



# The Judiciary Review

## Report from the Senate Judiciary Committee (D)

JAY COSTA JR., DEMOCRATIC CHAIRMAN

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September 2002

### JUDICIARY COMMITTEE MOVES LEGISLATION REVISING: *Legal Services Funding, Child Custody, Deficiency Judgements Actions, the "Son of Sam" Law, Providing for Safer Communities and Studying the Issue of Minority Jurors.*

#### LEGAL SERVICES FUNDING

■ **House Bill No. 2322**  
**Printer's No. 4289**

The bill authorizes the increase of certain filing fees and dedicates the funds to the Judicial Computerization Project and establishes the Access to Justice Account for the purpose of providing additional funds for legal assistance to the poor and disadvantaged. The legislation authorizes the prothonotaries of the Supreme, Superior and Commonwealth Courts, the prothonotaries and clerks of the Orphans Court, Registers of Wills and Courts of Common Pleas to collect an additional fee of \$10 for the initiation of any legal proceeding. Further, the amendment authorizes district justices, the Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court to collect an additional fee of \$10 (increasing the fee from \$1.50) for the initiation of all legal proceedings. Last an additional fee of \$10 is required to be collected by the Recorders of Deeds for the filing of each deed, mortgage or property transfer. The act would take effect on November 1, 2002.

*Current status: Governors' Desk*

#### VANDALISM & TRESPASS

■ **House Bill No. 582**  
**Printer's No. 4169**

The legislation amends the Crimes Code to provide that the offense of criminal mischief is committed when

a person intentionally defaces or damages tangible public property or the property of another with graffiti by using aerosol spray paint, broad-tipped indelible marker or a similar marking device. A person commits the offense of institutional vandalism if the person knowingly vandalizes, defaces or otherwise damages any State or local government building or vehicle. Additionally, in an amendment to the bill sponsored by Senator Costa, criminal trespass is amended to provide for the unauthorized entry onto school grounds where signs are posted. Defiant trespass occurring on school grounds is increased to a misdemeanor of the first degree. Last, fines are increased and a possible 30-day driver's license suspension for retail theft of motor fuel is included. The act takes effect immediately.

*Current status: Governors' Desk*

#### CHILD CUSTODY

■ **Senate Bill No. 1260**  
**Printer's No. 1651**

This legislation is the product of the Advisory Committee on Domestic Relations Law of the Joint State Government Commission. The Advisory Committee was created by the adoption of Senate Resolution 43 of 1993 directing the commission to undertake a study of the domestic relations law excluding adoption and child abuse. The legislation provides numerous changes and recodifications

of the law relating to the custody of minors.

*Current Status: Senate Calendar—  
2nd Consideration*

#### INCREASED PENALTIES FOR DRUG TRAFFICKERS

■ **Senate Bill No. 1431**  
**Printer's No. 2013**

The legislation increases the penalties for offenses committed under the Controlled Substance, Drug, Device and Cosmetic Act involving Ecstasy (3, 4-methylenedioxy-amphetamine; 3, 4-methylenedioxy-N-ethylamphetamine; and N-hydroxy-3, 4 methylenedioxy-amphetamine) by providing additional penalties based upon the amount of the substance involved:

- At least (50) capsules, caplets or other dosage units or fifteen (15) grams—a maximum sentence of five years and a maximum fine of \$15,000 or both.
- At least (100) tablets, capsules, caplets or other dosage units or thirty (30)—a maximum sentence of ten years and a maximum fine of \$100,000 or both.
- At least (1,000) tablets, capsules, caplets or other dosage units or at least three-hundred (300) grams—a maximum sentence of 15 years and a maximum fine of \$250,000 or both.

*Current Status: Senate Calendar—  
2nd Consideration*

■ House Bill No. 228  
Printer's No. 215

The legislation provides that any person 18 or older who violates the Controlled Substance, Drug, Device and Cosmetic Act by delivering a controlled substance to a minor within within 1000 feet of a public, private or parochial school, college or university, playground or community recreation center commits a felony of the second degree.

Current Status: Senate Calendar—  
2nd Consideration

HELPING DISTRESSED  
COMMUNITIES FIGHT CRIME

■ Senate Bill No. 1466  
Printer's No. 2084

The legislation establishes a twenty-five (25) member advisory committee under the Pennsylvania Commission on Crime and Delinquency to be known as the Targeted Community Revitalization and Crime Prevention Advisory Committee. Targeted communities are defined as communities with a high crime rate that also are located in distressed municipalities. The Targeted Community Revitalization and Crime Prevention Advisory Committee will assist PCCD with the development of crime prevention efforts in targeted communities including the disbursement of financial assistance.

Current Status: Senate Appropriations  
Committee

CRIME VICTIM ASSISTANCE

■ House Bill No. 1392  
Printer's No. 3984

The bill amends Pennsylvania's "Son of Sam" law authorizing crime victims to recover damages from a third party who has profited from the commission of a crime or the sale of memorabilia of a crime.

The legislation also authorizes the Office of Victims Services of the Pennsylvania Commission on Crime and Delinquency to seek repayment previously received for amounts from the victims compensation fund.

The authority to recover damages from a third party does not apply in

the following circumstances:

- The crime involved a public figure.
- The written consent of the victim of the crime or the victim's closest surviving family member is given.
- The profit is generated by an item of publication from records in the public domain.

Current Status: Senate Appropriations  
Committee

DEFICIENCY JUDGEMENTS

■ Senate Bill No. 1469  
Printer's No. 2087

This legislation provides for the institution of a petition for redetermination of the fair market value of property sold in connection with execution proceedings in a deficiency judgement action where the collateral lies in multiple counties. Such actions must be commenced within six (6) months of the entry of the deficiency judgement. Under the legislation, the judgement creditor may file the valuation petition in one county if the property is located in more than one county under limited circumstances.

Determinations under this subsection release the judgment debtor to the extent that the fair market value as determined by the deficiency court, but does not release deductible items such as prior liens, costs, taxes and municipal claims not discharged by the sale. Courts may

not consider the value of property located outside of the Commonwealth of Pennsylvania in determining a deficiency.

Current Status: Senate Calendar—  
2nd Consideration

DECEDENTS ESTATES

■ House Bill No. 2060  
Printer's No. 2723

Section 5703 of Title 20 is amended to provide that if the court finds that the absent person was exposed to a specific peril of death, the court may waive the requirement that a refunding bond be executed by a person who receives part of the estate. Additionally, the legislation amends Section 5704 to provide that if the court finds that the absent person was exposed to a specific peril of death, notice of the proceeding to declare death shall be published no more than once a week for two successive weeks.

Current Status: Senate Rules Committee

MINORITY JURORS

■ Senate Resolution No. 268  
Printer's No. 2223

This resolution directs the Joint State Government Commission to study the jury selection process and its effects on the participation of racial and ethnic minorities.

Current Status: Senate Calendar

STATE SENATOR JAY COSTA, JR.

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