

No. 1992-140

AN ACT

HB 301

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for municipal court jurisdiction over landlord-tenant cases; further providing for the establishment of fees and charges; imposing a criminal laboratory user fee; providing for disposition of revenues generated by the fee; providing for the abatement of and for other remedies relating to drug-related nuisances; providing for procedure, for injunctions and for powers and duties of the courts; and making repeals.

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

Section 1. Section 1123(a)(3) of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 1123. Jurisdiction and venue.

(a) General rule.—Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), the Philadelphia Municipal Court shall have jurisdiction of the following matters:

* * *

(3) Matters arising under the act of April 6, 1951 (P.L.69, No.20), known as [“]The Landlord and Tenant Act of 1951.[”] *The judges of the Philadelphia Municipal Court shall have the power to enter judgments exceeding \$5,000 in matters arising under this subsection.*

* * *

Section 2. Section 1725 of Title 42 is amended by adding subsections to read:

§ 1725. Establishment of fees and charges.

* * *

(c) *Counties of the first class.—*

(1) *The following fees shall be received by the clerks of orphans’ courts of counties of the first class:*

(i) *The following fees shall be charged for the filing of accounts of guardians and trustees based upon the size of the estate:*

| | |
|--|----------------|
| <i>Estate not exceeding \$1,000.....</i> | <i>\$14.00</i> |
| <i>Each additional \$1,000 or fraction thereof over \$1,000, but not exceeding \$10,000.....</i> | <i>7.00</i> |
| <i>Over \$10,000, but not exceeding \$25,000.....</i> | <i>140.00</i> |
| <i>Over \$25,000, but not exceeding \$100,000.....</i> | <i>279.00</i> |
| <i>Over \$100,000, but not exceeding \$500,000.....</i> | <i>419.00</i> |
| <i>Over \$500,000, but not exceeding \$1,000,000.....</i> | <i>559.00</i> |
| <i>Each additional \$500,000 or fraction thereof over \$1,000,000.....</i> | <i>300.00</i> |

(ii) *The following fees shall be charged for the indicated activity or function:*

| | |
|--|---------------|
| <i>Affidavit.....</i> | <i>\$3.00</i> |
| <i>Appeal to Supreme Court.....</i> | <i>35.00</i> |
| <i>Attachment.....</i> | <i>3.00</i> |
| <i>Auditor's report.....</i> | <i>14.00</i> |
| <i>Bond.....</i> | <i>7.00</i> |
| <i>Bond, refunding.....</i> | <i>7.00</i> |
| <i>Claim of creditor.....</i> | <i>7.00</i> |
| <i>Copy of any record, per page.....</i> | <i>3.00</i> |
| <i>Disclaimer.....</i> | <i>7.00</i> |
| <i>Docket entries, per page.....</i> | <i>8.00</i> |
| <i>Election to take under or against will.....</i> | <i>7.00</i> |
| <i>Exceptions to adjudication, opinion and decree or master's or auditor's report.....</i> | <i>14.00</i> |
| <i>Execution of deed by clerk.....</i> | <i>14.00</i> |
| <i>Excerpt from schedule and certification.....</i> | <i>7.00</i> |
| <i>Exemplification of any record.....</i> | <i>7.00</i> |
| <i>Exemption, petition for.....</i> | <i>7.00</i> |
| <i>Family settlement:</i> | |
| <i>not exceeding three pages.....</i> | <i>25.00</i> |
| <i>each additional page.....</i> | <i>6.00</i> |
| <i>Guardian, appointment of:</i> | |
| <i>not exceeding \$2,500.....</i> | <i>14.00</i> |
| <i>exceeding \$2,500.....</i> | <i>35.00</i> |
| <i>Inventory, guardian's.....</i> | <i>3.00</i> |
| <i>Marriage license.....</i> | <i>5.00</i> |
| <i>(Plus \$10.00 surcharge for Commonwealth of Pennsylvania)</i> | |
| <i>Consent of parent or guardian.....</i> | <i>3.00</i> |
| <i>Appointment of temporary guardian.....</i> | <i>3.00</i> |
| <i>Master's report.....</i> | <i>13.00</i> |
| <i>Petition and decree.....</i> | <i>14.00</i> |
| <i>Petition and decree for citation.....</i> | <i>28.00</i> |
| <i>Pleading (other than petition):</i> | |
| <i>answer to preliminary objections or exceptions...</i> | <i>7.00</i> |
| <i>Preliminary objections.....</i> | <i>14.00</i> |
| <i>Satisfaction of award, each.....</i> | <i>3.00</i> |
| <i>Short certificate.....</i> | <i>3.00</i> |
| <i>Stipulation.....</i> | <i>14.00</i> |
| <i>Subpoena.....</i> | <i>3.00</i> |

(iii) *The clerk of orphans' courts of counties of the first class are authorized to establish fees for services required by statute or rule of court which are not specifically provided for in this paragraph. Any such additional fees shall be the same as those imposed for similar services. The clerks shall not be required to perform any service until the requisite fee is paid.*

(2) The fees to be received by the Prothonotary of the Trial Division of the Court of Common Pleas and as clerk of the Family Division of said court in counties of the first class shall be as follows:

(i) Appeals:

The filing of an appeal to the Supreme, Superior or the Commonwealth Court, including all services.. **\$150.00**

The filing of any other appeal, including, but not limited to, an appeal from an award in compulsory arbitration, an appeal from administrative agencies, petition for a writ of certiori, appeals from the Municipal Court, appeals from the Board of View and the Board of Revision of Taxes..... **65.00**

(This appeal fee is exclusive of any jury listing fee set forth in this act. This fee does not include the costs of compensation of arbitrators. (See Pa.R.C.P. No.1308))

(ii) Certifications:

Any certification or certificate..... **\$25.00**

Any exemplification..... **50.00**

If the same involves more than one page, for each additional page..... **3.00**

(A certificate or certification is defined as the authentication of any record by affixing the seal of the court. Includes letters Rogatory and Interrogatories to commissioners.)

(iii) Commencement of actions:

Commencement of any civil action:

For the years one through three after the effective date of this act..... **\$120.00**

For the years four through six after the effective date of this act..... **140.00**

For the years seven through ten after the effective date of this act..... **160.00**

(Commencement of action includes the institution of any civil action, divorce or adoption action by Writ of Summons, Complaint, Petition or Report of Intent to Adopt, the filing of any partnership or association agreements or any billing pursuant to the Bulk Sale Act.)

(iv) Computer service charge:

Parties - to be paid at time of commencement of action, appeal or defendant's first filing..... **\$5.00**

Nonparty - providing docket entries for a nonparty per docket entry each..... **5.00**

The funds generated by this computer service charge shall be set aside by the prothonotary and

remitted monthly to the First Judicial District procurement on behalf of the Court of Common Pleas of the First Judicial District. This fund shall be maintained in a dedicated account which shall be used for the development and implementation of effective and efficient automation within the Office of the Prothonotary as well as civil computer hardware, services and programs in the First Judicial District.

(v) Custody:

| | |
|--|----------------|
| <i>Custody, partial custody or visitation.....</i> | \$25.00 |
| <i>Respondent's first responsive filing.....</i> | 15.00 |
| <i>Other motions and petitions - (See petitions and motions)</i> | |

(vi) Defendant's first filing:

The filing by or on behalf of any defendant (or additional defendant) of an entry of appearance, answer, preliminary objections, writ to join (with entry of appearance) or complaint against additional defendant or any paper not otherwise provided for in this paragraph. A pleading, appearance or other paper not otherwise provided for in this act filed on behalf of more than one defendant shall require only one fee. The filing of separate initial pleadings by a defendant require a separate fee.

| | |
|--|----------------|
| <i>For the years one through three after the effective date of this act.....</i> | \$60.00 |
| <i>For the years four through six after the effective date of this act.....</i> | 70.00 |
| <i>For the years seven through ten after the effective date of this act.....</i> | 80.00 |

(vii) Divorce:

Commencement of Action - (See commencement of actions)

Defendant's first filing - (See defendant's first filing)

Other Petitions and Motions - (See petitions and motions)

Praecepto to Transmit:

| | |
|--|----------------|
| <i>For the years one through three after the effective date of this act.....</i> | \$25.00 |
| <i>For the years four through six after the effective date of this act.....</i> | 30.00 |
| <i>For the years seven through ten after the effective date of this act.....</i> | 40.00 |
| <i>Motion for appointment of permanent master.....</i> | 300.00 |

(viii) Eminent domain:

Commencement of action by declaration of taking or petition for a board of view - (See commencement of actions)

(ix) Financing Statements - U.C.C.'s:

The filing of a U.C.C.-1 statement or any initial filing under the Uniform Commercial Code..... \$50.00
(Includes continuation statement and termination.)

(x) Judicial education fee..... \$1.00

There shall be added to every commencement of action fee and defendant's first filing fee the additional sum of \$1.00 for the purpose of providing funding for the continuing judicial education and training for members of the judiciary of the First Judicial District. The funds generated by this charge shall be set aside by the prothonotary and remitted monthly to the First Judicial District procurement to be maintained in a separate account and used for judicial education and training.

(xi) Judgments:

Judgment by confession or complaint in confession of judgment (See Pa.R.C.P. Nos.2950-2974).... \$50.00

Entry of judgment from other jurisdiction..... 50.00

(xii) Liens and reimbursement agreements:

The filing of any Federal tax lien, Commonwealth and municipal tax liens, mechanics' lien or waiver of mechanics' lien and any other lien not specifically covered under this act..... \$20.00

(Mechanics' lien fee does not include commencement of action fee when complaint is filed.)

(xiii) Petitions and motions:

The filing of any petition or motion, excluding commencement of action (See commencement of actions):

For the years one through three after the effective date of this act..... \$10.00

For the years four through ten after the effective date of this act..... 25.00

(xiv) Refunds:

There will be no refund of any amount less than \$10.00.

(xv) Subpoena:

Producing a record in response to subpoena based on four-hour service or fraction thereof..... \$40.00

Service beyond four hours, per hour or fraction thereof..... 10.00

For each mile traveled (round trip) for service out of county..... 00.25

(xvi) Trial listing/jury demand:

Jury fee when the jury trial is demanded:

For the years one through three after the effective date of this act..... \$100.00

For the years four through six after the effective date of this act..... 125.00

For the years seven through ten after the effective date of this act..... 150.00

(xvii) The fee for any paper or service not specifically provided for in this paragraph shall be the same as for a similar service.

(xviii) The fee enumerated in this paragraph shall be exclusive of any tax, law library surcharge or any other surcharge or assessment existing or hereafter levied.

(xix) The prothonotary shall not be required to receive any paper or perform any service until the proper fee is paid.

(xx) The jury fee when paid shall not be refunded.

(xxi) Upon the expiration of ten years after the effective date of this paragraph, the fees set forth herein shall continue until changed according to law.

(d) Counties of the second class.—In counties of the second class, the prothonotary and the clerk of the orphans’ court division shall set apart from the fees fixed in this subsection or under any other statute and collected by them on the following actions, proceedings and appeals and remit monthly the total collected to the county treasurer for the exclusive use and benefit of the public law library in the county:

(1) The sum of \$1 for appeals to the court of common pleas from any administrative agency, independent agency, government unit, government agency or Commonwealth agency.

(2) The sum of \$1 for appeals that are filed with or are to be heard by the court of common pleas which appeals are not specifically set forth in paragraph (1), including, but not limited to, appeals from district justices, the Pittsburgh Magistrates Court and the Traffic Court of Pittsburgh.

(3) The sum of \$1 for appointments of Boards of View.

(4) The sum of \$1 for certiorari to district justices and the Pittsburgh Magistrates Court and the Traffic Court of Pittsburgh.

(5) The sum of \$1 for the commencement of a civil action or proceeding.

(6) The sum of \$1 for the filing of a praecipe for and issuance of a writ of execution or attachment.

(7) *The sum of \$1 for the entry of a judgment by confession or otherwise.*

(8) *The sum of \$1 for the filing of adversary and amicable scire facias proceedings.*

(9) *The sum of \$1 for every filing with respect to fictitious names, whether individual or corporate.*

(10) *The sum of \$1 for the probate of a will, the issuance of letters of administration or a petition for disposition of decedents estates independent of the issuance of letters testamentary or of administration.*

(11) *The sum of \$1 for the filing of an account of fiduciary in the office of the clerk of the orphans' court division or in the office of the prothonotary.*

(12) *The sum of \$1 for the filing of a petition for a writ of habeas corpus for the custody of a minor child or a petition for the award of custody of a minor child.*

(13) *The sum of \$1 for the filing of a praecipe for the issuance of miscellaneous writs, for the filing of a petition for a citation or for the filing of a caveat not specifically provided for in this subsection.*

(e) *Counties of the second class A.—In counties of the second class A, the prothonotary, the register of wills and the clerk of the court shall set apart from the fees fixed in this subsection or under any other statute and collected by them on the following actions and proceedings and remit monthly the total collected to the county treasurer for the exclusive use and benefit of the public law library in the county if the county commissioners so request and in the amount they so request:*

(1) *The sum of not less than \$5 nor more than \$40 for the commencement of any civil action or proceeding.*

(2) *The sum of not less than \$5 nor more than \$40 for the probate of a will, the issuance of letters of administration or any petition for disposition of decedents estates independent of the issuance of letters testamentary or of administration.*

(3) *The sum of not less than \$5 nor more than \$40 for each misdemeanor or felony case processed by the clerk of courts.*

Section 3. Title 42 is amended by adding a section to read:

§ 1725.3. *Criminal laboratory user fee.*

(a) *Imposition.—A person who is placed on probation without verdict pursuant to section 17 of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or who receives Accelerated Rehabilitative Disposition or who pleads guilty to or nolo contendere to or who is convicted of a crime as defined in 18 Pa.C.S. § 106 (relating to classes of offenses) or 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance) or 3735 (relating to homicide by vehicle while driving under influence) or a violation of The Controlled Substance, Drug, Device and Cosmetic Act shall, in addition to any fines, penalties or costs, in every case where laboratory services were required to prosecute the crime or violation, be sentenced to pay a criminal laboratory user fee which shall include, but not be limited to, the cost of sending a laboratory technician to court proceedings.*

(b) Amount of user fee.—

(1) Where the prosecution is conducted in a county of the first class or a county of the second class and the county operates a county laboratory that has provided services in the prosecution, the director or similar officer of the county laboratory shall determine the actual cost of the laboratory services provided in the prosecution and transmit a statement for services rendered to the court. If a county of the first class or a county of the second class does not operate a county laboratory and laboratory services in the prosecution were provided by the Pennsylvania State Police, the fee shall be determined under paragraph (2).

(2) Where the prosecution is conducted in a county other than a county of the first class or a county of the second class and a Pennsylvania State Police laboratory has provided services in the prosecution, the director or similar officer of the Pennsylvania State Police laboratory shall determine the actual cost of the laboratory services provided in the prosecution and transmit a statement for services rendered to the court.

(c) Disposition of fees.—

(1) In a county of the first class or a county of the second class that operates a county laboratory, the criminal laboratory user fee shall be paid to the county and shall be used solely for operation and maintenance of the county laboratory. If a county of the first class or a county of the second class does not operate a county laboratory, the criminal laboratory user fee shall be paid into the Criminal Laboratory User Fee Fund created under paragraph (2).

(2) In a county other than a county of the first class or a county of the second class or where a county of the first class or a county of the second class does not operate a county laboratory, the criminal laboratory user fee shall be paid into a special nonlapsing fund of the State Treasury, which is hereby established and shall be known as the Criminal Laboratory User Fee Fund. Money in the Criminal Laboratory User Fee Fund is hereby appropriated to the Pennsylvania State Police and shall be used solely for operation and maintenance of Pennsylvania State Police criminal laboratories.

(d) Other laws.—The criminal laboratory user fee shall be imposed notwithstanding any other provision of law to the contrary.

Section 4. Chapter 83 of Title 42 is amended by adding a subchapter to read:

CHAPTER 83
PARTICULAR RIGHTS AND IMMUNITIES

* * *

SUBCHAPTER H
DRUG NUISANCES

- Sec. 8381. Short title of subchapter.
- 8382. Definitions.
- 8383. Action to abate.

- 8384. Complaint.
- 8385. Service of original process.
- 8386. Preliminary injunction.
- 8387. Protection of witnesses.
- 8388. Security.
- 8389. Judgment and remedies.
- 8390. Violation of injunctions or abatement order.
- 8391. Release and cancellation.
- 8392. Severability.

§ 8381. Short title of subchapter.

This subchapter shall be known and may be cited as the Drug Nuisance Law.

§ 8382. Definitions.

The following words and phrases when used in this subchapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Community-based organization.” Any group affiliated with or organized for the benefit of one or more communities or neighborhoods, or any group organized to benefit the quality of life in a residential area.

“Controlled substance act.” The act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

“Drug-related nuisance.” The use of any property, in whole or in part, which facilitates or is intended to facilitate any violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or similar act of the United States or any other state.

“Manufacture” or “manufacturing.” The production, preparation, propagation, compounding, conversion or processing of a controlled substance, other drug or device or the packaging or repackaging of such substance or article, or the labeling or relabeling of the commercial container of such substance or article, but does not include the activities of a practitioner who, as an incident to his administration or dispensing such substance or article in the course of his professional practice, prepares, compounds, packages or labels such substance or article. The term “manufacturer” means a person who manufactures a controlled substance, other drug or device.

“Owner.” An individual, corporation, partnership, trust association, joint venture or any other business entity in whom is vested all or any part of the title to the property alleged to be a drug-related nuisance.

“Property.” Any tangible or intangible property, including an interest in any leasehold, license or real estate, such as any house, apartment building, condominium, cooperative, office building, store, restaurant, tavern, nightclub or warehouse, and the land extending to the boundaries of the lot upon which the structure is situated and anything growing on, affixed or found on the land.

“Tenant.” A person who resides in or occupies real property belonging to another person pursuant to a lease agreement or common law tenancy.

§ 8383. Action to abate.

Wherever there is reason to believe that a drug-related nuisance exists, the district attorney, the Attorney General, if requested by a district attorney, the solicitor for the county or municipality, a resident within 1,000 feet of the property, including a tenant of the property, the owner of property or any community-based organization may file an action in the court of common pleas to abate, enjoin and prevent the drug-related nuisance. Such actions shall be commenced by the filing of a complaint alleging the facts constituting the drug-related nuisance.

§ 8384. Complaint.

(a) Adverse impact.—The complaint or an affidavit attached thereto shall describe the adverse impact associated with the drug nuisance upon the surrounding neighborhood. Adverse impact includes, without limitation, the presence of any one or more of the following conditions:

- (1) Diminished property value.
- (2) Increased fear of residents to walk through and in public areas, including sidewalks and streets, increased volume of vehicular and pedestrian traffic to and from the property.
- (3) An increase in the number of ambulance or police calls to the property which are related to the use of drugs or to violence stemming from illegal activity.
- (4) Increased noise, bothersome solicitations or approaches by persons wishing to sell drugs or solicit the donation of money on or near the property.
- (5) The display of dangerous weapons on or near the property.
- (6) The discharge of firearms on or near the property.
- (7) Search warrants served on tenants or occupants of the property which resulted in the seizure of drugs.
- (8) Investigative purchases of drugs on or near the property by law enforcement officers.
- (9) Arrests of person on or near the property for violation of criminal laws.
- (10) Housing code violations relating to the property.
- (11) Health code violations relating to the property.
- (12) Accumulated trash and refuse in common areas on or adjacent to the property.
- (13) An unsecured entryway on the property.

(b) Attempts to notify owner.—The complaint shall contain a description of what attempts, if any, have been made by the plaintiff or any other person or entity to notify the owner of the property of the drug-related nuisance or resulting adverse impact.

§ 8385. Service of original process.

(a) General rule.—A copy of the summons and complaint shall be served upon the defendant at least five business days prior to the first hearing in the action. Service of original process shall be made in accordance with the Pennsylvania Rules of Civil Procedure.

(b) Posting at property.—If personal service cannot be made, service may be made by posting the papers at the property. If service is made by posting at the property, a copy of the summons and complaint shall be mailed registered mail to the last known mail address, if any, of the defendant. Actual receipt of the registered mail shall not be required for service.

§ 8386. Preliminary injunction.

Upon the filing of a motion for preliminary injunction to abate the drug-related nuisance, the plaintiff shall be entitled to a hearing on the motion for preliminary injunction within 10 business days of the filing. If it shall be made to appear, by affidavit or otherwise, that there is a substantial likelihood that the plaintiff will show at trial, by a preponderance of the evidence, that drug-related nuisance exists, the court shall enter an order preliminarily enjoining the drug-related nuisance and granting such other relief as the court may deem to be appropriate, including those remedies provided for in section 8389 (relating to judgment and remedies). Whenever possible, the court shall order the trial of the action on the merits advanced and consolidated with the hearing of the motion. This section shall not be construed to prohibit the application for or the granting of a temporary restraining order.

§ 8387. Protection of witnesses.

At the time of an application for the issuance of a restraining order or an injunction if proof of the existence of the drug-related nuisance depends, in whole or part, upon the affidavits of witnesses who are not law enforcement officers, upon a showing of prior threats of violence or acts of violence by any defendant or other person alleged to be involved in the drug-related nuisance, the court may issue orders to protect those witnesses, providing for nondisclosure of the name, address or any other identifying information pertaining to the witnesses, and such other and further relief as the court may deem appropriate.

§ 8388. Security.

No bond shall be required to issue a preliminary injunction or special injunction sought by the district attorney or the solicitor for the county or municipality. A bond in an amount fixed and with security approved by the court may be required to issue a preliminary injunction or special injunction when the plaintiff is not the district attorney, the Attorney General or a solicitor for the county or municipality. Where such relief is issued after an evidentiary hearing at which witnesses are subject to cross examination, the court shall not require a bond in excess of \$500.

§ 8389. Judgment and remedies.

(a) Burden of proof.—The plaintiff must establish that a drug-related nuisance exists by a preponderance of the evidence.

(b) Relief.—If the existence of a drug-related nuisance is found, the judgment may include actual damages and a temporary or permanent injunction to restrain, abate and prevent the continuance or recurrence of the drug-related nuisance. The court may grant declaratory relief, mandatory orders or any other relief deemed necessary to accomplish the purposes of the injunction or order and enforce the same, and the court may retain jurisdiction of the case for the purpose of enforcing its orders.

(c) Additional remedies.—If the existence of a drug-related nuisance is found, the court shall have the power additionally to fashion any one or more of the following remedies:

(1) Assess costs of the action against the defendant.

(2) When a governmental agency is a plaintiff in the action, assess a civil penalty against the defendant of not less than \$500 nor more than \$10,000.

(3) Order the owner to clean up the property and make repairs upon the property.

(4) Suspend or revoke any business, professional, operational or liquor license.

(5) Order the owner to make additional reasonable expenditures upon the property, including, but not limited to, installing secure locks on doors, increasing lighting in common areas and using videotaped surveillance of the property and adjacent alleyways, sidewalks and parking lots.

(6) Order all rental income from the property to be placed in an escrow account with the court for up to 90 days or until the drug-related nuisance is abated.

(7) Order all rental income for the property transferred to a trustee, to be appointed by the court, who shall be empowered to use the rental income to make reasonable expenditures upon the property in order to abate the drug-related nuisance.

(8) Order the suspension of any State, city or local governmental subsidies payable to the owners of the property, such as tenant assistance payments to landlords, until the nuisance is abated.

(9) Allow the plaintiff to seal the property with the cost of sealing payable by the defendant.

(10) Order the defendant to pay the plaintiff the cost of the suit, including reasonable attorney fees.

(d) Factors to consider.—In making an order under subsection (c), the court shall consider, among others, the following factors:

(1) The number of people residing at the property.

(2) The proximity of the property to other residential structures.

(3) The number of times the property has been cited for housing code or health code violations.

(4) The number of times the owner has been notified of drug-related problems at the property.

(5) The extent and duration of the drug-related nuisance at the time of the order.

(6) Prior efforts or lack of effort by the defendant to abate the drug-related nuisance.

(7) The availability of alternative housing for tenants of the building.

(8) The extent of concern about the drug-related nuisance that has been expressed by nearby residents or visitors to the area.

(9) The owner's involvement in the drug-related nuisance.

(10) The owner's involvement in other drug-related nuisances.

§ 8390. Violation of injunctions or abatement order.

(a) Contempt.—A violation of any court order issued under this subchapter is punishable as a contempt of court by a fine of not less than \$500 nor more than \$75,000. The court may order the sheriff or other proper officer of any county to take into custody and commit to jail any person fined for a contempt until the fine shall be paid or discharged. If unable to pay the fine, the person may be committed to jail by the court for not more than three months. Evidence concerning the duration and repetitive nature of the violations shall be considered by the court in determining the contempt penalties.

(b) Additional orders.—In addition, upon finding that a defendant has willfully violated a court order issued under this subchapter, the court shall be also empowered to issue any additional orders necessary to abate this drug-related nuisance.

§ 8391. Release and cancellation.

(a) No knowledge and abatement.—The court may suspend the effectiveness of an order of abatement for no more than 90 days if the owner of the property establishes that he had no knowledge of the drug-related nuisance and could not reasonably be expected to have such knowledge and the owner avers that he will immediately undertake specified measures to abate the nuisance and prevent it from being a drug-related nuisance for the following two-year period.

(b) Fines and bond.—The courts shall cancel the order of abatement if the owner of the property pays all fines and liens against the property, satisfies the court that the drug-related nuisance has been abated for the past 90 days, corrects all housing code and health code violations and posts a bond in an amount to be determined by the court, which will be immediately forfeitable if the drug-related nuisance recurs during the following one-year period.

§ 8392. Severability.

If any provision of this subchapter or its application to any person or circumstance is held invalid or unenforceable, the remainder of this subchapter or the application of the provision to other persons or circumstances shall not be affected.

Section 5. (a) The following acts and parts of acts are repealed:

Section 24 (e) and (e.1) of the act of July 9, 1976 (P.L.586, No.142), known as the Judiciary Act of 1976.

42 Pa.C.S. § 1725.

Act of July 11, 1980 (P.L.643, No.133), entitled "An act fixing the fees to be received by the prothonotary of Philadelphia County."

(b) All other acts and parts of acts are repealed insofar as they are inconsistent with this act.

Section 6. The addition of 42 Pa.C.S. § 1725.3 shall apply to offenses committed on or after the effective date of this act.

Section 7. This act shall take effect as follows:

- (1) The addition of 42 Pa.C.S. §1725.3 shall take effect immediately, except that §1725.3(b)(2) and (c)(2) shall take effect January 1, 1994.
- (2) This section shall take effect immediately.
- (3) The remainder of this act shall take effect in 60 days.

APPROVED—The 14th day of December, A. D. 1992.

ROBERT P. CASEY