

[Hon. Judge Name]
[Address]

[Date]

Dear Judge **Name**:

I write to respectfully request that you schedule a payment determination hearing for Defendant **John Doe** in [docket number] pursuant to Pa.R.Crim.P. 456 and 42 Pa.C.S. § 9730(b)(3). **Mr. Doe** is unable to afford to pay the fines and costs imposed in this matter and requests a hearing before the Court so that it may consider waiving the unpaid fines and costs.

[Background on the defendant's case, how much is owed, what if any has been paid, and whether the defendant is on a court-ordered payment plan (where a judge actually signed an order, as opposed to a payment schedule set by probation or administrative staff).]

[Address whether the defendant is represented by the public defender or pro bono counsel, the defendant's financial status, and whether it is likely to change in the near future. Be sure to talk about any public assistance that the defendant receives and whether he, for example, is unable to work due to disabilities. For specific types of financial information to consider including, look at the "Ability to Pay Evaluation Form (income and expense sheet)" on www.aclupa.org/finesandcosts]

In Act 163 of 2022, the legislature expressly empowered magisterial district courts to "reduce or waive the costs or fines" whenever a defendant is unable to afford to pay the full balance in a single payment, or when the defendant cannot meet an existing court-ordered payment plan. *See* 42 Pa.C.S. § 9730(b)(3)(i) and (ii). While certain fines and costs were mandatory at the time of sentencing, *all* fines and costs are waivable when a defendant later defaults and is unable to pay. The only exception is for the costs imposed under Section 1101 of the Crime Victims Act, 18 P.S. § 11.1101, which are the Crime Victim Compensation Fund and the Victim Witness Service costs. [If this is a traffic case, include this note: **Those Crime Victim Act costs were not imposed in this case, so the Court may waive all of the outstanding fines and costs.**]

Accordingly, **Mr. Doe** requests that the Court schedule a payment determination hearing pursuant to Rule 456 at its earliest convenience. I can be reached at [contact information]

Respectfully submitted,

[Name]

Commented [A1]: Everything in red should be customized for your specific case (be sure to make the font black before finalizing).

Commented [A2]: The Crime Victim Compensation Fund and Victim Witness Service costs are not imposed in traffic cases, so flag that for the judge if applicable in your case.