

No. 2001-113

AN ACT

HB 1806

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for costs, for Commonwealth portion of fines, for qualifications of jurors and for filling of certain new judgeships.

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

Section 1. Sections 1725.1 and 3571(c) of Title 42 of the Pennsylvania Consolidated Statutes are reenacted and amended to read:

§ 1725.1. Costs.

(a) Civil cases.—Subject to subsection (f), the costs to be charged by district justices in every civil case, except as otherwise provided in this section, shall be as follows:

- (1) Actions involving \$500 or less \$30.00
- (2) Actions involving more than \$500 but not more than \$2,000 \$40.00
- (3) Actions involving more than \$2,000 but not more than \$4,000 \$50.00
- (4) Actions involving more than \$4,000 but not more than \$8,000 \$75.00
- (5) Landlord-tenant actions involving less than \$2,000 \$45.00
- (6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000 \$55.00
- (7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000 \$75.00
- (8) Order of execution \$22.50
- (9) Objection to levy \$10.00
- (10) Reinstatement of complaint \$ 5.00

Such costs shall include all charges except the costs of a district justice’s transcript of every proceeding on appeal or certiorari (including affidavit and certificate) which shall be \$2.50 per transcript. Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

(a.1) Custody cases.—Except as provided in section 1725(c)(2)(v) (relating to establishment of fees and charges) and subject to subsection (f), in a custody case, the court of common pleas shall, in addition to the cost provided by general rule, assess a cost of \$5.00. Eighty percent of the funds generated by the charge under this subsection shall be transmitted by the prothonotary to the Administrative Office to pay for the implementation of

section 1904 (relating to availability of criminal charge information in child custody proceedings).

(b) Criminal cases.—Subject to subsection (f), the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

- (1) Summary conviction, except motor vehicle cases \$28.50
- (2) Summary conviction, motor vehicles cases, other than paragraph (3) \$22.50
- (3) Summary conviction, motor vehicle cases, hearing demanded \$27.50
- (4) Misdemeanor \$32.50
- (5) Felony \$37.50

Such costs shall include all charges including the costs of giving a district justice’s transcript to the prosecutor or defendant, or both, if requested. Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

(c) Unclassified costs or charges.—Subject to subsection (f), the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

- (1) Entering transcript of judgment from another member of the minor judiciary \$ 5.00
- (2) Marrying each couple, making record thereof, and certificate to the parties \$25.00
- (3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse) \$10.00
- (4) Issuing a search warrant (except as provided in subsection (d)) \$10.00
- (5) Any other issuance not otherwise provided for in this subsection \$10.00

(d) Search warrants.—In every case where a search warrant is requested by a police officer, constable or other peace officer engaged as such in the employ or service of the Commonwealth or any of its political subdivisions, no cost or charge shall be assessed against such officer, the Commonwealth or political subdivision for the issuance of such search warrant.

(e) Fish and boating offenses.—

(1) Except as provided in paragraph (2), any person convicted of a summary offense under Title 30 (relating to fish) shall, in addition to the fine imposed, be sentenced to pay \$10 as costs of the issuing authority which costs shall include all charges including, when called for, the costs of postage and registered or certified mail and the costs of giving a transcript to the prosecutor or defendant, or both, if requested.

(2) Where the person charged with a summary offense under Title 30 demands a hearing, the costs of the issuing authority shall be \$15, which

costs shall include all charges including the charges specified in paragraph (1).

(f) Annual increase in costs.—[Beginning]

(1) Except as provided in paragraph (2), beginning on January 1, 1994, and each January 1 thereafter, the costs under subsections (a), (b) and (c) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for the immediate preceding calendar year which shall be published in the Pennsylvania Bulletin annually by the Supreme Court on or before the preceding November 30. This subsection shall expire January 1, [2001] 2010.

(2) For the cost increase to be effective for calendar year 2002 only, the costs under subsections (a), (b) and (c) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for calendar year 2000 which shall be published by the Supreme Court in the Pennsylvania Bulletin as soon as possible after enactment. The increase for calendar year 2002 only shall be effective one month after publication in the Pennsylvania Bulletin.

§ 3571. Commonwealth portion of fines, etc.

* * *

(c) Costs in district justice proceedings.—

(1) Costs collected by a district justice shall be transmitted monthly to the Commonwealth in amounts as prescribed in subsection (b) and the balance shall be transmitted monthly to the county in which the magisterial district is located. Costs transmitted to the Commonwealth shall be credited to the General Fund. Costs transmitted to the county shall be retained by the county for its use.

(2) Amounts payable to the Commonwealth:

(i) Summary conviction, except motor vehicle cases	\$10.00
(ii) Summary conviction, motor vehicle cases other than subparagraph (iii)	\$10.00
(iii) Summary conviction, motor vehicle cases, hearing demanded	\$10.00
(iv) Misdemeanor	\$13.00
(v) Felony	\$20.00
(vi) Assumpsit or trespass involving:	
(A) \$500 or less	\$12.50
(B) More than \$500 but not more than \$2,000	\$20.00
(C) More than \$2,000 but not more than \$4,000	\$30.00
(D) More than \$4,000 but not more than \$8,000	\$50.00
(vii) Landlord-tenant proceeding involving:	
(A) \$2,000 or less	\$20.00
(B) More than \$2,000 but not more than \$4,000	\$25.00

- (C) More than \$4,000 but not more than \$8,000 \$35.00
- (viii) Objection to levy \$ 5.00
- (ix) Order of execution \$15.00
- (x) Issuing a search warrant (except as provided
in section 1725.1(d) (relating to costs)) \$ 7.00
- (xi) Order of possession \$15.00

(3) In all cases where costs are borne by the county pursuant to section 1725.2 (relating to assumption of summary conviction costs by county), no share of such costs shall be payable to the Commonwealth.

(4) **[Beginning]** *Except as provided in paragraph (5), beginning on January 1, 1994, and each January 1 thereafter, the costs under paragraph (2) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for the immediate preceding calendar year which shall be published in the Pennsylvania Bulletin annually by the Supreme Court on or before the preceding November 30. This paragraph shall expire January 1, [2001] 2010.*

(5) *For the cost increase to be effective for calendar year 2002 only, the costs under paragraph (2) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for calendar year 2000 which shall be published by the Supreme Court in the Pennsylvania Bulletin as soon as possible after enactment. The increase for calendar year 2002 only shall be effective one month after publication in the Pennsylvania Bulletin.*

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Section 2. Section 4502 of Title 42 is amended to read:

§ 4502. Qualifications of jurors.

(a) **General rule.**—Every citizen of this Commonwealth who is of the required minimum age for voting for State or local officials and who resides in the county shall be qualified to serve as a juror therein unless such citizen:

- (1) is unable to read, write, speak and understand the English language;
- (2) is incapable, by reason of mental or physical infirmity, to render efficient jury service; or
- (3) has been convicted of a crime punishable by imprisonment for more than one year and has not been granted a pardon or amnesty therefor.

(b) **Definition.**—*For purposes of this section, “convicted of a crime punishable by imprisonment for more than one year” does not include a conviction for any offense under or violation of the former act of May 1, 1929 (P.L.905, No.403), known as The Vehicle Code, or the former act of April 29, 1959 (P.L.58, No.32), known as The Vehicle Code, which offense or violation, if it had been committed after July 1, 1977:*

(1) would have been substantially similar to an offense currently graded as a summary offense under 75 Pa.C.S. (relating to vehicles); or

(2) would not have been a violation of law.

Section 3. Notwithstanding the provisions of section 7(b)(1) and (2)(i) of the act of December 20, 2000 (P.L.742, No.105), entitled "An act amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts; providing for reimbursement for common pleas court costs and for judgment by confession filed against incorrectly identified debtors; further providing for county judicial center or courthouse, for composition of investigating grand jury and for confidential communications with sexual assault counselors; providing for confidential communications to crime stopper or similar anticrime program; and further providing for exemption from attachment of retirement funds and accounts," the new judgeships authorized by 42 Pa.C.S. § 911(a) (relating to courts of common pleas) and initially filled by election at the 2001 municipal election shall be created on January 7, 2002.

Section 4. The reenactment and amendment of 42 Pa.C.S. §§ 1725.1 and 3571(c) shall be retroactive to January 1, 2001.

Section 5. This act shall take effect immediately.

APPROVED—The 17th day of December, A.D. 2001.

MARK S. SCHWEIKER