
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1892 Session of
2015

INTRODUCED BY SCHEMEL, IRVIN, PICKETT, SNYDER, WARD, KAMPF,
A. HARRIS, RAPP, CAUSER, OBERLANDER, D. COSTA, MOUL, QUIGLEY,
JAMES, BRIGGS, DEAN, McCARTER AND EVERETT, MARCH 14, 2016

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2016

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; and providing for
5 sheriffs and deputy sheriffs.

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

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

10 § 6109. Licenses.

11 * * *

12 (h) [Fee] Fees.--

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

15 This includes all of the following:

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

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

1 (2) (Expired).

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

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

15 (5) The [fee is] fees specified under 44 Pa.C.S. §
16 7324(1), (2) and (3) are payable to the sheriff to whom the
17 application is submitted and [is] are payable at the time of
18 application for the license.

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

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

28 * * *

29 § 6113. Licensing of dealers.

30 * * *

1 (b) Fee.--The fee for issuing said license shall be [\$30] as
2 specified under 44 Pa.C.S. § 7324(a)(1) (relating to licenses),
3 which fee shall be paid into the county treasury.

4 * * *

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

6 CHAPTER 73

7 SHERIFFS AND DEPUTY SHERIFFS

8 Subchapter

9 A. (Reserved)

10 B. Sheriff Fees

11 SUBCHAPTER A

12 (RESERVED)

13 SUBCHAPTER B

14 SHERIFF FEES

15 Sec.

16 7311. Scope of subchapter.

17 7312. Counties included.

18 7313. Civil and criminal actions.

19 7314. Real estate executions.

20 7315. Executing writs, orders and decrees.

21 7316. Executing writs.

22 7317. Settlement or staying of writs.

23 7318. Property claims.

24 7319. Venire facias.

25 7320. Writs of ejectment or possession.

26 7321. Warrants and attachments.

27 7322. Sheriff in charge of prison.

28 7323. Attending court.

29 7324. Licenses.

30 7325. Conservator of the peace.

- 1 7326. Mileage.
- 2 7327. Appraisals.
- 3 7328. Other matters.
- 4 7329. Counties of the second class.
- 5 7330. Costs to be additional.
- 6 7331. 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 and third
 12 through eighth class and home rule counties except a county of
 13 the first class, the fees, including commissions and mileage, to
 14 be received by the sheriff from persons or counties requiring
 15 services of the sheriff shall be as set forth in this
 16 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 any 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 (1) Receiving, docketing and making return.... \$25.00

6 (2) Serving or posting a notice or copy..... 25.00

7 (3) Levying on each separate piece or parcel
8 of land..... 25.00

9 (4) Service of a writ against real estate of
10 defendant requiring service on third party for each
11 party..... 25.00

12 (5) Making immediate return of service on a
13 garnishee when writ or other item is retained for
14 further action..... 10.00

15 (6) Advertising public sale in newspaper, for
16 each parcel of land, in addition to cost of
17 publication and printer's bill..... 25.00

18 (7) Advertising public sale by handbills, for
19 each parcel of land separately described by metes
20 and bounds or otherwise, in addition to publication
21 and printer's bills..... 25.00

22 (8) Each sale held subsequent to the first
23 sale..... 25.00

24 (9) Crying the sale of each separate parcel of
25 land separately sold..... 20.00

26 (10) Distribution of proceeds..... 50.00

27 (11) Executing and acknowledging a deed to
28 real property, payment to be made by grantee..... 50.00

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 thereof, to
21 be paid by claimant upon the filing of the claim..... 20.00

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

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

29 (13) Making arrangements to preserve property
30 taken into legal custody, including, but not limited

1 to, obtaining a watchman, together with the cost of
2 compensation for the watchman by the party benefited
3 by the watchman or person requiring service..... 50.00

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

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

20 § 7317. Settlement or staying of writs.

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

1 § 7318. Property claims.

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

- | | | |
|----|--|----------------|
| 5 | <u>(1) Receiving and filing of property claim....</u> | <u>\$20.00</u> |
| 6 | <u>(2) Staying the execution and providing notice</u> | <u>15.00</u> |
| 7 | <u>(3) Making determination as to the owner of</u> | |
| 8 | <u>the property without hearing and filing in the</u> | |
| 9 | <u>prothonotary's office the determination and</u> | |
| 10 | <u>valuation.....</u> | <u>15.00</u> |
| 11 | <u>(4) Determining ownership of property with a</u> | |
| 12 | <u>formal hearing and filing in the prothonotary's</u> | |
| 13 | <u>office the determination and valuation.....</u> | <u>50.00</u> |
| 14 | <u>(5) Appraising property by the sheriff and</u> | |
| 15 | <u>giving notice.....</u> | <u>30.00</u> |

16 § 7319. Venire facias.

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

- | | | |
|----|---|----------------|
| 19 | <u>(1) Receiving, docketing and making return on</u> | |
| 20 | <u>each writ.....</u> | <u>\$30.00</u> |
| 21 | <u>(2) Drawing names of jurors from the jury wheel</u> | |
| 22 | <u>and summoning the jurors or summoning jurors drawn</u> | |
| 23 | <u>by a jury board or commissioner, for each juror</u> | |
| 24 | <u>drawn.....</u> | <u>5.00</u> |

25 § 7320. Writs of ejectment or possession.

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

1 § 7321. Warrants and attachments.

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

7	<u>(1) Receiving, docketing and making return....</u>	<u>\$15.00</u>
8	<u>(2) Each arrest.....</u>	<u>50.00</u>
9	<u>(3) Each commitment to jail, correctional</u>	
10	<u>institution, asylum or place of detention pursuant</u>	
11	<u>to lawful order.....</u>	<u>30.00</u>
12	<u>(4) Removing a person from any place of</u>	
13	<u>confinement pursuant to lawful order.....</u>	<u>30.00</u>

14 § 7322. Sheriff in charge of prison.

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

23 § 7323. Attending court.

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

30 § 7324. Licenses.

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

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

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

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

11 (b) Additional fee.--An additional fee of \$3 shall be paid
12 by the applicant for a license to carry a firearm and shall be
13 remitted by the sheriff to the Firearms License Validation
14 System Account, which is established as a special restricted
15 receipt account within the General Fund. Money remitted to the
16 Firearms License Validation System Account and any investment
17 income accrued are appropriated on a continuing basis to the
18 Pennsylvania State Police.
19 § 7325. Conservator of the peace.

20 (a) Sheriff.--For the services performed in the capacity as
21 a conservator of the peace or police officer in suppressing
22 riots, mobs or insurrections, and when discharging any duty
23 requiring the summoning of a posse, comitatus or special deputy
24 sheriffs, the sheriff shall receive per diem compensation at the
25 rate of \$50 in a county for eight hours' service, together with
26 the mileage and necessary expenses, including subsistence for
27 the sheriff and those employees supervised by the sheriff, all
28 to be paid by the county.

29 (b) Deputies.--For each special deputy appointed by the
30 sheriff in the case of an emergency, to assist in executing

1 civil or criminal process or court order or preserving the
2 peace, the sheriff shall receive from the county, for
3 compensation of the deputy, an hourly rate equal to the
4 prevailing wage scale of the sheriff's office, together with the
5 expenses incurred for transportation and subsistence of the
6 deputy.

7 § 7326. Mileage.

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

25 § 7327. Appraisals.

26 For appraisal in a proceeding, the sheriff or an interested
27 party may petition the court having jurisdiction over the matter
28 for an order fixing the sum to be paid to the sheriff for
29 services, for compensation of services of expert appraisers, or
30 for other property costs of making the appraisal, which sum

1 shall be a legal cost of proceedings. The court in its order
2 shall determine who shall pay for the costs unless otherwise
3 provided by law.

4 § 7328. Other matters.

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

11 § 7329. Counties of the second class.

12 (a) Establishment and modification of fees.--In counties of
13 the second class on or after the effective date of this section,
14 the sheriff may establish, increase, decrease, modify or
15 eliminate fees and charges used exclusively to offset existing
16 costs with the approval of the president judge of the court of
17 common pleas.

18 (b) Additional fee for computerizing sheriff's office.--An
19 additional fee of \$5 may be charged and collected by the sheriff
20 of a county of the second class for the initiation of any action
21 or legal proceeding. The additional fee shall be deposited into
22 a special sheriff computer fund established in each county of
23 the second class. Money in the special fund shall be used solely
24 for the purpose of computerizing the office of the sheriff.

25 § 7330. Costs to be additional.

26 In addition to fees provided for in this subchapter, the
27 sheriff shall be paid costs, charges and expenses incident to
28 the performance of an act required by court, order, statute,
29 rule or regulation, including, but not limited to, printing
30 costs, publication costs, services of experts, watchmen, postage

1 and mileage, which shall be costs to be paid by the plaintiff,
2 petitioner or person requiring them to be incurred.
3 § 7331. Surcharge.

4 There shall be assessed a surcharge on each fee collected by
5 the sheriff of every county upon acceptance for each service
6 required for any complaint, summons, writ or other legal paper
7 required to be served or posted by the sheriff of \$20, which
8 which shall be collected by the sheriff of every county.

9 Section 3. Repeals are as follows:

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

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

15 (3) Section 8(b) of the act of February 9, 1984 (P.L.3,
16 No.2), known as the Sheriff and Deputy Sheriff Education and
17 Training Act, is repealed.

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

1 Act.

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