

No. 2006-81

AN ACT

HB 1746

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for establishment of fees and charges, for limitations of time for other offenses, for inspection of court files and records, for law enforcement records and for the expiration of provisions on access to justice; and making a related repeal.

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

Section 1. Section 1725(c)(2) of Title 42 of the Pennsylvania Consolidated Statutes is amended and the subsection is amended by adding paragraphs to read: § 1725. Establishment of fees and charges.

(c) Counties of the first class.—

(2) The fees to be received by the Prothonotary *on behalf* of the Trial Division [of the Court of Common Pleas] and as [clerk] *Clerk* of the Family Division of [said court] *the Court of Common Pleas* 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] \$161.00

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] 86.00

(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] \$27.00
Any exemplification [50.00] 54.00
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] 172.00

(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] *Automation maintenance fee:*

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:

Custody, partial custody or visitation	[\$30.00] \$32.00
Respondent's first responsive filing	[15.00] 16.00
Other motions and petitions - (See petitions and motions)	

Thirteen percent of the funds generated by the charge under this subparagraph shall be transmitted by the prothonotary to the Administrative Office to pay for the implementation of section 1904 (relating to availability of criminal charge information in child custody proceedings).

(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.] *separate fee* \$86.00

[For the years one through three after the effective date of this act. \$60.00

For the years four through six after the effective date of this act 70.00

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

[Praecipe to transmit:

For the years one through three after the effective date of this act \$25.00

For the years four through six after the effective date of this act 30.00

For the years seven through ten after the effective date of this act 40.00]

Praecipe to transmit: \$43.00

[Motion for appointment of permanent master 300.00]

Motion for appointment of permanent master 322.00

(viii) Eminent domain:

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

[(ix) Uniform Commercial Code as provided in 13 Pa.C.S. § 9525 (relating to fees.)]

(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] \$54.00**

Entry of judgment from other jurisdiction **[50.00] 54.00**

(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] \$21.00**

(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):] *action (See commencement of actions)*. . . . **\$27.00**

[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.] Name search** **\$38.00**

(xv) Subpoena:

Issuance of subpoena as authorized by Pa.R.C.P. No.234.2 **\$5.00**

Producing a record in response to subpoena based on four-hour service or fraction thereof **[\$40.00] \$43.00**

Service beyond four hours, per hour or fraction thereof **[10.00] 11.00**

For each mile traveled (round trip) for service out of county **[00.25] 00.365**

(xvi) Trial listing/jury [demand:] *demand* **\$161.00**

[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.] *Record retention fee* **\$1.00**

A record retention fee shall be added to every motion or petition, excluding a motion or petition which constitutes an initial filing, the additional

sum of \$1.00 for the purpose of providing funding to establish and maintain a record retention program for 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 record retention purposes.

(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.] *Prothonotary automation development fee*

\$5.00

In addition to any other fee authorized by law, an automation fee may be charged and collected by the prothonotary upon initiation of any action or legal proceeding. The automation fee shall be deposited into a special prothonotary automation fund established for and maintained by the First Judicial District of Pennsylvania. Moneys deposited into the special prothonotary automation fund and any interest accrued thereon shall be used solely for the purpose of prothonotary automation, including automation updates.

(xix) *The prothonotary is authorized, with the approval of the President Judge, to establish fees for services required by statute or general rule which are not specifically provided for in this paragraph. Any fees so established shall be the same as those imposed for similar services.* The prothonotary shall not be required to receive any paper or perform any service until the proper fee is paid.

(xx) *Refunds:*

There will be no refund of any amount less than \$15. 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.]

(xxii) *Special court administration fee*

\$5.00

There shall be added to every commencement of action fee and defendant's first filing fee the additional sum of \$5.00 for the purpose of providing funding for the administration of gun and zone courts in 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 special gun and zone court fund.

The money in the fund and any interest accrued thereon shall be used solely for the purpose of administration of gun and zone courts.

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

(3) The fees to be received by the prothonotary on behalf of the Philadelphia Municipal Court in civil actions shall be as follows:

<i>(i) Commencement of civil action \$0 to \$2,000 . . .</i>	<i>\$20.00</i>
<i>(ii) Commencement of civil actions \$2,001 to \$10,000</i>	<i>\$40.00</i>
<i>(iii) Commencement of landlord and tenant civil actions \$0 to \$2,000</i>	<i>\$20.00</i>
<i>(iv) Commencement of landlord and tenant actions \$2,001 to \$10,000</i>	<i>\$40.00</i>
<i>(v) Commencement of landlord and tenant civil actions over \$10,000</i>	<i>\$60.00</i>
<i>(vi) Indexing</i>	<i>\$5.00</i>
<i>(vii) Writ of possession</i>	<i>\$4.00</i>
<i>(viii) Motions (petitions)</i>	<i>\$10.00</i>
<i>(ix) Additional defendant filing shall be same as initial filing</i>	
<i>(x) Counterclaim shall be same as initial filing</i>	
<i>(xi) Cross-claim shall be same as initial filing</i>	
<i>(xii) Setoffs shall be same as initial filing</i>	
<i>(xiii) Subpoena</i>	<i>\$3.00</i>
<i>(xiv) Writ of revival</i>	<i>\$6.00</i>
<i>(xv) Record retention fee</i>	<i>\$1.00</i>

There shall be added to every motion the additional sum of \$1 for the purpose of providing funding for establishing and maintaining a record retention program for 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 record retention purposes.

(xvi) Automation fee:

<i>(A) Initial pleading in all civil actions and landlord tenant actions</i>	<i>\$5.00</i>
<i>(B) All civil petitions and motions</i>	<i>\$2.00</i>

The funds generated by this automation fee shall be set aside by the prothonotary and remitted monthly to the First Judicial District.

(xvii) The fees enumerated in this paragraph do not cover any costs for services performed by the sheriff or other writ server. Service of initial process shall be \$27.

All other fees of the sheriff or other writ server shall be in accordance with the sheriff's fee bill applicable to Philadelphia County.

(xviii) The commencement of any action or proceeding as well as complaints and all writs shall be exempt from any library fee or taxes.

(4) Beginning on January 1, 2008, and each January 1 thereafter, the prothonotary may, with the approval of the president judge of the applicable court, periodically increase any fee or charge imposed as of the effective date of this paragraph pursuant to paragraphs (2) or (3). However, no such fee or charge may be increased more than once in any three-year period, and the amount of any increase may not be greater than the percentage of increase in the Consumer Price Index for Urban Workers for the immediate three years preceding the last increase in the fee or charge.

(5) The First Judicial District of Pennsylvania may impose a charge for the production of records produced pursuant to a subpoena served on the First Judicial District or its employees as follows:

- (i) Producing a record in response to a subpoena based on four-hour service or fraction thereof \$43.00*
- (ii) Service beyond four hours, per hour or fraction thereof 11.00*
- (iii) For each mile traveled (round trip) for service out of county 00.365*

(6) (i) In counties of the first class, there shall be charged and set apart by the officers receiving the fees fixed under this section an amount equal to 20% of the filing fees at the time in effect for the probate of wills, the issue of letters testamentary, the issue of letters of administration and the filing of accounts with the register of wills, the filing of accounts of trustees and guardians, and of all filings in the office of the prothonotary of the court of common pleas of the county.

(ii) The provisions of this paragraph shall not apply to any actions taken or initiated by any political subdivision.

(iii) The funds set aside shall be remitted monthly to the First Judicial District and deposited into a family court facility fund, which is to be established and used by the First Judicial District to fund the lease, purchase and maintenance of appropriate family court facilities and for related purposes.

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Section 2. Section 4907 of Title 42 is amended to read:

§ 4907. Expiration of chapter.

This chapter shall expire [in five years.] on November 1, 2012. At least one year prior to the expiration of this chapter, the Legislative Budget and Finance Committee shall conduct and submit to the General Assembly a performance audit for the purpose of determining whether there is a continuing justification for the activities and level of financial support provided for under this chapter.

Section 3. Sections 5552(b.1), 6307 and 6308(b) of Title 42 are amended to read:

§ 5552. Other offenses.

* * *

(b.1) Major sexual offenses.—A prosecution for any of the following offenses *under Title 18* must be commenced within 12 years after it is committed:

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 4302 (relating to incest).

Section 6312 (relating to sexual abuse of children).

* * *

§ 6307. Inspection of court files and records.

(a) *General rule.*—All files and records of the court in a proceeding under this chapter are open to inspection only by:

(1) The judges, officers and professional staff of the court.

(2) The parties to the proceeding and their counsel and representatives, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.

(3) A public or private agency or institution providing supervision or having custody of the child under order of the court.

(4) A court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to a proceeding under this chapter.

(5) A judge or issuing authority for use in determining bail, provided that such inspection is limited to orders of delinquency adjudications and dispositions and petitions relating thereto, orders resulting from disposition review hearings and histories of bench warrants and escapes.

(6) The Administrative Office of Pennsylvania Courts.

(6.1) The judges, officers and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties.

(6.2) Officials of the Department of Corrections or a State Correctional Institution or other penal institution to which an individual who was previously adjudicated delinquent in a proceeding under this chapter has been committed, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.

(6.3) A parole board, court or county probation official in considering an individual's parole or in exercising supervision over any individual who was previously adjudicated delinquent in a proceeding under this chapter, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.

(6.4) The board for use in completing assessments.

(7) With leave of court, any other person or agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

(b) Public availability.—

(1) The contents of court records and files concerning a child shall not be disclosed to the public unless any of the following apply:

(i) The child has been adjudicated delinquent by a court as a result of an act or acts committed:

(A) when the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult; or

(B) when the child was 12 or 13 years of age and the conduct would have constituted one or more of the following offenses if committed by an adult:

(I) Murder.

(II) Voluntary manslaughter.

(III) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).

(IV) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses).

(V) Involuntary deviate sexual intercourse.

(VI) Kidnapping.

(VII) Rape.

(VIII) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(IX) Robbery of motor vehicle.

(X) Attempt or conspiracy to commit any of the offenses in this subparagraph.

(ii) A petition alleging delinquency has been filed alleging that the child has committed an act or acts subject to a hearing pursuant to section 6336(e) (relating to conduct of hearings) and the child previously has been adjudicated delinquent by a court as a result of an act or acts committed:

(A) when the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult; or

(B) when the child was 12 or 13 years of age and the conduct would have constituted one or more of the following offenses if committed by an adult:

(I) Murder.

(II) Voluntary manslaughter.

(III) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2).

(IV) Arson as defined in 18 Pa.C.S. § 3301(a)(1).

(V) Involuntary deviate sexual intercourse.

(VI) Kidnapping.

(VII) Rape.

(VIII) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii).

(IX) Robbery of motor vehicle.

(X) Attempt or conspiracy to commit any of the offenses in this subparagraph.

(2) If the conduct of the child meets the requirements for disclosure as set forth in paragraph (1), then the court shall disclose the name, age and address of the child, the offenses charged and the disposition of the case. The judge who adjudicates a child delinquent shall specify the particular offenses and counts thereof which the child is found to have committed, and such information shall be inserted on any court or law enforcement records or files disclosed to the public as provided for in this section or in section 6308(b)(2) (relating to law enforcement records).

§ 6308. Law enforcement records.

* * *

(b) Public availability.—

(1) The contents of law enforcement records and files concerning a child shall not be disclosed to the public unless any of the following apply:

(i) The child has been adjudicated delinquent by a court as a result of an act or acts committed:

(A) when the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult; or

(B) when the child was 12 or 13 years of age and the conduct would have constituted one or more of the following offenses if committed by an adult:

(I) Murder.

(II) Voluntary manslaughter.

(III) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).

(IV) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses).

(V) Involuntary deviate sexual intercourse.

(VI) Kidnapping.

(VII) Rape.

(VIII) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(IX) Robbery of motor vehicle.

(X) Attempt or conspiracy to commit any of the offenses in this subparagraph.

(ii) A petition alleging delinquency has been filed [by a law enforcement agency] alleging that the child has committed an act or acts subject to a hearing pursuant to section 6336(e) (relating to conduct of hearings) and the child previously has been adjudicated delinquent by a court as a result of an act or acts committed:

(A) when the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult; or

(B) when the child was 12 or 13 years of age and the conduct would have constituted one or more of the following offenses if committed by an adult:

- (I) Murder.
- (II) Voluntary manslaughter.
- (III) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2).
- (IV) Arson as defined in 18 Pa.C.S. § 3301(a)(1).
- (V) Involuntary deviate sexual intercourse.
- (VI) Kidnapping.
- (VII) Rape.
- (VIII) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii).
- (IX) Robbery of motor vehicle.
- (X) Attempt or conspiracy to commit any of the offenses in this subparagraph.

(2) If the conduct of the child meets the requirements for disclosure as set forth in paragraph (1), then the [court or] law enforcement agency[, as the case may be,] shall disclose the name, age and address of the child, the offenses charged and the disposition of the case. **[The master or judge who adjudicates a child delinquent shall specify the particular offenses and counts thereof which the child is found to have committed and such information shall be inserted on any law enforcement records or files disclosed to the public as provided for in this section.]**

* * *

Section 4. Repeals are as follows:

(1) The General Assembly declares that the repeal under paragraph (2) is necessary to effectuate the amendment of 42 Pa.C.S. § 1725(c)(2).

(2) The act of December 5, 1980 (P.L.1107, No.190), referred to as the Philadelphia Municipal Court Fee Law, is repealed.

Section 5. This act shall apply to all actions instituted on or after the effective date of this act.

Section 6. This act shall take effect in seven days.

APPROVED—The 7th day of July, A.D. 2006.

EDWARD G. RENDELL