

absence for which compensation is required to be paid under this section.

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Section 2. This act shall take effect immediately.

APPROVED—The 19th day of January, A. D. 1968.

RAYMOND P. SHAFER

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No. 438

AN ACT

HB 923

To provide in cities of the first class for the allowance of compensation to counsel assigned to represent a defendant charged with a non-capital indictable offense and reimbursement for necessary expenses reasonably incurred.

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

Section 1. Counsel, not exceeding one, who has been assigned for a defendant charged with a non-capital indictable offense, or who has been assigned to represent an individual in any post-conviction proceedings or a juvenile formally charged with delinquency, shall, at the conclusion of the representation, or any segment thereof, be compensated for his services in such representation and reimbursed for all reasonable expenses advanced by him and which were necessarily incurred. Any claim for compensation and reimbursement shall be contained in a sworn statement presented to the trial judge sitting at the trial, if there is a trial; otherwise, to any judge sitting in the courts of quarter sessions or oyer and terminer. Each claim shall specify the nature of the case, itemize the time expended, a description of the services rendered, the expenses incurred, and the compensation and reimbursement applied for. The judge shall fix the compensation and reimbursement to be paid to the attorney so assigned. Counsel shall be compensated at a rate not exceeding twenty-five dollars (\$25) per hour for time expenses in a court of record or before a committing magistrate and at the rate of fifteen dollars (\$15) per hour for time reasonably expended out of court. For representation of a defendant in a case in which one or more felonies are charged, the compensation paid to an attorney shall not exceed eight hundred dollars (\$800), and five hundred dollars (\$500) in a post-conviction case or a case in which only misdemeanors or juvenile delinquencies are charged. Payment in excess of the limits stated herein may only be made, if the court to whom the application is made certifies to the administrative judge that because of extra-

ordinary circumstances set forth such additional payments are necessary to provide fair compensation for protracted representation; and the amount in excess of the above limits is approved by the administrative judge.

Assigned counsel may also make a written ex parte request to obtain investigative, expert or other services necessary to an adequate defense. Upon finding after proper inquiry that such services are necessary, the court shall authorize counsel to obtain such services on behalf of a defendant. The court may in its discretion ratify their procurement if the court finds that timely procurement could not await prior authorization. The compensation to be paid to a person for such services rendered to a defendant shall not exceed three hundred dollars (\$300).

Such allowances or compensation to counsel and for the other services herein provided shall be a charge upon the county in which the person is charged, to be paid by the county treasurer, or where the city and county are coextensive, by the city treasurer, upon the certificate of the judge. Counsel assigned shall not, except with prior approval of the court, receive or contract to receive directly or indirectly, any compensation for such services or reimbursement for expenses from any source than herein provided.

Section 2. Counsel shall be appointed under this act only when, because of conflict of interest or other sufficient reason, the individual cannot properly be represented by a local nonprofit organization furnishing legal services to needy persons. The provisions of this act shall not apply where such local nonprofit organization represents the indigent defendant. Nothing in this act shall be construed as affecting the authority of cities of the first class to appropriate public funds for the support of any such organization.

Section 3. The defendant or the spouse, child, (except as herein-after provided), father and mother of every indigent person, whether a public charge or not, shall, to the extent of his, her or their financial ability, reimburse the county for compensation and expenses incurred and paid to court-assigned counsel at such rate as the court shall order or direct. No child shall be liable for the support of any parent who abandoned the child and persisted in the abandonment for a period of ten years during the child's minority.

Any court of record shall have the power to hear, determine and make orders and decrees in such cases upon the petition of the county which paid the compensation and expenses to the court-appointed counsel. Such order shall have the force and effect of a judgment for the payment of money and shall be entered in the judgment index of the office of the clerk of quarter sessions.

In all cases where an order has been made by the court for reimbursement to the county for compensation and expenses paid to court-assigned counsel and the said order has not been complied with, the court, or any judge thereof, upon affidavit or petition filed setting

forth that the person on whom the said order has been made has not complied with the said order, shall issue an attachment directed to the sheriff or other proper officer of the county, directing and commanding that the person named as having failed to comply with said order be brought before the court at such time as the court may direct. If it shall appear to the court, after hearing, that the person on whom the said order was made had wilfully neglected or refused to comply with said order, the court may adjudge said person in contempt of court and, in its discretion, may commit said person to the county jail for a period not exceeding six months.

Section 4. This act shall apply only in counties of the first class.

Section 5. This act shall take effect immediately.

APPROVED—The 19th day of January, A. D. 1968.

RAYMOND P. SHAFER

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No. 439

AN ACT

HB 1304

Amending the act of August 9, 1955 (P. L. 323), entitled "An act relating to counties of the third, fourth, fifth, sixth, seventh and eighth classes; amending, revising, consolidating and changing the laws relating thereto," providing for recreation space in plans for land subdivision.

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

Section 1. Subsection (a) of section 2004, act of August 9, 1955 (P. L. 323), known as "The County Code," amended January 31, 1956 (P. L. 977), is amended to read:

Section 2004. Plans of Subdivisions; Jurisdiction; Scope of Subdivisions; Regulations; <sup>1</sup>Procedure; Penalties.—(a) The County Planning Commission shall have jurisdiction and control of the subdivision of land located within the county limits. For the purpose of this section, a subdivision shall be construed to be: A division of any part, parcel or area of land by the owner or agent, either by lots or by metes and bounds, into lots or parcels, three or more in number, for the purpose of conveyance, transfer, improvement or sale, with appurtenant roads, streets, lanes, alleys, [and] ways and recreation

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<sup>1</sup> "Procedures" in original.