

No. 1997-32

AN ACT

HB 86

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, repealing provisions relating to the Judicial Computer System Augmentation Account; further providing for the duty of a judgment creditor to enter satisfaction; and empowering the Governor to authorize the transfer of certain convicted offenders pursuant to outstanding treaties.

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

Section 1. Section 3733 of Title 42 of the Pennsylvania Consolidated Statutes is amended 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 and Boat 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.

[(b) Limitation on total amount in account.—Until July 1, 1994, the total amount of funds annually deposited into the Judicial Computer System Augmentation Account shall not exceed \$20,000,000 per year. For the period July 1, 1994, and thereafter, the total amount of funds annually deposited into the Judicial Computer System Augmentation Account shall not exceed \$10,000,000 per year. All moneys in excess of these amounts shall be deposited into the appropriate funds designated by law.]

(c) Expiration of section.—The provisions of this section shall expire when the sum of \$100,000,000 has been deposited into the Judicial Computer System Augmentation Account. The \$100,000,000 shall be the sum of all deposits into the Judicial Computer System Augmentation Account beginning on and after June 29, 1990.]

Section 2. Section 8104(b) of Title 42 is amended to read:

§ 8104. Duty of judgment creditor to enter satisfaction.

* * *

(b) Liquidated damages.—A judgment creditor who shall [fail] *willfully or unreasonably fail without good cause* or refuse for more than [30] 90 days after written notice in the manner prescribed by general rules to comply with a request pursuant to subsection (a) shall pay to the judgment debtor as liquidated damages 1% of the original amount of the judgment for each [day] *month* of delinquency beyond such [30] 90 days, but not less than \$250 nor more than [50% of the original amount of the judgment] \$2,500. Such liquidated damages shall be recoverable pursuant to general rules, by supplementary proceedings in the matter in which the judgment was entered.

Section 3. Chapter 91 of Title 42 is amended by adding a subchapter to read:

SUBCHAPTER D EXCHANGE OF OFFENDERS UNDER TREATY

Sec.

9171. Exchange of offenders under treaty.

§ 9171. Exchange of offenders under treaty.

Whenever a treaty is in force providing for the transfer of convicted offenders between the United States and a foreign country, the Governor or his designee, upon application of the Secretary of Corrections, is authorized to give the approval of the Commonwealth to transfer as provided in the treaty.

Section 4. This act shall take effect as follows:

(1) The amendment of 42 Pa.C.S. § 3733 shall take effect July 1, 1997, or immediately, whichever is later.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 25th day of June, A.D. 1997.

THOMAS J. RIDGE