

No. 200

AN ACT

HB 321

Amending the act of June 24, 1939 (P.L.872), entitled "An act to consolidate, amend and revise the penal laws of the Commonwealth," providing for restitution in summary offenses before district justices.

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

Section 1. Section 1109, act of June 24, 1939 (P.L.872), known as "The Penal Code," amended November 27, 1970 (P.L.790), is amended to read:

Section 1109. Restitution For Injuries to the Person or Property.—

(a) Definitions.—As used in this section:

(1) "Crime" means any [felony or misdemeanor] offense punishable under this act.

(2) "Violent crimes" means crimes in which force or threat of force was directed against any person.

(3) "Injuries to property" means loss of real or personal property, including negotiable instruments, or decrease in its value, directly resulting from the crime.

(4) "Personal injuries" means actual bodily harm, including pregnancy, directly resulting from the crime.

(5) "Property" means any real or personal property, including currency and negotiable instruments, of the victim.

(6) "Victim" means any person, except an offender as defined herein, who suffered injuries to his person or property as a direct result of the crime.

(7) "Offender" means any person who has been found guilty [in the court of common pleas] of any crime as defined herein.

(8) "Restitution" means return of the property of the victim or payments in cash or the equivalent thereof, pursuant to an order of the court.

(b) Restitution Authorized.—

(1) Upon conviction for any crime wherein property has been stolen, converted, or otherwise unlawfully obtained; or, its value substantially decreased as a direct result of the crime; or, wherein the victim suffered personal injury directly resulting from the crime, the offender may be sentenced, by a judge of the court of common pleas, in addition to the punishment prescribed therefor, to make restitution.

*(1.1) Upon conviction of a crime by a district justice, the district justice may, after hearing, in addition to the punishment prescribed therefor, order restitution which shall be limited to the return of the actual property or its undisputed dollar amount or where the claim for restitution does not exceed one thousand dollars (\$1,000), and is disputed as to amount, determine and order the dollar amount of restitution to be made.*

(2) Whenever restitution has been ordered pursuant to clause (1) of this subsection and the offender has been placed on probation or parole, his compliance with such order may be made a condition of such probation or parole.

(3) In determining whether to order restitution as a part of the sentence or as a condition of probation or parole, the judge *or district justice*:

(i) shall consider the financial means of the offender; the extent of injury suffered by the victim; and such other matters of record as he deems appropriate;

(ii) may order restitution in a lump sum, by monthly installments, or according to such other schedule as he deems just, provided that the period of time during which the offender is ordered to make restitution shall not exceed the maximum term of imprisonment to which the offender could have been sentenced for the crime of which he was convicted;

(iii) may at any time alter or amend any order of restitution made pursuant to this section.

(4) No judgment or order of restitution shall debar the owner of the property or the victim who sustained personal injury, by appropriate action, to recover from the offender as otherwise provided by law, provided that any civil award shall take into account the money paid under the criminal judgment.

(c) Enforcement of Restitution Order.—

(1) Restitution *when ordered by a judge of the court of common pleas* shall be made by the offender to the probation department of the county in which he was convicted, according to the order of the court; *restitution when ordered by a district justice shall be made to the district justice.*

(2) The probation department *and the district justice* shall maintain records of the restitution order and its satisfaction.

(3) The probation department *or the district justice* shall forward to the victim the property or payments made pursuant to the restitution order of the court.

(4) Whenever the offender shall fail to make restitution as provided in the order of the court *of common pleas*, the probation department shall notify the court within twenty (20) days of such failure.

*(4.1) Whenever the offender shall fail to make restitution within twenty (20) days to a district justice as ordered, the district justice shall declare the offender in contempt of court and forward the case to the court of common pleas.*

(5) Upon such notice of failure to make restitution, *or upon receipt of the contempt decision from a district justice*, the court shall order a hearing to determine if the offender is in contempt of court or has violated his probation or parole.

APPROVED—The 22nd day of September, A. D. 1972.

MILTON J. SHAPP

The foregoing is a true and correct copy of Act of the General Assembly  
No. 200.

A handwritten signature in black ink, reading "C. McLaughlin Tucker". The signature is written in a cursive style with a large initial "C" and a prominent "T" at the end.

*Secretary of the Commonwealth.*