

Allegheny County Bar Association

Raising the Bar on Legal and Community Service

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February 22, 2018

VIA EMAIL AND FIRST-CLASS MAIL

Email: criminalrules@pacourts.us

Jeffrey M. Wasileski, Counsel

Supreme Court of Pennsylvania

Criminal Procedural Rules Committee

601 Commonwealth Avenue, Ste 6200

Harrisburg PA 17106-2635

Re: Amending Pa. Criminal Procedural Rules to Protect
the Rights of Indigent Defendants Who Lack the Ability
to Pay Legal Financial Obligations in Summary Cases

Dear Mr. Wasileski:

The Allegheny County Bar Association urges the Supreme Court of Pennsylvania Criminal Procedural Rules Committee to adopt amendments to Rules 403, 407, 408, 409, 411, 412, 413, 414, 422, 423, 424, 454, 456, and 470 that will eliminate incarcerating indigent defendants who lack the ability to pay legal financial obligations in summary cases. The proposed rules will provide much needed guidance to magisterial district courts that handle these summary cases.

Specifically, the Allegheny County Bar Association supports the resolution passed by the Philadelphia Bar Association dated February 15, 2018, in which the Philadelphia Bar Association provided further recommendations for strengthening the proposed amendments to said Rules.

The report from the Supreme Court Interbranch Commission for Gender, Racial, and Ethnic Fairness entitled "Ending Debtors" Prisons in Pennsylvania: Current Issues in Bail and Legal Financial Obligations: A Practical Guide for Reform" provides clear evidence that thousands of low-income individuals are jailed each year by magisterial district courts across the Commonwealth of Pennsylvania because these individuals are too poor to pay court fines, costs, and/or restitution.

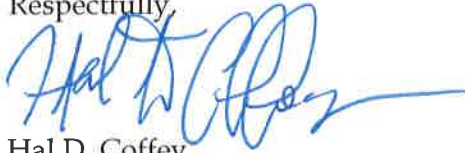
In addition, we believe that the proposed rules will help to reduce the population in county jails across the Commonwealth. The reduced inmate population will decrease the operational costs of booking, transporting, feeding, and housing inmates who are incarcerated as a result of their failure to pay in summary cases.

Jeffrey M. Wasileski, Counsel
February 22, 2018
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As leaders of our judicial system, we have an opportunity to eliminate unfair rules that negatively impact those members of society that can least afford to pay their court fines and costs.

Thank you for your consideration.

Respectfully,



Hal D. Coffey
President
Allegheny County Bar Association

HDC/jmd

cc: Mary F. Platt, Esq., Chancellor of the Philadelphia Bar Association
Sharon R. López, Esq., President of the Pennsylvania Bar Association