

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1337 Session of
2013

INTRODUCED BY TOOHIL, PICKETT, SIMS, V. BROWN, SCHLOSSBERG,
KORTZ, ROZZI, ROSS, GINGRICH, PAINTER, SWANGER, COHEN, GROVE,
MARSICO, QUINN, CALTAGIRONE, M. DALEY AND MOLCHANY,
MAY 7, 2013

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 30, 2014

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, IN FACILITIES AND <--
3 SUPPLIES RELATING TO JUDICIAL COMPUTER SYSTEM, further
4 providing for surcharge ~~for deposit into the Access to~~ <--
5 ~~Justice Account~~ AND FOR FEE DEPOSIT INTO THE ACCESS TO <--
6 JUSTICE ACCOUNT; AND, IN DISPOSITION OF OBSOLETE RECORDS,
7 FURTHER PROVIDING FOR FORM OF PERMANENT RECORDATION AND FOR
8 COPIES OF DESTROYED RECORDS.

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

11 Section 1. ~~Section 3733.1(a) and (c)~~ SECTIONS 3733.1(A) AND <--
12 (C), 4323 AND 4324 of Title 42 of the Pennsylvania Consolidated
13 Statutes are amended to read:

14 § 3733.1. Surcharge.

15 (a) Imposition of surcharge.--In addition to each fee
16 imposed under section 3733(a.1) (relating to deposits into
17 account), except as set forth in subsection (b), the following
18 apply:

19 (1) A surcharge of ~~†\$11.25†~~ \$10.25 shall be charged and <--

1 collected. This paragraph shall expire December 31, [2014] <--
2 2017.

3 (2) A permanent fee of \$2.25 shall be charged and
4 collected.

5 (3) A permanent fee of \$2 shall be charged and
6 collected.

7 * * *

8 (c) Allocation and appropriation.--

9 (1) The surcharge under subsection (a) (1) [shall be
10 allocated as follows:

11 (i) One dollar shall be deposited into the Access to
12 Justice Account.

13 (ii) The remainder of money] shall be deposited into
14 a separate reserve account within the Judicial Computer
15 System Augmentation Account. Notwithstanding section 3732
16 (relating to utilization of funds in account), money
17 deposited under this [subparagraph] paragraph is hereby
18 appropriated to the Supreme Court, upon compliance with
19 Article XV of the act of April 9, 1929 (P.L.343, No.176),
20 known as The Fiscal Code, for the operation of the
21 Judicial Department.

22 (2) The fee under subsection (a) (2) shall be deposited
23 into the Criminal Justice Enhancement Account.

24 (3) The fee under subsection (a) (3) shall be deposited
25 into the Access to Justice Account.

26 § 4323. FORM OF [PERMANENT] RECORDATION. <--

27 [RECORDS WHICH ARE CLASSIFIED AS RECORDS OF PERMANENT VALUE
28 SHALL, PRIOR TO DESTRUCTION OR OTHER REMOVAL FROM THE OFFICE OF
29 THE PERSON HAVING CUSTODY THEREOF, BE PROCESSED IN CONFORMITY
30 WITH GENERAL RULES SO THAT THEY MAY BE REPRODUCED BY ANY

1 PHOTOSTATIC, PHOTOGRAPHIC, MICROPHOTOGRAPHIC, MICROFILM, VIDEO
2 TAPE, MAGNETIC TAPE, OR OTHER MECHANICAL PROCESS WHICH PRODUCES
3 A CLEAR, ACCURATE AND PERMANENT COPY, MICROCOPY OR REPRODUCTION
4 OF THE ORIGINAL, IN ACCORDANCE WITH STANDARDS NOT LESS THAN
5 THOSE APPROVED FOR PERMANENT RECORDS BY THE NATIONAL BUREAU OF
6 STANDARDS.] (A) IN GENERAL.--RECORDS MAY BE REPRODUCED IN
7 ACCORDANCE WITH SUBSECTION (C).

8 (B) RECORDS OF PERMANENT VALUE.--RECORDS THAT ARE CLASSIFIED
9 AS RECORDS OF PERMANENT VALUE MAY BE REPRODUCED IN ACCORDANCE
10 WITH SUBSECTION (C) PROVIDED THAT IF THE ORIGINAL RECORD IS
11 BEING DESTROYED AFTER REPRODUCTION:

12 (1) THE REPRODUCTION FORMAT SHALL BE HUMAN READABLE; OR

13 (2) IF THE REPRODUCTION FORMAT IS ELECTRONIC OR
14 OTHERWISE NOT HUMAN READABLE, THE GOVERNING AUTHORITY, IN
15 CONSULTATION WITH THE COUNTY RECORDS COMMITTEE, SHALL CREATE
16 AND APPLY STANDARDS, POLICIES AND PROCEDURES FOR THE
17 CREATION, MAINTENANCE, BACKUP, MIGRATION AND TRANSMISSION OF
18 PERMANENT RECORDS IN THAT FORMAT.

19 (C) MEANS OF REPRODUCTION.--ANY PHOTOSTATIC, PHOTOGRAPHIC,
20 MICROGRAPHIC, MICROFILM, MICROCARD, MINIATURE PHOTOGRAPHIC,
21 OPTICAL, ELECTRONIC OR OTHER FUTURE TECHNOLOGIES, ANALOG OR
22 DIGITAL, WHICH ACCURATELY REPRODUCES THE ORIGINAL AND FORMS
23 SECURE AND UNALTERABLE COPIES FOR RECORDING MAY BE UTILIZED FOR
24 REPRODUCING RECORDS AS AUTHORIZED IN ACCORDANCE WITH THIS
25 SUBCHAPTER.

26 (D) DOCUMENTS PREVIOUSLY RECORDED, COPIED OR RECOPIED.--A
27 DOCUMENT WITHIN THE SCOPE OF THIS SECTION AND THAT PREVIOUSLY
28 HAS BEEN RECORDED, COPIED OR RECOPIED ALSO MAY BE REPRODUCED BY
29 PROCESSES AUTHORIZED BY THIS SECTION.

30 § 4324. COPIES OF DESTROYED RECORDS.

1 [THE PHOTOSTATIC, PHOTOGRAPHIC, MICROPHOTOGRAPHIC,
2 MICROFILMED OR OTHERWISE REPRODUCED] A COPY OF ANY RECORD
3 DESTROYED OR DISPOSED OF AS AUTHORIZED PURSUANT TO THIS
4 SUBCHAPTER, OR A CERTIFIED COPY THEREOF, IF PRODUCED IN
5 ACCORDANCE WITH SECTION 4323 (RELATING TO FORM OF RECORDATION)
6 SHALL BE ADMISSIBLE IN EVIDENCE IN ANY MATTER, AND SHALL HAVE
7 THE SAME FORCE AND EFFECT AS THOUGH THE ORIGINAL RECORD HAD BEEN
8 PRODUCED AND PROVED. IT SHALL BE THE DUTY OF THE PERSON WHO
9 WOULD HAVE HAD CUSTODY OF THE ORIGINAL RECORD, HAD IT NOT BEEN
10 DESTROYED PURSUANT TO LAW, TO PREPARE ENLARGED, TYPED OR
11 PHOTOGRAPHIC COPIES OF SUCH REPRODUCED RECORDS WHENEVER THEIR
12 PRODUCTION IS REQUIRED.

13 Section 2. This act shall take effect in 30 days.