

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1267 Session of
2024

INTRODUCED BY ARGALL AND DUSH, JUNE 21, 2024

REFERRED TO LAW AND JUSTICE, JUNE 21, 2024

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, in constables, further providing for
3 restricted account and for fees.

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

6 Section 1. Sections 7149(b) and 7161(f) and (g) of Title 44
7 of the Pennsylvania Consolidated Statutes are amended to read:
8 § 7149. Restricted account.

9 * * *

10 (b) Surcharge.--There is assessed as a cost in each case
11 before a magisterial district judge a surcharge of [~~\$5~~] \$10 per
12 docket number in each criminal case and [~~\$5~~] \$10 per named
13 defendant in each civil case in which a constable or deputy
14 constable performs a service provided in Subchapter G (relating
15 to compensation), except that no county shall be required to pay
16 this surcharge on behalf of any indigent or other defendant in a
17 criminal case.

18 * * *

19 § 7161. Fees.

1 * * *

2 (f) Civil and landlord-tenant cases.--Fees in civil and
3 landlord-tenant cases shall be as follows:

4 (1) For serving complaint, summons or notice on suitor
5 or tenant, either personally or by leaving a copy, [~~\$13~~] \$20,
6 plus [~~\$5~~] \$10 for each additional defendant at the same
7 address, [~~\$2.50~~] \$5 for each return of service, plus mileage.

8 (2) For levying goods, including schedule of property
9 levied upon and set aside, notice of levy and return of
10 service, [~~\$75~~] \$125, plus mileage.

11 (3) For advertising personal property for public sale,
12 [~~\$7~~] \$10 per posting, with a maximum [~~\$21~~] \$30 fee, plus
13 mileage, plus the cost of advertising.

14 (4) For selling goods levied, receipts and returns to
15 court, [~~\$85~~] \$125, plus mileage.

16 (5) For making return of not found, [~~\$13~~] \$20, plus
17 mileage. Payment shall be limited to three returns of not
18 found.

19 (6) For executing order of possession, [~~\$13~~] \$20, plus
20 [~~\$5~~] \$10 for each additional defendant at the same address,
21 [~~\$2.50~~] \$5 for each return of service, plus mileage.

22 (7) For ejectment, [~~\$90~~] \$150, [~~\$2.50~~] \$5 for each
23 return of service, plus mileage.

24 (8) For making any return of service other than not
25 found, [~~\$2.50~~] \$5 each.

26 (9) For providing courtroom security as ordered, [~~\$13~~]
27 \$25 per hour, assessed against one or more parties as
28 determined by the court.

29 (10) Actual mileage for travel by motor vehicle shall be
30 reimbursed at the rate equal to the highest rate allowed by

1 the Internal Revenue Service. If travel is by other than
2 motor vehicle, reimbursement shall be for vouchered travel
3 expenses.

4 (g) Criminal cases.--Fees in criminal cases shall be as
5 follows:

6 (1) For executing each warrant of arrest or for
7 effectuating the payment of fines and costs by attempting to
8 execute each warrant of arrest, [~~\$25~~] \$50 for each docket
9 number and [~~\$2.50~~] \$5 for each return of service, plus
10 mileage.

11 (2) For taking custody of a defendant, [~~\$5~~] \$25 per
12 defendant.

13 (3) For conveyance of defendant to or from court, [~~\$5~~]
14 \$25 per defendant.

15 (4) For attendance at arraignment or hearing, [~~\$13~~] \$25.

16 (5) For executing discharge, [~~\$5~~] \$25 per defendant.

17 (6) For executing commitment, [~~\$5~~] \$25 per defendant.

18 (7) For executing release, [~~\$5~~] \$25 per defendant.

19 (8) For making returns to the court, [~~\$2.50~~] \$5.

20 (9) Transporting each nonincarcerated defendant to jail,
21 [~~\$17~~] \$25, plus mileage; transporting an incarcerated
22 prisoner, [~~\$38~~] \$50 per prisoner, plus an hourly rate of
23 [~~\$13~~] \$25 per hour, plus mileage. Computation of hourly rate
24 will apply after the expiration of the first hour per
25 prisoner per hour, not to exceed [~~\$26~~] \$50 per hour per
26 constable.

27 (10) Receipt of the fees for transporting a
28 nonincarcerated defendant under paragraph (9) shall not
29 exclude receipt of the fees under paragraphs (6) and (8) for
30 that transport.

1 (11) Receipt of the fees for transporting an
2 incarcerated prisoner under paragraph (9) shall exclude
3 receipt of the fees under paragraphs (2), (3), (4) and (7)
4 for the transport.

5 (12) Actual mileage for travel by motor vehicle shall be
6 reimbursed at the rate equal to the highest rate allowed by
7 the Internal Revenue Service. If travel is by other than
8 motor vehicle, reimbursement shall be for vouchered travel
9 expenses.

10 (13) For conveying defendants for fingerprinting, [~~\$17~~]
11 \$25 per defendant, plus [~~\$13~~] \$25 per hour beyond the first
12 hour per defendant per hour, not to exceed [~~\$26~~] \$50 per hour
13 per constable, plus mileage.

14 (14) For holding one or more defendants at the office of
15 a magisterial district judge, [~~\$13~~] \$25 per hour per
16 defendant beyond the first half hour.

17 (15) For courtroom security as ordered, [~~\$13~~] \$25 per
18 hour, assessed against one or more parties as determined by
19 the court.

20 (16) In all criminal cases wherein the defendant is
21 discharged or indigent or the case is otherwise dismissed,
22 the court shall assess to the county the fee provided in this
23 section, except that, in cases of private criminal complaints
24 where the defendant is discharged prior to the indictment or
25 the filing of any information or the case is otherwise
26 dismissed at the summary offense hearing, the court shall
27 assess the fee to the affiant.

28 * * *

29 Section 2. This act shall take effect in 60 days.