

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 388 Session of 2017

INTRODUCED BY SCHEMEL, CAUSER, DEAN, EVERETT, A. HARRIS, JAMES, B. MILLER, PICKETT, WARD AND WHEELAND, FEBRUARY 7, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 7, 2017

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 44 (Law and  
 2 Justice) of the Pennsylvania Consolidated Statutes, in  
 3 firearms and other dangerous articles, further providing for  
 4 licenses and for licensing of dealers; providing for sheriffs  
 5 and deputy sheriffs; and establishing the Firearms License  
 6 Validation System Account.

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

9 Section 1. Sections 6109(h) and 6113(b) of Title 18 of the  
 10 Pennsylvania Consolidated Statutes are amended to read:

11 § 6109. Licenses.

12 \* \* \*

13 (h) [Fee] Fees.--

14 [(1) In addition to fees described in paragraphs (2)(ii)  
 15 and (3), the fee for a license to carry a firearm is \$19.

16 This includes all of the following:

17 (i) A renewal notice processing fee of \$1.50.

18 (ii) An administrative fee of \$5 under section 14(2)  
 19 of the act of July 6, 1984 (P.L.614, No.127), known as  
 20 the Sheriff Fee Act.

1 (3) An additional fee of \$1 shall be paid by the  
2 applicant for a license to carry a firearm and shall be  
3 remitted by the sheriff to the Firearms License Validation  
4 System Account, which is hereby established as a special  
5 restricted receipt account within the General Fund of the  
6 State Treasury. The account shall be used for purposes under  
7 subsection (1). Moneys credited to the account and any  
8 investment income accrued are hereby appropriated on a  
9 continuing basis to the Pennsylvania State Police.]

10 (4) No fee other than that provided by [this subsection  
11 or the Sheriff Fee Act] 44 Pa.C.S. § 7324 (relating to  
12 licenses) may be assessed by the sheriff for the performance  
13 of any background check made pursuant to this act.

14 (5) The [fee is] fees specified under 44 Pa.C.S. §  
15 7324(a) are payable to the sheriff to whom the application is  
16 submitted and [is] are payable at the time of application for  
17 the license.

18 (6) Except for the administrative fee of \$5 under  
19 [section 14(2) of the Sheriff Fee Act] 44 Pa.C.S. § 7324(a)  
20 (2), all other fees shall be refunded if the application is  
21 denied but shall not be refunded if a license is issued and  
22 subsequently revoked.

23 (7) A person who sells or attempts to sell a license to  
24 carry a firearm for a fee in excess of the amounts fixed  
25 under [this subsection] 44 Pa.C.S. § 7324 commits a summary  
26 offense.

27 \* \* \*

28 § 6113. Licensing of dealers.

29 \* \* \*

30 (b) Fee.--The fee for issuing said license shall be [\$30] as

1 specified under 44 Pa.C.S. § 7324(a)(1) (relating to licenses),  
2 which fee shall be paid into the county treasury.

3 \* \* \*

4 Section 2. Title 44 is amended by adding a chapter to read:

5 CHAPTER 73

6 SHERIFFS AND DEPUTY SHERIFFS

7 Subchapter

8 A. (Reserved)

9 B. Sheriff Fees

10 SUBCHAPTER A

11 (RESERVED)

12 SUBCHAPTER B

13 SHERIFF FEES

14 Sec.

15 7311. Scope of subchapter.

16 7312. Counties included.

17 7313. Civil and criminal actions.

18 7314. Real estate executions.

19 7315. Executing writs, orders and decrees.

20 7316. Executing writs.

21 7317. Settlement or staying of writs.

22 7318. Property claims.

23 7319. Venire facias.

24 7320. Writs of ejectment or possession.

25 7321. Warrants and attachments.

26 7322. Sheriff in charge of prison.

27 7323. Attending court.

28 7324. Licenses.

29 7325. Conservator of the peace.

30 7326. Mileage.

- 1 7327. Appraisals.
- 2 7328. Other matters.
- 3 7329. Counties of the second class.
- 4 7330. Additional fee for computerizing sheriff's office.
- 5 7331. Costs to be additional.
- 6 7332. Surcharge.
- 7 § 7311. Scope of subchapter.

8 This subchapter relates to the imposition and collection of  
 9 sheriff fees.

10 § 7312. Counties included.

11 In counties of the second class, second class A, third class,  
 12 fourth class, fifth class, sixth class, seventh class and eighth  
 13 class and home rule counties except a county of the first class,  
 14 the fees, including commissions and mileage, to be received by  
 15 the sheriff from persons or counties requiring services of the  
 16 sheriff shall be as set forth in this subchapter.

17 § 7313. Civil and criminal actions.

18 (a) General rule.--Fees for the services of the sheriff  
 19 involved with civil actions, criminal proceedings or public  
 20 matters required by a court, statute or regulation, including,  
 21 but not limited to, writs, complaints, orders, equity matters,  
 22 subpoenas, interrogatories and official notices, are as follows:

23	<u>(1) Receiving, docketing and making</u>	
24	<u>return.....</u>	<u>\$15.00</u>
25	<u>(2) Service, either personally by the sheriff</u>	
26	<u>or by copy served or posted:</u>	
27	<u>(i) First serving.....</u>	<u>15.00</u>
28	<u>(ii) Each additional defendant or person</u>	
29	<u>served or copy posted.....</u>	<u>10.00</u>
30	<u>(3) Making each copy served or posted.....</u>	<u>10.00</u>

1	<u>(4) Deputizing the sheriff of another county</u>	
2	<u>to enable the other sheriff to make service or</u>	
3	<u>accomplish an act.....</u>	<u>15.00</u>
4	<u>(5) Making a return of an item delivered to</u>	
5	<u>the sheriff too late to serve before expiration..</u>	<u>10.00</u>
6	<u>(6) Return of non est inventus (person to be</u>	
7	<u>served cannot be found within the jurisdiction of</u>	
8	<u>sheriff).....</u>	<u>10.00</u>
9	<u>(7) Attesting each copy of a document which</u>	
10	<u>is to be served.....</u>	<u>10.00</u>
11	<u>(8) Service by publication in newspapers, in</u>	
12	<u>addition to the actual cost of publication and</u>	
13	<u>printing.....</u>	<u>25.00</u>
14	<u>(9) Taking an affidavit of one person.....</u>	<u>5.00</u>
15	<u>(10) Taking an affidavit of each additional</u>	
16	<u>person.....</u>	<u>2.00</u>

17 (b) Additional fees.--For service of an item or copy not  
18 specifically provided for in subsection (a), the sheriff shall  
19 charge and receive the same fee as allowed for a writ served in  
20 a similar way otherwise provided for in subsection (a), in  
21 addition to a fee of the prothonotary chargeable against the  
22 sheriff in relation to the service of the item or copy not  
23 specifically provided for in subsection (a). No charge shall be  
24 made for an affidavit of service except the fee of the notary or  
25 other official administering the oath of affirmation.

26 (c) Alias or pluries writ.--No charge for service shall be  
27 made upon an alias or pluries writ if a charge has been made  
28 upon the original with respect to a defendant already served.

29 § 7314. Real estate executions.

30 (a) General rule.--For executing court-issued writs or

1 orders requiring the levy, seizure or sale of lands and  
2 tenements, the following fees apply and, unless otherwise stated  
3 in this section, shall be paid by the plaintiff, petitioner or  
4 other moving party:

- |    |  |                |
|----|--|----------------|
| 5  | <u>(1) Receiving, docketing and making return....</u>      | <u>\$25.00</u> |
| 6  | <u>(2) Serving or posting a notice or copy.....</u>        | <u>25.00</u>   |
| 7  | <u>(3) Levying on each separate piece or parcel</u>        |                |
| 8  | <u>of land.....</u>  | <u>25.00</u>   |
| 9  | <u>(4) Service of a writ against real estate of</u>        |                |
| 10 | <u>defendant requiring service on third party for each</u> |                |
| 11 | <u>party.....</u>  | <u>25.00</u>   |
| 12 | <u>(5) Making immediate return of service on a</u>         |                |
| 13 | <u>garnishee when writ or other item is retained for</u>   |                |
| 14 | <u>further action.....</u>                                 | <u>10.00</u>   |
| 15 | <u>(6) Advertising public sale in newspaper, for</u>       |                |
| 16 | <u>each parcel of land, in addition to cost of</u>         |                |
| 17 | <u>publication and printer's bill.....</u>                 | <u>25.00</u>   |
| 18 | <u>(7) Advertising public sale by handbills, for</u>       |                |
| 19 | <u>each parcel of land separately described by metes</u>   |                |
| 20 | <u>and bounds or otherwise, in addition to publication</u> |                |
| 21 | <u>and printer's bills.....</u>                            | <u>25.00</u>   |
| 22 | <u>(8) Each sale held subsequent to the first</u>          |                |
| 23 | <u>sale.....</u>   | <u>25.00</u>   |
| 24 | <u>(9) Crying the sale of each separate parcel of</u>      |                |
| 25 | <u>land separately sold.....</u>                           | <u>20.00</u>   |
| 26 | <u>(10) Distribution of proceeds.....</u>                  | <u>50.00</u>   |
| 27 | <u>(11) Executing and acknowledging a deed to</u>          |                |
| 28 | <u>real property, payment to be made by grantee.....</u>   | <u>50.00</u>   |

29 (b) Additional fees.--Except under subsection (a)(8), the  
30 sheriff shall receive as an official fee a commission, based

1 upon the total amount bid for the property, whether paid to the  
2 sheriff or credited to the purchaser, of 2% of the first  
3 \$250,000 and of 0.5% of the remaining amount.

4 (c) Fees chargeable to sheriff.--The purchaser shall pay to  
5 the sheriff fees of the prothonotary and fees of the recorder  
6 chargeable by the prothonotary or the recorder to the sheriff  
7 relating to consummation of real estate executions, including,  
8 but not limited to, the recording of the deed.

9 § 7315. Executing writs, orders and decrees.

10 For executing a writ of inquiry, partition, condemnation,  
11 appraisement or inquisition or a similar writ, order or decree  
12 issued by a court, district justice or commissioner under a  
13 statute, the party procuring execution shall pay the following  
14 fees:

15 (1) Receiving, docketing and making return..... \$15.00

16 (2) Summoning parties or persons in possession  
17 personally or by copy served or posted:

18 (i) First service..... 15.00

19 (ii) Each additional service..... 10.00

20 (3) Making and certifying each copy served or  
21 posted..... 10.00

22 (4) Summoning and swearing special jurors..... 25.00

23 (5) Holding inquisition or appraisal of real  
24 estate..... 25.00

25 (6) Otherwise executing..... 15.00

26 (7) Serving by publication as required by law or  
27 order of court..... 25.00

28 (8) Delivering lands to plaintiff in inquisition  
29 or similar proceedings..... 50.00

30 § 7316. Executing writs.

1     (a) General rule.--For executing execution writs, fraudulent  
2 debtors attachment, retorno habendo, replevin or order issued by  
3 a court requiring the levy, seizure or sale of personal  
4 property, unless otherwise provided in this section, the party  
5 procuring execution shall pay the following fees:

6           (1) Receiving, docketing and making return.....     \$15.00

7           (2) Serving or posting a copy or notice.....           15.00

8           (3) Each levy on personal property.....               30.00

9           (4) Seizing personal property levied upon.....           25.00

10           (5) Making return of nulla bona (unable to find  
11 goods to levy upon).....                                       15.00

12           (6) Advertising personal property for public  
13 sale by handbills.....   20.00

14           (7) Each adjourned sale.....                               30.00

15           (8) Service upon a garnishee.....                           15.00

16           (9) Receiving a claim of exemption or immunity  
17 and notifying parties in interest to the filing of  
18 the claim.....   20.00

19           (10) Receiving and docketing each claim to  
20 property or to proceeds produced by sale of the  
21 claim, to be paid by claimant upon the filing of the  
22 claim.....   20.00

23           (11) Notifying an agency as required by law of  
24 the proposed sale of the property or franchise of a  
25 corporation or joint stock association, liquid fuels  
26 producer or distributor.....                                   20.00

27           (12) Appraising personal property under a  
28 statute or at the request of a party or arranging an  
29 appraisal by another.....                                       30.00

30           (13) Making arrangements to preserve property

1 taken into legal custody, including, but not limited  
2 to, obtaining a watchman, together with the cost of  
3 compensation for the watchman by the party benefited  
4 by the watchman or person requiring service..... 50.00

5 (14) Securing insurance; arranging goods for  
6 sale; furnishing heat, light, power, storage, rent,  
7 transportation and supplies; feeding livestock; and  
8 meeting similar expenses incurred in caring for and  
9 keeping the goods and chattels levied upon or  
10 attached when necessary or advantageous or requested  
11 by a party interested to incur the expense, the  
12 actual costs of the expense to be paid by the  
13 plaintiff, petitioner or party requiring the expense  
14 to be incurred, providing a surplus of advances for  
15 the expense to be refunded.

16 (b) Additional fees.--The sheriff shall receive as an  
17 official fee a commission, based upon the total amount bid for  
18 the property, whether paid to the sheriff or credited to the  
19 purchaser, of 2% of the first \$100,000 and of 0.5% of the  
20 remaining amount.

21 § 7317. Settlement or staying of writs.

22 For the settlement or staying by the plaintiff of a writ  
23 relating to property, execution not being concluded, the sheriff  
24 shall receive the same fees for receiving, docketing and  
25 returning, levying, advertising and performing other functions  
26 enumerated in this subchapter, including commission as would be  
27 chargeable if the sale had been made upon the writ, on the  
28 amount paid to settle or stay the writ, whether the sum is paid  
29 to the sheriff or to the plaintiff or a compromise is made  
30 between plaintiff and defendant for the future payment to

1 satisfy the writ.

2 § 7318. Property claims.

3 For processing of property claims filed under statute or  
4 rules of civil procedure, the claimant shall pay the following  
5 fees:

6 (1) Receiving and filing of property claim.... \$20.00

7 (2) Staying the execution and providing notice 15.00

8 (3) Making determination as to the owner of  
9 the property without hearing and filing in the  
10 prothonotary's office the determination and  
11 valuation..... 15.00

12 (4) Determining ownership of property with a  
13 formal hearing and filing in the prothonotary's  
14 office the determination and valuation..... 50.00

15 (5) Appraising property by the sheriff and  
16 giving notice..... 30.00

17 § 7319. Venire facias.

18 For executing venire facias or venire facias juratores issued  
19 by a court, the following fees shall be paid by the county:

20 (1) Receiving, docketing and making return on  
21 each writ..... \$30.00

22 (2) Drawing names of jurors from the jury wheel  
23 and summoning the jurors or summoning jurors drawn  
24 by a jury board or commissioner, for each juror  
25 drawn..... 5.00

26 § 7320. Writs of ejectment or possession.

27 For executing writs of ejectment or possession,  
28 dower or similar writs requiring the delivery of  
29 possession of real property or ejecting or  
30 dispossessing a person of personal property, the \$50.00

1 claimant shall pay.....

2 § 7321. Warrants and attachments.

3 For executing a process, warrant, attachment, decree,  
4 sentence or order of the court, issued in court on a person or  
5 taking the defendant's body into custody, the party procuring  
6 the process, writ, order or decree or, if the Commonwealth is  
7 interested, the county, shall pay the following fees:

8 (1) Receiving, docketing and making return.... \$15.00

9 (2) Each arrest..... 50.00

10 (3) Each commitment to jail, correctional  
11 institution, asylum or place of detention pursuant  
12 to lawful order..... 30.00

13 (4) Removing a person from a place of  
14 confinement pursuant to lawful order..... 30.00

15 § 7322. Sheriff in charge of prison.

16 If the sheriff is in charge of a jail, prison or place of  
17 detention, the sheriff shall receive allowances for the custody,  
18 care and maintenance of prisoners and inmates as may be fixed by  
19 the courts or official boards of the respective counties having  
20 supervision of the institutions, or as the courts or boards may  
21 approve, upon submitted bills to be paid by the county in  
22 addition to compensation for services fixed by statute, by a  
23 court or by official board authorized to fix the compensation.

24 § 7323. Attending court.

25 For attending court, when required to do so by law or by a  
26 judge or district attorney, or bringing into or removing  
27 prisoners for arraignment, trial or sentence or witnesses held  
28 in custody, an hourly rate equivalent to the prevailing wage  
29 scale of the performing sheriff's office shall be paid by the  
30 county for each deputy or special deputy actually present.

1 § 7324. Licenses.

2 (a) Fees.--For issuing and recording of a license, the  
3 licensee shall pay, in addition to a fee payable to the county  
4 or Commonwealth, the following fees:

5 (1) Issuing a license to sell firearms directly  
6 to a consumer..... \$27.00

7 (2) Issuing or reissuing a license to carry a  
8 firearm on or about one's person..... 5.00

9 (3) Issuing a license to carry a firearm. This  
10 fee includes a renewal processing fee of \$1.50 and an  
11 administrative fee of \$5..... 22.00

12 (b) Additional fee.--An additional fee of \$3 shall be paid  
13 by the applicant for a license to carry a firearm and shall be  
14 remitted by the sheriff to the Firearms License Validation  
15 System Account, which is established as a special restricted  
16 receipt account within the General Fund. Money remitted to the  
17 Firearms License Validation System Account and an investment  
18 income accrued are appropriated on a continuing basis to the  
19 Pennsylvania State Police.

20 (c) Exemption.--A person who is the holder of a United  
21 States Uniformed Services identification card specifying that  
22 the person is retired shall be exempt from a fee to renew a  
23 license to carry a firearm.

24 § 7325. Conservator of the peace.

25 (a) Sheriff.--For the services performed in the capacity as  
26 a conservator of the peace or police officer in suppressing  
27 riots, mobs or insurrections, and when discharging a duty  
28 requiring the summoning of a posse, comitatus or special deputy  
29 sheriffs, the sheriff shall receive per diem compensation at the  
30 rate of \$50 in a county for eight hours' service, together with

1 the mileage and necessary expenses, including subsistence for  
2 the sheriff and those employees supervised by the sheriff, all  
3 to be paid by the county.

4 (b) Deputies.--For each special deputy appointed by the  
5 sheriff in the case of an emergency, to assist in executing  
6 civil or criminal process or court order or preserving the  
7 peace, the sheriff shall receive from the county, for  
8 compensation of the deputy, an hourly rate equal to the  
9 prevailing wage scale of the sheriff's office, together with the  
10 expenses incurred for transportation and subsistence of the  
11 deputy.

12 § 7326. Mileage.

13 For mileage in serving and executing writs, official notices,  
14 rules, decrees, orders or processes, or copies thereof, or  
15 performing the duties or services specified in this subchapter  
16 or authorized by law, the sheriff shall receive and may tax as  
17 official costs the mileage fee as established by section 1 of  
18 the act of July 20, 1979 (P.L.156, No.51), referred to as the  
19 Uniform Mileage Fee Law, for each mile necessary to be traveled  
20 by the sheriff, deputies or employees. The mileage fee shall be  
21 received on each separate writ, rule, order, decree, process or  
22 notice served or service performed. The sheriff shall not  
23 receive more than one mileage fee where the plaintiff and the  
24 defendant and two or more contemporaneous writs are the same or  
25 when two or more persons or prisoners are being conducted at one  
26 time to or from a place of detention or correction. The sheriff  
27 shall receive the mileage fee for transporting the prisoners and  
28 the deputies guarding them and meals and lodging during the  
29 journey and the return of the deputies.

30 § 7327. Appraisals.

1 For appraisal in a proceeding, the sheriff or an interested  
2 party may petition the court having jurisdiction over the matter  
3 for an order fixing the sum to be paid to the sheriff for  
4 services, for compensation of services of expert appraisers or  
5 for other property costs of making the appraisal, which sum  
6 shall be a legal cost of proceedings. The court in its order  
7 shall determine who shall pay for the costs unless otherwise  
8 provided by law.

9 § 7328. Other matters.

10 For the executing of a matter directed to the sheriff or  
11 required by law or rule of court, the performance of which is  
12 not mentioned in this subchapter, the sheriff shall receive the  
13 same official fees, commissions and legal costs, including  
14 mileage, as for similar services specifically provided for by  
15 law.

16 § 7329. Counties of the second class.

17 In counties of the second class on or after the effective  
18 date of this section, the sheriff may establish, increase,  
19 decrease, modify or eliminate fees and charges used exclusively  
20 to offset existing costs with the approval of the president  
21 judge of the court of common pleas.

22 § 7330. Additional fee for computerizing sheriff's office.

23 An additional fee of \$5 may be charged and collected by the  
24 sheriff of a county for the initiation of an action or legal  
25 proceeding. The additional fee shall be deposited into a special  
26 sheriff computer fund established in each county. Money in the  
27 special fund shall be used solely for the purpose of  
28 computerizing the office of the sheriff.

29 § 7331. Costs to be additional.

30 In addition to fees provided for in this subchapter, the

1 sheriff shall be paid costs, charges and expenses incident to  
2 the performance of an act required by court, order, statute,  
3 rule or regulation, including, but not limited to, printing  
4 costs, publication costs, services of experts, watchmen, postage  
5 and mileage, which shall be costs to be paid by the plaintiff,  
6 petitioner or person requiring them to be incurred.

7 § 7332. Surcharge.

8 (a) Amount.--

9 (1) There shall be assessed a surcharge on each fee  
10 collected by the sheriff of every county upon acceptance for  
11 each service required for each complaint, summons, writ or  
12 other legal paper required to be served or posted by the  
13 sheriff of \$20, which shall be collected by the sheriff of  
14 every county.

15 (2) The money collected under this subsection shall be  
16 forwarded semiannually by the sheriff to the State Treasurer  
17 for deposit into the Sheriff and Deputy Sheriff Education and  
18 Training Account and used exclusively to cover the costs and  
19 expenses of the Sheriff and Deputy Sheriff Education and  
20 Training Program.

21 (b) Counties of the first and second class.--

22 (1) In counties of the first and second class, an  
23 additional surcharge of \$1 shall be collected by the  
24 prothonotary of that county for each defendant named in a  
25 document filed to commence an action pursuant to Pa.R.C.P.  
26 No.1007 (relating to commencement of action), except when  
27 service is made by a competent adult in the actions listed in  
28 Pa.R.C.P. No.400(b) (relating to person to make service).

29 (2) The additional surcharge shall be retained by the  
30 prothonotary to cover administrative costs incurred by

1 collecting the surcharge and to support technology and  
2 automation improvements or upgrades for the prothonotary.

3 Section 3. Repeals are as follows:

4 (1) The General Assembly declares that the repeals under  
5 paragraphs (2) and (3) are necessary to effectuate the  
6 addition of 44 Pa.C.S. Ch. 73 Subch. B.

7 (2) The act of July 6, 1984 (P.L.614, No.127), known as  
8 the Sheriff Fee Act, is repealed.

9 (3) Section 8(b), (b.1) and (c) of the act of February  
10 9, 1984 (P.L.3, No.2), known as the Sheriff and Deputy  
11 Sheriff Education and Training Act, are repealed.

12 Section 4. The addition of 44 Pa.C.S. Ch. 73 Subch. B is a  
13 continuation of the act of July 6, 1984 (P.L.614, No.127), known  
14 as the Sheriff Fee Act. Except as otherwise provided in 44  
15 Pa.C.S. Ch. 73 Subch. B, all activities initiated under the  
16 Sheriff Fee Act shall continue and remain in full force and  
17 effect and may be completed under 44 Pa.C.S. Ch. 73 Subch. B.  
18 Orders, regulations, rules and decisions which were made under  
19 the Sheriff Fee Act and which are in effect on the effective  
20 date of 44 Pa.C.S. Ch. 73 Subch. B shall remain in full force  
21 and effect until revoked, vacated or modified under 44 Pa.C.S.  
22 Ch. 73 Subch. B. Contracts, obligations and collective  
23 bargaining agreements entered into under the Sheriff Fee Act  
24 are not affected nor impaired by the repeal of the Sheriff Fee  
25 Act.

26 Section 5. This act shall take effect in 60 days.