

TITLE 6: CRIMES AND CRIMINAL PROCEDURE
DIVISION 4: DISPOSITION OF OFFENDERS

§ 4119. Assessment on Convicted Persons.

(a) Whenever a person is convicted of any criminal offense contained in the Commonwealth Code, the Superior Court shall assess a fee to be paid no later than 30 days from the date of sentencing in an amount in accordance with the following schedule:

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|---|--------|
| (1) In the case of an infraction | 10.00 |
| (2) In the case of a misdemeanor, | |
| (A) if the defendant is an individual | 25.00 |
| (B) if the defendant is a person other than an individual | 100.00 |
| (3) In the case of a felony, | |
| (A) if the defendant is an individual | 100.00 |
| (B) if the defendant is a person other than an individual | 400.00 |

(b) The assessment shall be imposed in all convictions, regardless of whether a fine was imposed as part of the defendant's sentence. Provided that, in the case of uncontested traffic infractions which are paid on or before the court appearance date, the assessment shall be waived.

(c) The assessment shall be collected in the manner that fines are collected and shall be deposited into the Judicial Building Fund Account.

(d) Failure to pay an assessment will subject the defendant to any sanctions which would be appropriate for failure to comply with any other term or condition of the defendant's sentence.

Source: PL 11-105, § 5, modified.

Commission Comment: PL 11-105 that created this new section took effect October 8, 1999. According to PL 11-105, § 1:

Section 1. Findings. The Legislature finds that the Commonwealth is currently experiencing economic conditions which warrant a careful re-evaluation of all government-provided services in order to find ways to make some of them self-supporting. The measures proposed herein are intended to shift some of the financial costs to the individuals who are actually using these government-provided services and to find funding resources other than from the general revenues of the Commonwealth. As such, these measures allow the continuation of public services without an increased burden on all taxpayers.

Currently, the Superior Court has established trust accounts, into which monies are deposited for the benefit of third persons. The court then issues checks for payment of the monies to the third persons. These accounts do not bear interest, and the third parties who receive the funds are not entitled to the payment of such interest. Therefore, the taxpayers must pay for all the costs of maintaining these accounts.

This legislation would authorize the Court to deposit the funds in interest bearing accounts and retain the interest to cover the above-mentioned costs. There would be no cost to the taxpayers or to the third parties who benefit from this service.

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In addition, this bill would impose an assessment on all persons who are convicted of a criminal offense. In recent times, the need for appointment of counsel for indigent persons has greatly increased. In addition, there is a greater need for the appointment of interpreters to both assist lawyers in communicating with their clients as well as translating in court proceedings.

PL 11-105 also contained the following severability and savings clause provisions:

Section 6. Severability. If any provision of this Act or the application of any such provision to any person or circumstances should be held invalid by a court of competent jurisdiction, the remainder of this Act or the application of its provisions to persons or circumstances other than those to which it is held invalid shall not be affected thereby.

Section 7. Savings Clause. This Act and any repealer contained herein shall not be construed as affecting any existing right acquired under contract or acquired under statutes repealed or under any rule, regulation or order under the statutes. Repealers contained in this Act shall not affect any proceeding instituted under or pursuant to prior law. The enactment of this Act shall not have the effect of terminating, or in any way modifying, any liability, civil or criminal, which shall already be in existence at the date this Act becomes effective.