

No. 240

AN ACT

Amending the act of May 16, 1945 (P. L. 594), entitled "An act providing for the disposition of fines, penalties, and forfeitures collected in summary proceedings; and imposing penalties," imposing penalties for violations of the act, and in certain cases removing from office magistrates, aldermen and justices of the peace wilfully failing to make monthly settlements with certain political subdivisions.

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

Section 1. Section 1, act of May 16, 1945 (P. L. 594), entitled "An act providing for the disposition of fines, penalties and forfeitures collected in summary proceedings; and imposing penalties," amended July 17, 1953 (P. L. 472), is amended to read:

Magistrates,
aldermen and
justices of the
peace.

Section 1, act of
May 16, 1945,
P. L. 594,
amended July
17, 1953, P. L.
472, further
amended.

Section 1. All fines, penalties and forfeitures collected by magistrates, aldermen and justices of the peace in summary proceedings under the provisions of any general, local or special law, unless disposition thereof is therein otherwise specifically provided for, or unless disposition thereof is provided for by general law, shall be paid quarterly into the county treasury for the use of the county.

If under existing law the Commonwealth is entitled to any such fines, penalties or forfeitures, the same shall be paid monthly into the State Treasury through the Department of Revenue. If under existing law any political subdivision, other than a county, is entitled to any such fines, penalties or forfeitures, the same shall be paid monthly to the treasurer of such political subdivision.

All the aforesaid payments shall be accompanied by an affidavit of the magistrate, alderman or justice of the peace giving the names, addresses, offenses charged, amounts collected, and the dates of the offenses.

If the magistrates, aldermen or justices of the peace *wilfully* fail or neglect to comply with the above requirements and provisions, a penalty of [six] *ten* per cent [(6%) interest is hereby imposed on] of the amount of money in the possession of said magistrates, aldermen or justice of the peace [until such time as payment is made] *is hereby imposed.*

Any magistrate, alderman, justice of the peace, or burgess of a borough acting as a justice of the peace, who shall wilfully fail to pay over any money due a political subdivision within twenty days after the time fixed by this section for such payment, shall be guilty of a misdemeanor, and of misbehavior in office, and,

upon conviction thereof, shall be sentenced to pay a fine not exceeding five hundred dollars (\$500) or undergo imprisonment not exceeding six months, or both, and removal from office. The proper authorities, or any taxpayer of the political subdivision concerned, knowing of any such violation, shall give notice of the same to the district attorney of the county, who shall institute prosecution for such violation.

APPROVED—The 28th day of June, A. D. 1957.

GEORGE M. LEADER

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No. 241

AN ACT

Amending the act of May 19, 1887 (P. L. 138), entitled "An act providing for payment of costs in criminal cases by the proper county," further providing for the payment of costs by the county in cases of misdemeanors.

Costs in criminal cases.

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

Section 1, act of May 19, 1887, P. L. 138, amended.

Section 1. Section 1, act of May 19, 1887 (P. L. 138), entitled "An act providing for payment of costs in criminal cases by the proper county," is amended to read:

County made liable for the costs of prosecution in every case of misdemeanor.

Section 1. Be it enacted, &c., That the costs of prosecution accruing in every case of misdemeanor in any of the courts of [quarter sessions of the peace of] this Commonwealth shall, on the termination of the prosecution by the bill of indictment being ignored by the grand jury, or by a verdict of a traverse jury or by a plea of guilty and sentence or suspension of sentence of the court, thereon be immediately chargeable to and paid by the proper county: Provided, That the county shall be liable only for the costs of such witnesses as the district attorney shall certify were subpoenaed by his order and were in attendance and necessary to the trial of the case.

District attorney to certify to bill of costs for witnesses.

Act effective immediately.

Section 2. This act shall take effect immediately.

APPROVED—The 28th day of June, A. D. 1957.

GEORGE M. LEADER

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No. 242

AN ACT

Amending the act of May 11, 1874 (P. L. 132), entitled "An act relating to payment of costs in cases of felony," further providing for the payment of costs by the county.