60 days.