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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2818 Session of  
2022

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INTRODUCED BY ECKER, MOUL, CONKLIN AND HERSHEY,  
SEPTEMBER 14, 2022

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REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 14, 2022

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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 deposits into account and for  
4 surcharge; in access to justice, further providing for  
5 distribution of funds; and making related repeals.

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

8 Section 1. Section 3733(a.1)(1) and (2)(iii) of Title 42 of  
9 the Pennsylvania Consolidated Statutes are amended and paragraph  
10 (2) is amended by adding a subparagraph to read:

11 § 3733. Deposits into account.

12 \* \* \*

13 (a.1) Additional fees.--

14 (1) In addition to the court costs and filing fees  
15 authorized to be collected by statute:

16 (i) An additional fee of [~~\$10~~] \$12 shall be charged  
17 and collected by the prothonotaries of the Pennsylvania  
18 Supreme, Superior and Commonwealth Courts for each  
19 initial filing for which a fee, charge or cost is now

1 authorized.

2 (ii) An additional fee of [~~\$10~~] \$12 shall be charged  
3 and collected by the prothonotaries, clerks of orphans'  
4 courts and registers of wills of all courts of common  
5 pleas, or by any officials designated to perform the  
6 functions thereof, for the initiation of any civil action  
7 or legal proceeding.

8 (iii) An additional fee of [~~\$10~~] \$12 shall be  
9 charged by the clerks of courts of all courts of common  
10 pleas, or by any officials designated to perform the  
11 functions thereof, for the initiation of any criminal  
12 proceeding for which a fee, charge or cost is now  
13 authorized and a conviction is obtained or guilty plea is  
14 entered. The additional fee under this subparagraph shall  
15 also be charged and collected when a defendant is granted  
16 entry into Accelerated Rehabilitative Disposition or any  
17 other pretrial diversionary program.

18 (iv) An additional fee of [~~\$10~~] \$12 shall be charged  
19 and collected by the minor judiciary, including  
20 magisterial district judges, Philadelphia Municipal  
21 Court, Philadelphia Traffic Court and Pittsburgh  
22 Municipal Court, for the initiation of a legal proceeding  
23 for which a fee or cost is now authorized, except that in  
24 criminal, summary and traffic matters the fee shall be  
25 charged only when a conviction is obtained or guilty plea  
26 is entered. The additional fee under this subparagraph  
27 shall also be charged and collected when a defendant is  
28 granted entry into Accelerated Rehabilitative Disposition  
29 or any other pretrial diversionary program.

30 (v) An additional fee of [~~\$10~~] \$12 shall be charged

1 and collected by the recorders of deeds and clerks of  
2 court, or by any officials designated to perform similar  
3 functions, for each filing of a deed, mortgage or  
4 property transfer for which a fee, charge or cost is now  
5 authorized. The Supreme Court shall designate by  
6 financial regulations which filings meet the criteria of  
7 this subparagraph.

8 (2) The additional fees identified in paragraph (1)  
9 shall be fixed and charged for the fiscal years as indicated:

10 \* \* \*

11 (iii) For the fiscal year 2005-2006 and each fiscal  
12 year thereafter until the effective date of subparagraph  
13 (iv), \$8 of each additional fee shall be deposited into  
14 the Judicial Computer System Augmentation Account, and \$2  
15 of each additional fee shall be deposited into the Access  
16 to Justice Account under section 4904.

17 (iv) Beginning on the effective date of this  
18 subparagraph, \$8 of each additional fee shall be  
19 deposited into the Judicial Computer System Augmentation  
20 Account, and \$4 of each additional fee shall be deposited  
21 into the Access to Justice Account established under  
22 section 4904.

23 \* \* \*

24 Section 2. Sections 3733.1 and 4906 of Title 42 are amended  
25 to read:

26 § 3733.1. Surcharge.

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

1 (3) A permanent fee of \$2 shall be charged and  
2 collected.

3 (4) A permanent fee of \$2.50 shall be charged and  
4 collected.

5 (b) Exceptions.--Subsection (a) does not apply to a  
6 conviction or guilty plea based on the filing of a traffic  
7 citation charging an offense under 75 Pa.C.S. (relating to  
8 vehicles) which is classified as summary under a State statute  
9 or local ordinance as provided in the Pennsylvania Rules of  
10 Criminal Procedure.

11 (c) Allocation and appropriation.--

12 (3) The fee under subsection (a)(3) shall be deposited  
13 into the Access to Justice Account.

14 (4) The fee under subsection (a)(4) shall be deposited  
15 into the Criminal Justice Enhancement Account.

16 § 4906. Distribution of funds.

17 All moneys deposited in the account and any investment income  
18 accrued are [hereby annually] appropriated on a continuing basis  
19 to the Administrative Office of the Pennsylvania Courts and  
20 shall be distributed [annually] at any time, upon requisition of  
21 the Court Administrator of Pennsylvania, to the Pennsylvania  
22 Interest on Lawyers Trust Account Board to contract exclusively  
23 with eligible legal services providers for the purpose set forth  
24 in section 4905(a) (relating to purpose of account). Funds  
25 received by the Pennsylvania Interest on Lawyers Trust Account  
26 Board pursuant to this chapter shall be maintained in a separate  
27 account and shall be accounted for separately from any other  
28 funds received by the board.

29 Section 3. Repeals are as follows:

30 (1) The General Assembly declares that the repeal under

1 paragraph (2) is necessary to effectuate the amendment of 42  
2 Pa.C.S. § 3733(a.1).

3 (2) Section 1795.1-E(b)(2) of the act of April 9, 1929  
4 (P.L.343, No.176), known as The Fiscal Code, is repealed.

5 (3) The General Assembly declares that the repeals under  
6 paragraph (4) are necessary to effectuate the addition of 42  
7 Pa.C.S. § 3733.1(a)(4) and (c)(4).

8 (4) Section 1795.1-E(c)(1)(ii) and (3)(ii) of The Fiscal  
9 Code are repealed.

10 (5) The General Assembly declares that the repeal under  
11 paragraph (6) is necessary to effectuate the amendment of 42  
12 Pa.C.S. § 4906.

13 (6) Section 1795-E of The Fiscal Code is repealed.  
14 Section 4. This act shall take effect in 60 days.