



COMMONWEALTH OF PENNSYLVANIA
OFFICE OF THE GOVERNOR
HARRISBURG

THE GOVERNOR

July 1, 2021

TO THE HONORABLE SENATE OF THE
COMMONWEALTH OF PENNSYLVANIA

Pursuant to Article IV, Section 15 of the Pennsylvania Constitution, I am returning herewith, without my approval, Senate Bill 516, Printer's Number 802.

This legislation seeks to solve the real issue of collecting court costs from those who have the ability to pay, but unfortunately could result in disproportionately harming indigent defendants. This bill allows a court to turn over debt owed from court costs, fines, and restitution to a private collection agency, who may add up to a 25% surcharge, when the defendant does not appear at a financial determination hearing. The purpose of a financial determination hearing is for the court to review a defendant's financial situation and determine whether the payments should be made in installments. The court will account for the defendant's ability to make restitution and reparations and weigh the burden the payment will impose on the defendant. This bill would remove that safeguard if the defendant fails to appear at the financial determination hearing, regardless of whether that failure to appear is willful or non-willful. In many instances, the financial determination hearings will occur long after a person has completed probation or parole, moved, relocated, or otherwise fulfilled their obligations to the court, and the notice to appear is often sent to out-of-date addresses.

This bill attempts to solve the problem of financially able defendants willfully skipping the determination hearing to evade collection of their debt. However, without a financial determination hearing, defendants who do not have the ability to pay will be treated the same as those who do. This would result in indigent defendants being disproportionately affected in other aspects of their lives. While I strongly recognize that victims should have every effort made to collect restitution on their behalf, this bill does not delineate between those defendants with an ability to pay versus those that do not. Court-ordered debt can linger for years and impact credit scores, limit access to housing, employment, and other benefits, including the ability to secure a pardon.

A more holistic approach is needed to both increase a court's ability to collect fees from those who have the ability to pay while also protecting indigent defendants. Pennsylvania is one of two states that require local government to fund and administer indigent services. The creation of an Office of Indigent Defense is one proposal that I have put forth that would protect these vulnerable defendants. Unfortunately, this proposal did not receive funding in this year's budget. I appreciate that this bill is attempting to solve a legitimate problem faced by the counties; however, I believe it warrants more thorough consideration to protect indigent defendants.

For the reasons set forth above, I must withhold my signature from Senate Bill 516, Printer's Number 802.

Sincerely,

A handwritten signature in blue ink that reads "Tom Wolf".

TOM WOLF
Governor