

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1266 Session of 2023

INTRODUCED BY BENNINGHOFF, ARMANINI, HAMM, JAMES, JOZWIAK, KAUFFMAN, MOUL, PICKETT, RADER, ROSSI, ROWE, SMITH AND STEHR, MAY 30, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MAY 30, 2023

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in governance of the
3 system, further providing for costs; in budget and finance,
4 further providing for Commonwealth portion of fines, etc; in
5 facilities and supplies, further providing for deposits into
6 account and for surcharge; and making a repeal.

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

9 Section 1. Sections 1725.1(b) and 3571(c)(2) of Title 42 of
10 the Pennsylvania Consolidated Statutes are amended to read:

11 § 1725.1. Costs.

12 * * *

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

17 (1) Summary conviction, except motor
18 vehicle cases..... \$28.50

19 [(2) Summary conviction, motor vehicles

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

6 Such costs shall include all charges including the costs of
7 giving a magisterial district judge's transcript to the
8 prosecutor or defendant, or both, if requested. Such costs shall
9 not include, however, the cost of postage and registered mail
10 which shall be paid by the defendant upon conviction.

11 * * *

12 § 3571. Commonwealth portion of fines, etc.

13 * * *

14 (c) Costs in magisterial district judge proceedings.--

15 * * *

16	(2) Amounts payable to the Commonwealth:	
17	(i) Summary conviction, except motor	
18	vehicle cases.....	\$10.00
19	[(ii) Summary conviction, motor	
20	vehicle cases other than subparagraph (iii)	\$10.00]
21	(iii) Summary conviction, motor	
22	vehicle cases, hearing demanded.....	\$10.00
23	(iv) Misdemeanor.....	\$13.00
24	(v) Felony.....	\$20.00
25	(vi) Assumpsit or trespass involving:	
26	(A) \$500 or less.....	\$12.50
27	(B) More than \$500 but not more	
28	than \$2,000.....	\$20.00
29	(C) More than \$2,000 but not more	
30	than \$4,000.....	\$30.00

1	(D) More than \$4,000 but not more	
2	than \$12,000.....	\$50.00
3	(vii) Landlord-tenant proceeding	
4	involving:	
5	(A) \$2,000 or less.....	\$20.00
6	(B) More than \$2,000 but not more	
7	than \$4,000.....	\$25.00
8	(C) More than \$4,000 but not more	
9	than \$12,000.....	\$35.00
10	(viii) Objection to levy.....	\$5.00
11	(ix) Order of execution.....	\$15.00
12	(x) Issuing a search warrant (except	
13	as provided in section 1725.1(d) (relating	
14	to costs)).....	\$7.00
15	(xi) Order of possession.....	\$15.00

16 * * *

17 Section 2. Section 3733(a.1) of Title 42 is amended by
18 adding a paragraph to read:

19 § 3733. Deposits into account.

20 * * *

21 (a.1) Additional fees.--

22 * * *

23 (1.1) Paragraph (1) does not apply to a conviction or
24 guilty plea based on the filing of a traffic citation
25 charging an offense under 75 Pa.C.S. (relating to vehicles)
26 that is classified as a summary offense under a State statute
27 or local ordinance as provided in the Pennsylvania Rules of
28 Criminal Procedure.

29 * * *

30 Section 3. Section 3733.1 of Title 42 is amended by adding a

1 subsection to read:

2 § 3733.1. Surcharge.

3 * * *

4 (d) Application of surcharge.--Notwithstanding any other
5 provision of law, the additional surcharge under section 1795.1-
6 E(b) (3) of the act of April 9, 1929 (P.L.343, No.176), known as
7 The Fiscal Code, shall not apply to a conviction or guilty plea
8 based on the filing of a traffic citation charging an offense
9 under 75 Pa.C.S. that is classified as a summary offense under a
10 State statute or local ordinance as provided in the Pennsylvania
11 Rules of Criminal Procedure.

12 Section 4. Repeals are as follows:

13 (1) The General Assembly declares that the repeal under
14 paragraph (2) is necessary to effectuate the addition of 42
15 Pa.C.S. § 3733.1(d).

16 (2) Section 1795.1-E(b) (3) of the act of April 9, 1929
17 (P.L.343, No.176), known as The Fiscal Code, is repealed to
18 the extent that it is inconsistent with the addition of 42
19 Pa.C.S. § 3733.1(d).

20 Section 5. This act shall take effect in 60 days.