
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1160 Session of
2015

INTRODUCED BY ALLOWAY, SCAVELLO, HUTCHINSON, WHITE, ARGALL,
RAFFERTY, BARTOLOTTA, HAYWOOD, WOZNIAK, STEFANO, WILEY,
YUDICHAK, VANCE, GORDNER, WAGNER, YAW, DINNIMAN AND
MCGARRIGLE, APRIL 28, 2016

REFERRED TO JUDICIARY, APRIL 28, 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

1 the Sheriff Fee Act.

2 (2) (Expired).

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

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

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

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

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

29 * * *

30 § 6113. Licensing of dealers.

1 * * *

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

5 * * *

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

7 CHAPTER 73

8 SHERIFFS AND DEPUTY SHERIFFS

9 Subchapter

10 A. (Reserved)

11 B. Sheriff Fees

12 SUBCHAPTER A

13 (RESERVED)

14 SUBCHAPTER B

15 SHERIFF FEES

16 Sec.

17 7311. Scope of subchapter.

18 7312. Counties included.

19 7313. Civil and criminal actions.

20 7314. Real estate executions.

21 7315. Executing writs, orders and decrees.

22 7316. Executing writs.

23 7317. Settlement or staying of writs.

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25 7319. Venire facias.

26 7320. Writs of ejectment or possession.

27 7321. Warrants and attachments.

28 7322. Sheriff in charge of prison.

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30 7324. Licenses.

- 1 7325. Conservator of the peace.
- 2 7326. Mileage.
- 3 7327. Appraisals.
- 4 7328. Other matters.
- 5 7329. Counties of the second class.
- 6 7330. Costs to be additional.
- 7 7331. Surcharge.
- 8 § 7311. Scope of subchapter.

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

11 § 7312. Counties included.

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

18 § 7313. Civil and criminal actions.

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

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

1	<u>(3) Making each copy served or posted.....</u>	<u>10.00</u>
2	<u>(4) Deputizing the sheriff of another county</u>	
3	<u>to enable the other sheriff to make service or</u>	
4	<u>accomplish an act.....</u>	<u>15.00</u>
5	<u>(5) Making a return of an item delivered to</u>	
6	<u>the sheriff too late to serve before expiration..</u>	<u>10.00</u>
7	<u>(6) Return of non est inventus (person to be</u>	
8	<u>served cannot be found within the jurisdiction of</u>	
9	<u>sheriff).....</u>	<u>10.00</u>
10	<u>(7) Attesting each copy of a document which</u>	
11	<u>is to be served.....</u>	<u>10.00</u>
12	<u>(8) Service by publication in newspapers, in</u>	
13	<u>addition to the actual cost of publication and</u>	
14	<u>printing.....</u>	<u>25.00</u>
15	<u>(9) Taking an affidavit of one person.....</u>	<u>5.00</u>
16	<u>(10) Taking an affidavit of each additional</u>	
17	<u>person.....</u>	<u>2.00</u>
18	<u>(b) Additional fees.--For service of an item or copy not</u>	
19	<u>specifically provided for in subsection (a), the sheriff shall</u>	
20	<u>charge and receive the same fee as allowed for a writ served in</u>	
21	<u>a similar way otherwise provided for in subsection (a), in</u>	
22	<u>addition to a fee of the prothonotary chargeable against the</u>	
23	<u>sheriff in relation to the service of the item or copy not</u>	
24	<u>specifically provided for in subsection (a). No charge shall be</u>	
25	<u>made for an affidavit of service except the fee of the notary or</u>	
26	<u>other official administering the oath of affirmation.</u>	
27	<u>(c) Alias or pluries writ.--No charge for service shall be</u>	
28	<u>made upon an alias or pluries writ if a charge has been made</u>	
29	<u>upon the original with respect to a defendant already served.</u>	
30	<u>§ 7314. Real estate executions.</u>	

1 (a) General rule.--For executing court-issued writs or
2 orders requiring the levy, seizure or sale of lands and
3 tenements, the following fees apply and, unless otherwise stated
4 in this section, shall be paid by the plaintiff, petitioner or
5 other moving party:

6 (1) Receiving, docketing and making return.... \$25.00

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

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

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

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

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

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

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

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

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

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

30 (b) Additional fees.--Except under subsection (a)(8), the

1 sheriff shall receive as an official fee a commission, based
2 upon the total amount bid for the property, whether paid to the
3 sheriff or credited to the purchaser, of 2% of the first
4 \$250,000 and of 0.5% of the remaining amount.

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

10 § 7315. Executing writs, orders and decrees.

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

- | | | |
|----|---|----------------|
| 16 | <u>(1) Receiving, docketing and making return.....</u> | <u>\$15.00</u> |
| 17 | <u>(2) Summoning parties or persons in possession</u> | |
| 18 | <u>personally or by copy served or posted:</u> | |
| 19 | <u>(i) First service.....</u> | <u>15.00</u> |
| 20 | <u>(ii) Each additional service.....</u> | <u>10.00</u> |
| 21 | <u>(3) Making and certifying each copy served or</u> | |
| 22 | <u>posted.....</u> | <u>10.00</u> |
| 23 | <u>(4) Summoning and swearing special jurors.....</u> | <u>25.00</u> |
| 24 | <u>(5) Holding inquisition or appraisal of real</u> | |
| 25 | <u>estate.....</u> | <u>25.00</u> |
| 26 | <u>(6) Otherwise executing.....</u> | <u>15.00</u> |
| 27 | <u>(7) Serving by publication as required by law or</u> | |
| 28 | <u>order of court.....</u> | <u>25.00</u> |
| 29 | <u>(8) Delivering lands to plaintiff in inquisition</u> | |
| 30 | <u>or similar proceedings.....</u> | <u>50.00</u> |

1 § 7316. Executing writs.

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

7	<u>(1) Receiving, docketing and making return.....</u>	<u>\$15.00</u>
8	<u>(2) Serving or posting a copy or notice.....</u>	<u>15.00</u>
9	<u>(3) Each levy on personal property.....</u>	<u>30.00</u>
10	<u>(4) Seizing personal property levied upon.....</u>	<u>25.00</u>
11	<u>(5) Making return of nulla bona (unable to find</u>	
12	<u>goods to levy upon).....</u>	<u>15.00</u>
13	<u>(6) Advertising personal property for public</u>	
14	<u>sale by handbills.....</u>	<u>20.00</u>
15	<u>(7) Each adjourned sale.....</u>	<u>30.00</u>
16	<u>(8) Service upon a garnishee.....</u>	<u>15.00</u>
17	<u>(9) Receiving a claim of exemption or immunity</u>	
18	<u>and notifying parties in interest to the filing of</u>	
19	<u>the claim.....</u>	<u>20.00</u>
20	<u>(10) Receiving and docketing each claim to</u>	
21	<u>property or to proceeds produced by sale thereof, to</u>	
22	<u>be paid by claimant upon the filing of the claim.....</u>	<u>20.00</u>
23	<u>(11) Notifying an agency as required by law of</u>	
24	<u>the proposed sale of the property or franchise of a</u>	
25	<u>corporation or joint stock association, liquid fuels</u>	
26	<u>producer or distributor.....</u>	<u>20.00</u>
27	<u>(12) Appraising personal property under a</u>	
28	<u>statute or at the request of a party or arranging an</u>	
29	<u>appraisal by another.....</u>	<u>30.00</u>
30	<u>(13) Making arrangements to preserve property</u>	

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 any party interested to incur any such expense,
12 the actual costs of the expense to be paid by the
13 plaintiff, petitioner or party requiring the expense
14 to be incurred, providing any 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, \$50.00
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

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 any 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 any investment
18 income accrued are appropriated on a continuing basis to the
19 Pennsylvania State Police.

20 § 7325. Conservator of the peace.

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

30 (b) Deputies.--For each special deputy appointed by the

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

8 § 7326. Mileage.

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

26 § 7327. Appraisals.

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

1 for other property costs of making the appraisal, which sum
2 shall be a legal cost of proceedings. The court in its order
3 shall determine who shall pay for the costs unless otherwise
4 provided by law.

5 § 7328. Other matters.

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

12 § 7329. Counties of the second class.

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

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

26 § 7330. Costs to be additional.

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

1 costs, publication costs, services of experts, watchmen, postage
2 and mileage, which shall be costs to be paid by the plaintiff,
3 petitioner or person requiring them to be incurred.

4 § 7331. Surcharge.

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

10 Section 3. Repeals are as follows:

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

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

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

19 Section 4. The addition of 44 Pa.C.S. Ch. 73 Subch. B is a
20 continuation of the act of July 6, 1984 (P.L.614, No.127), known
21 as the Sheriff Fee Act. Except as otherwise provided in 44
22 Pa.C.S. Ch. 73 Subch. B, all activities initiated under the
23 Sheriff Fee Act shall continue and remain in full force and
24 effect and may be completed under 44 Pa.C.S. Ch. 73 Subch. B.
25 Orders, regulations, rules and decisions which were made under
26 the Sheriff Fee Act and which are in effect on the effective
27 date of 44 Pa.C.S. Ch. 73 Subch. B shall remain in full force
28 and effect until revoked, vacated or modified under 44 Pa.C.S.
29 Ch. 73 Subch. B. Contracts, obligations and collective
30 bargaining agreements entered into under the Sheriff Fee Act

1 are not affected nor impaired by the repeal of the Sheriff Fee
2 Act.

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