

No. 2002-122

AN ACT

HB 2322

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Judicial Computer System Augmentation Account; and establishing the Access to Justice Account to provide for civil legal services to indigent persons and for imposition of fees.

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

Section 1. Section 3733(a.1) of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 3733. Deposits into account.

* * *

(a.1) Additional fees.—

(I) In addition to the court costs and filing fees authorized to be collected by statute~~f~~, **an**:

(i) ~~An~~ additional fee of ~~[\$5] \$10~~ 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.

(ii) An additional fee of ~~[\$5] \$10~~ 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.

(iii) An additional fee of ~~[\$5] \$10~~ 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~~.

(iv) An additional fee of ~~[\$1.50] \$10~~ 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]**

(v) *An additional fee of \$10 shall be charged and collected by the recorders of deeds and clerks of court, or by any officials designated to perform similar functions, for each filing of a deed, mortgage or property transfer for which a fee, charge or cost is now authorized.*

(2) *The additional fees identified in paragraph (1) shall be fixed and charged for the fiscal years as indicated:*

(i) *For the fiscal year 2002-2003, \$9 of each additional fee shall be deposited into the Judicial Computer System Augmentation Account[,], and \$1 of each additional fee shall be deposited into the Access to Justice Account under section 4904 (relating to establishment of Access to Justice Account).*

(ii) *For the fiscal years 2003-2004 and 2004-2005, \$8.50 of each additional fee shall be deposited into the Judicial Computer System Augmentation Account, and \$1.50 of each additional fee shall be deposited into the Access to Justice Account under section 4904.*

(iii) *For the fiscal year 2005-2006 and each fiscal year thereafter, \$8 of each additional fee shall be deposited into the Judicial Computer System Augmentation Account, and \$2 of each additional fee shall be deposited into the Access to Justice Account under section 4904.*

(3) *The moneys charged and collected under this subsection shall be paid to the court imposing the fee, which shall transfer the moneys to the Department of Revenue for deposit into the appropriate account. For the purposes of paragraph (1)(v), the court shall be the court of common pleas.*

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Section 2. Title 42 is amended by adding a chapter to read:

**CHAPTER 49
ACCESS TO JUSTICE**

Sec.

4901. Short title of chapter.

4902. Declaration.

4903. Definitions.

4904. Establishment of Access to Justice Account.

4905. Purpose of account.

4906. Distribution of funds.

4907. Expiration of chapter.

§ 4901. Short title of chapter.

This chapter shall be known and may be cited as the Access to Justice Act.

§ 4902. Declaration.

The General Assembly finds and declares as follows:

(1) It is of paramount importance to the citizens of this Commonwealth that all individuals who seek lawful redress of their grievances have equal access to our system of justice.

(2) The availability of civil legal services is essential to providing meaningful access to justice for indigent persons who cannot afford legal representation.

§ 4903. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Account.” The Access to Justice Account established in section 4904 (relating to establishment of Access to Justice Account).

“Eligible legal services provider.” A not-for-profit entity incorporated in this Commonwealth, tax exempt under section 501(c)(3) of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 501(c)(3)) or any successor provision, which operates within this Commonwealth for the primary purpose of providing civil legal services without charge and which operates to provide such civil legal services to eligible clients and victims of abuse under contract or subcontract with the Department of Public Welfare for the expenditure of funds appropriated by the General Assembly for the provision of legal services.

“Lobbying activities.” Any effort to influence Federal, State or local legislative or administrative action, including, but not limited to, activities intended to influence the issuance, amendment or revocation of any executive or administrative order or regulation of a Federal, State or local agency, or to influence the introduction, amendment, passage or defeat of any legislation by the Congress of the United States or by any State or local legislative body.

§ 4904. Establishment of Access to Justice Account.

There is established in the State Treasury a nonlapsing restricted receipt account to be known as the Access to Justice Account for the deposit of all fees authorized by this chapter.

§ 4905. Purpose of account.

(a) Permitted use.—All moneys in the account and any investment income accrued shall be used exclusively to provide civil legal assistance to poor and disadvantaged persons in this Commonwealth. The Supreme Court shall, by rule, determine eligibility for legal assistance under this subsection.

(b) Prohibited use.—Recipients of funds under this chapter are prohibited from using these funds to contribute to or be made available to any political party or association or the campaign of any candidate for public or party office or similar political activities or to support or oppose candidates for public or party office or to support or oppose any ballot questions or to engage in lobbying activities except that:

(1) A recipient of funds may engage in lobbying activities in response to a request from a governmental agency, legislative body, committee, member or staff thereof made to the recipient, consistent with the Rules of Professional Conduct.

(2) An eligible legal services provider may engage in lobbying activities in the provision of legal services to an eligible client on a particular application, claim or case which directly involves that client's

legal rights and responsibilities; however, this shall not be construed to permit an eligible legal services provider to solicit a client in violation of the Rules of Professional Conduct for the purpose of making such representation possible.

§ 4906. Distribution of funds.

All moneys deposited in the account and any investment income accrued are hereby annually appropriated to the Administrative Office of the Pennsylvania Courts and shall be distributed annually, upon requisition of the Court Administrator of Pennsylvania, to the Pennsylvania Interest on Lawyers Trust Account Board to contract exclusively with eligible legal services providers for the purpose set forth in section 4905(a) (relating to purpose of account). Funds received by the Pennsylvania Interest on Lawyers Trust Account Board pursuant to this chapter shall be maintained in a separate account and shall be accounted for separately from any other funds received by the board.

§ 4907. Expiration of chapter.

This chapter shall expire in five years.

Section 3. This act shall take effect November 1, 2002, or immediately, whichever is later.

APPROVED—The 2nd day of October, A.D. 2002.

MARK S. SCHWEIKER