

No. 1990-59

AN ACT

HB 247

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for deposits into the Judicial Computer System Augmentation Account; imposing additional fees; and making refunds.

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

Section 1. Section 3733(a) of Title 42 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a subsection to read:

§ 3733. Deposits into account.

(a) General rule.—Beginning July 1, 1987, and thereafter, the total of all fines, fees and costs collected by any division of the unified judicial system which are in excess of the amount collected from such sources in the fiscal year 1986-1987 shall be deposited in the Judicial Computer System Augmentation Account. Any fines, fees or costs which are allocated by law or otherwise directed to *the Pennsylvania Fish Commission, to the Pennsylvania Game Commission* or to counties and municipalities, to the Crime Victim's Compensation Board, to the Commission on Crime and Delinquency for victim-witness services grants under section 477.15(c) of the act of April 9, 1929 (P.L.177, No.175), known as The Administrative Code of 1929, to rape crisis centers, to the Emergency Medical Services Operating Fund or to domestic violence shelters shall not be affected by this subchapter.

(a.1) Additional fees.—In addition to the court costs and filing fees authorized to be collected by statute, an additional fee of \$5 shall be charged and collected by the prothonotaries of the Pennsylvania Supreme, Superior and Commonwealth Courts for each initial filing for which a fee, charge or cost is now authorized. An additional fee of \$5 shall be charged and collected by the prothonotaries, clerks of orphans' courts and registers of wills of all courts of common pleas, or by any officials designated to perform the functions thereof, for the initiation of any civil action or legal proceeding. An additional fee of \$5 shall be charged by the clerks of courts of all courts of common pleas, or by any officials designated to perform the functions thereof, for the initiation of any criminal proceeding for which a fee, charge or cost is now authorized and a conviction is obtained or guilty plea is entered, except in misdemeanor cases in which case a fee of \$1.50 will be charged. An additional fee of \$1.50 shall be charged and collected by the minor judiciary, including district justices, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court, for the initiation of a legal proceeding for which a fee or cost is now authorized, except that in criminal, summary and traffic matters the fee shall be charged only

when a conviction is obtained or guilty plea is entered. The additional fees shall be deposited into the Judicial Computer System Augmentation Account.

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Section 2. Any fines, fees or costs collected under section 3(a) of the act of July 13, 1987 (P.L.340, No.64), entitled "An act providing for the establishment, funding and operation of a special restricted receipt account within the General Fund to support the establishment and operation of a Statewide judicial computer system; providing for annual appropriations from the restricted funds; and providing for the payment of a portion of all fines, fees and costs collected by the judiciary into the restricted receipt account," or under 42 Pa.C.S. § 3733 (relating to deposits into account) which cannot be collected under 42 Pa.C.S. § 3733 because of this amendatory act shall be refunded to the affected boards, agencies, commissions or political subdivisions.

Section 3. Section 1 (section 3733(a)) shall be retroactive to July 1, 1987.

Section 4. This act shall expire when the sum of \$80,000,000 has been deposited into the Judicial Computer System Augmentation Account.

Section 5. This act shall take effect immediately.

APPROVED—The 29th day of June, A. D. 1990.

ROBERT P. CASEY