

## No. 148

## AN ACT

## SB 1126

Amending the act of May 23, 1923 (P.L.339), entitled "An act providing for the depositing of money as a forfeit for the appearance of persons arrested for certain offenses for hearing before a mayor or chief burgess; and providing for the forfeiture and payment of the same into the city or borough treasury in case of nonappearance of person arrested," further providing for the deposit of money for the appearance at hearings of persons arrested for certain offenses.

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

Section 1. Sections 1, 2, 3 and 4, act of May 23, 1923 (P.L.339), entitled "An act providing for the depositing of money as a forfeit for the appearance of persons arrested for certain offenses for hearing before a mayor or chief burgess; and providing for the forfeiture and payment of the same into the city or borough treasury in case of nonappearance of person arrested," are amended to read:

Section 1. *Bail for Appearance.*—Be it enacted, &c., That where any person is arrested on view by [the police of any city or borough] any peace officer for the violation of any [city or borough] ordinance, or [for any other] summary offense [for which no formal information is required] and no warrant is issued, and no immediate hearing can be given said person, the [mayor or chief burgess of said city or borough, or the] proper [police] official in charge of any police station [to which said person is taken,] within the magisterial district where the offense occurred, may accept from said person, as [a forfeit] bail for his appearance for a hearing before [said mayor or chief burgess, or before an alderman, magistrate, or] the district justice of the peace, [appearing and acting for said mayor or chief burgess,] current funds of the United States in an amount equal to but not exceeding the maximum amount of fine and costs that could be imposed in case of conviction of said offense.

Section 2. *Receipt For and Record of Deposit.*—Upon the posting of any such funds as [a forfeit] bail for his appearance at said hearing, there shall be delivered to the person so arrested a receipt for the amount so deposited, which shall plainly state thereon the amount deposited, the purpose for which it was so deposited, and the time and place fixed for the hearing; and the person receiving such deposit shall make a record of the posting thereof, and the name and address of the person posting the same.

Section 3. [In case of the appearance of any] *Return of Deposit.*—When such person depositing such [forfeit at the time fixed for said] bail shall appear at the hearing, the amount so deposited shall be returned without any deduction for any purpose whatsoever.

Section 4. [In case] *Forfeit and Disposition of Deposit.*—All such

*funds deposited as bail shall be paid within seventy-two hours to the district justice of the peace in said magisterial district for proper disposition thereof. In the event that any person who has deposited such [forfeit] bail fails [or neglects] to appear at the time and place fixed for said hearing, the amount so posted shall be forfeited, and after notice of said forfeiture, mailed by [registered] certified mail to the address given by said person when arrested, and the continued failure [or neglect] of said person to appear for hearing within ten days after the mailing of said notice, the said [sum] sums shall be paid [in the city or borough treasury for the use of said city or borough] over to the proper authorities by the district justice of the peace in the manner heretofore established by law.*

Section 2. This act shall take effect January 1, 1970.

APPROVED—The 24th day of June, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 148.

  
Secretary of the Commonwealth.