
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 416 Session of
2024

INTRODUCED BY D. MILLER, MAY 3, 2024

REFERRED TO COMMITTEE ON JUDICIARY, MAY 3, 2024

A RESOLUTION

1 Directing the Legislative Budget and Finance Committee to
2 conduct a study and issue a report on the court system's
3 financial stability and its dependence on fines and fees.

4 WHEREAS, Our Commonwealth's judicial system originated as a
5 disparate collection of local part-time courts inherited from
6 the reign of the Duke of York and established by William Penn;
7 and

8 WHEREAS, The colony of Pennsylvania took major steps toward
9 unifying its judicial system by passing the Judiciary Act of
10 1722; and

11 WHEREAS, The act established the Supreme Court and the
12 Philadelphia County, Chester County and Bucks County courts of
13 common pleas; and

14 WHEREAS, In 1776, Pennsylvania adopted its first
15 constitution, often described as the most democratic in America;
16 and

17 WHEREAS, Its declaration of rights was a major source for the
18 Federal Bill of Rights; and

19 WHEREAS, The 1776 Constitution of Pennsylvania provided the

1 right to vote for all men who paid taxes; and

2 WHEREAS, The 1776 Constitution of Pennsylvania set the stage
3 for the development of a Statewide judicial system, establishing
4 the courts of common pleas, orphans' courts and courts of
5 session in each county; and

6 WHEREAS, In 1790, Pennsylvania adopted a new constitution,
7 which has been described as a model constitution; and

8 WHEREAS, The 1790 Constitution of Pennsylvania created a
9 bicameral legislature elected by the citizens of this
10 Commonwealth and made other changes to the judiciary with the
11 intent to decrease the Supreme Court workload; and

12 WHEREAS, The 1790 Constitution of Pennsylvania placed a
13 president judge at the head of every court of common pleas and
14 grouped counties into judicial districts; and

15 WHEREAS, In 1895, the General Assembly established the
16 Superior Court to further decrease the Supreme Court workload;
17 and

18 WHEREAS, In 1968, Pennsylvania adopted a new constitution,
19 making further changes to the judiciary; and

20 WHEREAS, The 1968 Constitution of Pennsylvania established a
21 unified judicial system as well as community courts and the
22 Philadelphia Municipal Court; and

23 WHEREAS, The 1968 Constitution of Pennsylvania added an
24 intermediate appellate court, the Commonwealth Court; and

25 WHEREAS, There has been a recent trend in which states are
26 increasing civil and criminal court fees and charges while
27 expanding the categories of offenses that trigger the imposition
28 of fines; and

29 WHEREAS, The budget of the judiciary is made up of three
30 components: general appropriations, statutory surcharges known

1 collectively as Act 49 fees, which provide revenue to augment
2 general appropriations to fund operations of the court system,
3 and statutory-based fees and collection-based revenue to fund
4 the entirety of the Judicial Computer System (JCS); and

5 WHEREAS, The general appropriations of the judicial branch
6 account for less than 1% of the entire State budget; and

7 WHEREAS, Reliance on the Act 49 fees portion of the
8 judiciary's budget grew from \$28 million, or 7%, in 2016-2017,
9 to \$85 million, or 19%, in 2022-2023, at a time when revenue was
10 flat or declining; and

11 WHEREAS, The JCS is entirely funded by two revenue streams:
12 fines, fees and costs collected that exceed an amount collected
13 from such sources in fiscal year 1986-1987, and a fee assessed
14 on initial filings on all levels of court; and

15 WHEREAS, JCS revenue from the two sources has been steadily
16 declining from a peak of \$65 million in 2007-2008 to \$31.1
17 million in 2022-2023; therefore be it

18 RESOLVED, That the House of Representatives direct the
19 Legislative Budget and Finance Committee to conduct a study and
20 issue a report on the court system's financial stability and its
21 dependence on fines and fees; and be it further

22 RESOLVED, That the study:

23 (1) Identify and examine the similarities and
24 differences in the various ways the states choose to fund
25 their court systems.

26 (2) Examine and analyze the historical roots of funding
27 court systems through fines and fees throughout the United
28 States.

29 (3) Analyze the effect of court dependence on fines and
30 fees on different population groups as measured by

1 socioeconomic status.

2 (4) Examine and analyze whether and how cost shifting
3 across various levels of government incentivizes the trend
4 toward reliance on fees and fines for revenue.

5 (5) Identify and quantify the various costs associated
6 with the collateral consequences imposed on individuals,
7 their families and communities who cannot afford to pay the
8 fines or fees.

9 (6) Identify and quantify the various costs associated
10 with the collection of fines and fees and related
11 enforcement;

12 and be it further

13 RESOLVED, That the Legislative Budget and Finance Committee
14 consult with other states having relevant records or knowledge
15 of relevant issues; and be it further

16 RESOLVED, That the Legislative Budget and Finance Committee
17 consult with organizations that:

18 (1) Collect and analyze financial data related to the
19 Commonwealth's court system.

20 (2) Collect and analyze financial data related to the
21 Federal court system.

22 (3) Collect and collate data on the collateral
23 consequences of convictions.

24 (4) Have knowledge of relevant issues;

25 and be it further

26 RESOLVED, That the Legislative Budget and Finance Committee
27 submit a report of its findings and recommendations to the
28 chairperson and minority chairperson of the Judiciary Committee
29 of the Senate, the chairperson and minority chairperson of the
30 Judiciary Committee of the House of Representatives, the

1 chairperson and minority chairperson of the Appropriations
2 Committee of the Senate and the chairperson and minority
3 chairperson of the Appropriations Committee of the House of
4 Representatives no later than 18 months after the adoption of
5 this resolution.