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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 169 Session of  
2013

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INTRODUCED BY GREENLEAF, KITCHEN, VULAKOVICH, BREWSTER,  
TARTAGLIONE, BROWNE, D. WHITE, ALLOWAY, BOSCOLA AND BAKER,  
JANUARY 18, 2013

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REFERRED TO JUDICIARY, JANUARY 18, 2013

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A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, making editorial changes by  
3 replacing the phrase "justice of the peace" with "magisterial  
4 district judge."

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby resolves as follows:

7 Section 1. The following integrated amendments to the  
8 Constitution of Pennsylvania are proposed in accordance with  
9 Article XI:

10 (1) That section 8(b) of Article IV be amended to read:

11 § 8. Appointing power.

12 \* \* \*

13 (b) The Governor shall fill vacancies in offices to which he  
14 appoints by nominating to the Senate a proper person to fill the  
15 vacancy within 90 days of the first day of the vacancy and not  
16 thereafter. The Senate shall act on each executive nomination  
17 within 25 legislative days of its submission. If the Senate has  
18 not voted upon a nomination within 15 legislative days following

1 such submission, any five members of the Senate may, in writing,  
2 request the presiding officer of the Senate to place the  
3 nomination before the entire Senate body whereby the nomination  
4 must be voted upon prior to the expiration of five legislative  
5 days or 25 legislative days following submission by the  
6 Governor, whichever occurs first. If the nomination is made  
7 during a recess or after adjournment sine die, the Senate shall  
8 act upon it within 25 legislative days after its return or  
9 reconvening. If the Senate for any reason fails to act upon a  
10 nomination submitted to it within the required 25 legislative  
11 days, the nominee shall take office as if the appointment had  
12 been consented to by the Senate. The Governor shall in a similar  
13 manner fill vacancies in the offices of Auditor General, State  
14 Treasurer, justice, judge, [justice of the peace] magisterial  
15 district judge and in any other elective office he is authorized  
16 to fill. In the case of a vacancy in an elective office, a  
17 person shall be elected to the office on the next election day  
18 appropriate to the office unless the first day of the vacancy is  
19 within two calendar months immediately preceding the election  
20 day in which case the election shall be held on the second  
21 succeeding election day appropriate to the office.

22 \* \* \*

23 (2) That section 1 of Article V be amended to read:

24 § 1. Unified judicial system.

25 The judicial power of the Commonwealth shall be vested in a  
26 unified judicial system consisting of the Supreme Court, the  
27 Superior Court, the Commonwealth Court, courts of common pleas,  
28 community courts, municipal and traffic courts in the City of  
29 Philadelphia, such other courts as may be provided by law and  
30 [justices of the peace] magisterial district judges. All courts

1 and [justices of the peace] magisterial district judges and  
2 their jurisdiction shall be in this unified judicial system.

3 (3) That section 7 heading and (a) and (b) of Article V be  
4 amended to read:

5 § 7. [Justices of the peace] Magisterial district judges;  
6 magisterial districts.

7 (a) In any judicial district, other than the City of  
8 Philadelphia, where a community court has not been established  
9 or where one has been discontinued there shall be one [justice  
10 of the peace] magisterial district judge in each magisterial  
11 district. The jurisdiction of the [justice of the peace]  
12 magisterial district judge shall be as provided by law.

13 (b) The General Assembly shall by law establish classes of  
14 magisterial districts solely on the basis of population and  
15 population density and shall fix the salaries to be paid  
16 [justices of the peace] magisterial district judges in each  
17 class. The number and boundaries of magisterial districts of  
18 each class within each judicial district shall be established by  
19 the Supreme Court or by the courts of common pleas under the  
20 direction of the Supreme Court as required for the efficient  
21 administration of justice within each magisterial district.

22 (4) That section 10(a), (b) and (c) of Article V be amended  
23 to read:

24 § 10. Judicial administration.

25 (a) The Supreme Court shall exercise general supervisory and  
26 administrative authority over all the courts and [justices of  
27 the peace] magisterial district judges, including authority to  
28 temporarily assign judges and [justices of the peace]  
29 magisterial district judges from one court or district to  
30 another as it deems appropriate.

1 (b) The Supreme Court shall appoint a court administrator  
2 and may appoint such subordinate administrators and staff as may  
3 be necessary and proper for the prompt and proper disposition of  
4 the business of all courts and [justices of the peace]  
5 magisterial district judges.

6 (c) The Supreme Court shall have the power to prescribe  
7 general rules governing practice, procedure and the conduct of  
8 all courts, [justices of the peace] magisterial district judges  
9 and all officers serving process or enforcing orders, judgments  
10 or decrees of any court or [justice of the peace] magisterial  
11 district judge, including the power to provide for assignment  
12 and reassignment of classes of actions or classes of appeals  
13 among the several courts as the needs of justice shall require,  
14 and for admission to the bar and to practice law, and the  
15 administration of all courts and supervision of all officers of  
16 the Judicial Branch, if such rules are consistent with this  
17 Constitution and neither abridge, enlarge nor modify the  
18 substantive rights of any litigant, nor affect the right of the  
19 General Assembly to determine the jurisdiction of any court or  
20 [justice of the peace] magisterial district judge, nor suspend  
21 nor alter any statute of limitation or repose. All laws shall be  
22 suspended to the extent that they are inconsistent with rules  
23 prescribed under these provisions. Notwithstanding the  
24 provisions of this section, the General Assembly may by statute  
25 provide for the manner of testimony of child victims or child  
26 material witnesses in criminal proceedings, including the use of  
27 videotaped depositions or testimony by closed-circuit  
28 television.

29 \* \* \*

30 (5) That section 12 heading and (a) and (b) of Article V be

1 amended to read:

2 § 12. Qualifications of justices, judges and [justices of the  
3 peace] magisterial district judges.

4 (a) Justices, judges and [justices of the peace] magisterial  
5 district judges shall be citizens of the Commonwealth. Justices  
6 and judges, except the judges of the traffic court in the City  
7 of Philadelphia, shall be members of the bar of the Supreme  
8 Court. Justices and judges of statewide courts, for a period of  
9 one year preceding their election or appointment and during  
10 their continuance in office, shall reside within the  
11 Commonwealth. Other judges and [justices of the peace]  
12 magisterial district judges, for a period of one year preceding  
13 their election or appointment and during their continuance in  
14 office, shall reside within their respective districts, except  
15 as provided in this article for temporary assignments.

16 (b) Judges of the traffic court in the City of Philadelphia  
17 and [justices of the peace] magisterial district judges shall be  
18 members of the bar of the Supreme Court or shall complete a  
19 course of training and instruction in the duties of their  
20 respective offices and pass an examination prior to assuming  
21 office. Such courses and examinations shall be as provided by  
22 law.

23 (6) That section 13 heading and (a) and (b) of Article V be  
24 amended to read:

25 § 13. Election of justices, judges and [justices of the peace;]  
26 magisterial district judges; vacancies.

27 (a) Justices, judges and [justices of the peace] magisterial  
28 district judges shall be elected at the municipal election next  
29 preceding the commencement of their respective terms of office  
30 by the electors of the Commonwealth or the respective districts

1 in which they are to serve.

2 (b) A vacancy in the office of justice, judge or [justice of  
3 the peace] magisterial district judge shall be filled by  
4 appointment by the Governor. The appointment shall be with the  
5 advice and consent of two-thirds of the members elected to the  
6 Senate, except in the case of [justices of the peace]  
7 magisterial district judges which shall be by a majority. The  
8 person so appointed shall serve for a term ending on the first  
9 Monday of January following the next municipal election more  
10 than ten months after the vacancy occurs or for the remainder of  
11 the unexpired term whichever is less, except in the case of  
12 persons selected as additional judges to the Superior Court,  
13 where the General Assembly may stagger and fix the length of the  
14 initial terms of such additional judges by reference to any of  
15 the first, second and third municipal elections more than ten  
16 months after the additional judges are selected. The manner by  
17 which any additional judges are selected shall be provided by  
18 this section for the filling of vacancies in judicial offices.

19 \* \* \*

20 (7) That section 15 heading and (a) of Article V be amended  
21 to read:

22 § 15. Tenure of justices, judges and [justices of the peace]  
23 magisterial district judges.

24 (a) The regular term of office of justices and judges shall  
25 be ten years and the regular term of office for judges of the  
26 municipal court and traffic court in the City of Philadelphia  
27 and of [justices of the peace] magisterial district judges shall  
28 be six years. The tenure of any justice or judge shall not be  
29 affected by changes in judicial districts or by reduction in the  
30 number of judges.

1       \* \* \*

2       (8) That section 16 of Article V be amended to read:

3   § 16. Compensation and retirement of justices, judges and  
4       [justices of the peace] magisterial district judges.

5       (a) Justices, judges and [justices of the peace] magisterial  
6 district judges shall be compensated by the Commonwealth as  
7 provided by law. Their compensation shall not be diminished  
8 during their terms of office, unless by law applying generally  
9 to all salaried officers of the Commonwealth.

10      (b) Justices, judges and [justices of the peace] magisterial  
11 district judges shall be retired on the last day of the calendar  
12 year in which they attain the age of 70 years. Former and  
13 retired justices, judges and [justices of the peace] magisterial  
14 district judges shall receive such compensation as shall be  
15 provided by law. Except as provided by law, no salary,  
16 retirement benefit or other compensation, present or deferred,  
17 shall be paid to any justice, judge or [justice of the peace]  
18 magisterial district judge who, under section 18 or under  
19 Article VI, is suspended, removed or barred from holding  
20 judicial office for conviction of a felony or misconduct in  
21 office or conduct which prejudices the proper administration of  
22 justice or brings the judicial office into disrepute.

23      (c) A former or retired justice or judge may, with his  
24 consent, be assigned by the Supreme Court on temporary judicial  
25 service as may be prescribed by rule of the Supreme Court.

26      (9) That section 17(b) and (c) of Article V be amended to  
27 read:

28   § 17. Prohibited activities.

29       \* \* \*

30      (b) Justices and judges shall not engage in any activity

1 prohibited by law and shall not violate any canon of legal or  
2 judicial ethics prescribed by the Supreme Court. [Justices of  
3 the peace] Magisterial district judges shall be governed by  
4 rules or canons which shall be prescribed by the Supreme Court.

5 (c) No justice, judge or [justice of the peace] magisterial  
6 district judge shall be paid or accept for the performance of  
7 any judicial duty or for any service connected with his office,  
8 any fee, emolument or perquisite other than the salary and  
9 expenses provided by law.

10 \* \* \*

11 (10) That section 18 of Article V be amended to read:

12 § 18. Suspension, removal, discipline and other sanctions.

13 (a) There shall be an independent board within the Judicial  
14 Branch, known as the Judicial Conduct Board, the composition,  
15 powers and duties of which shall be as follows:

16 (1) The board shall be composed of 12 members, as follows:  
17 two judges, other than senior judges, one from the courts of  
18 common pleas and the other from either the Superior Court or the  
19 Commonwealth Court, one [justice of the peace] magisterial  
20 district judge who need not be a member of the bar of the  
21 Supreme Court, three non-judge members of the bar of the Supreme  
22 Court and six non-lawyer electors.

23 (2) The judge from either the Superior Court or the  
24 Commonwealth Court, the [justice of the peace] magisterial  
25 district judge, one non-judge member of the bar of the Supreme  
26 Court and three non-lawyer electors shall be appointed to the  
27 board by the Supreme Court. The judge from the courts of common  
28 pleas, two non-judge members of the bar of the Supreme Court and  
29 three non-lawyer electors shall be appointed to the board by the  
30 Governor.



1       (3) Except for the initial appointees whose terms shall be  
2 provided by the schedule to this article, the members shall  
3 serve for terms of four years. All members must be residents of  
4 this Commonwealth. No more than three of the six members  
5 appointed by the Supreme Court may be registered in the same  
6 political party. No more than three of the six members appointed  
7 by the Governor may be registered in the same political party.  
8 Membership of a judge or [justice of the peace] magisterial  
9 district judge shall terminate if the member ceases to hold the  
10 judicial position that qualified the member for the appointment.  
11 Membership shall terminate if a member attains a position that  
12 would have rendered the member ineligible for appointment at the  
13 time of the appointment. A vacancy shall be filled by the  
14 respective appointing authority for the remainder of the term to  
15 which the member was appointed. No member may serve more than  
16 four consecutive years but may be reappointed after a lapse of  
17 one year. The Governor shall convene the board for its first  
18 meeting. At that meeting and annually thereafter, the members of  
19 the board shall elect a chairperson. The board shall act only  
20 with the concurrence of a majority of its members.

21       (4) No member of the board, during the member's term, may  
22 hold office in a political party or political organization.  
23 Except for a judicial member, no member of the board, during the  
24 member's term, may hold a compensated public office or public  
25 appointment. All members shall be reimbursed for expenses  
26 necessarily incurred in the discharge of their official duties.

27       (5) The board shall prescribe general rules governing the  
28 conduct of members. A member may be removed by the board for a  
29 violation of the rules governing the conduct of members.

30       (6) The board shall appoint a chief counsel and other staff,

1 prepare and administer its own budget as provided by law,  
2 exercise supervisory and administrative authority over all board  
3 staff and board functions, establish and promulgate its own  
4 rules of procedure, prepare and disseminate an annual report and  
5 take other actions as are necessary to ensure its efficient  
6 operation. The budget request of the board shall be made by the  
7 board as a separate item in the request submitted by the Supreme  
8 Court on behalf of the Judicial Branch to the General Assembly.

9 (7) The board shall receive and investigate complaints  
10 regarding judicial conduct filed by individuals or initiated by  
11 the board; issue subpoenas to compel testimony under oath of  
12 witnesses, including the subject of the investigation, and to  
13 compel the production of documents, books, accounts and other  
14 records relevant to the investigation; determine whether there  
15 is probable cause to file formal charges against a justice,  
16 judge or [justice of the peace] magisterial district judge for  
17 conduct proscribed by this section; and present the case in  
18 support of the charges before the Court of Judicial Discipline.

19 (8) Complaints filed with the board or initiated by the  
20 board shall not be public information. Statements, testimony,  
21 documents, records or other information or evidence acquired by  
22 the board in the conduct of an investigation shall not be public  
23 information. A justice, judge or [justice of the peace]  
24 magisterial district judge who is the subject of a complaint  
25 filed with the board or initiated by the board or of an  
26 investigation conducted by the board shall be apprised of the  
27 nature and content of the complaint and afforded an opportunity  
28 to respond fully to the complaint prior to any probable cause  
29 determination by the board. All proceedings of the board shall  
30 be confidential except when the subject of the investigation

1 waives confidentiality. If, independent of any action by the  
2 board, the fact that an investigation by the board is in  
3 progress becomes a matter of public record, the board may, at  
4 the direction of the subject of the investigation, issue a  
5 statement to confirm that the investigation is in progress, to  
6 clarify the procedural aspects of the proceedings, to explain  
7 the rights of the subject of the investigation to a fair hearing  
8 without prejudgment or to provide the response of the subject of  
9 the investigation to the complaint. In acting to dismiss a  
10 complaint for lack of probable cause to file formal charges, the  
11 board may, at its discretion, issue a statement or report to the  
12 complainant or to the subject of the complaint, which may  
13 contain the identity of the complainant, the identity of the  
14 subject of the complaint, the contents and nature of the  
15 complaint, the actions taken in the conduct of the investigation  
16 and the results and conclusions of the investigation. The board  
17 may include with a report a copy of information or evidence  
18 acquired in the course of the investigation.

19 (9) If the board finds probable cause to file formal charges  
20 concerning mental or physical disability against a justice,  
21 judge or [justice of the peace] magisterial district judge, the  
22 board shall so notify the subject of the charges and provide the  
23 subject with an opportunity to resign from judicial office or,  
24 when appropriate, to enter a rehabilitation program prior to the  
25 filing of the formal charges with the Court of Judicial  
26 Discipline.

27 (10) Members of the board and its chief counsel and staff  
28 shall be absolutely immune from suit for all conduct in the  
29 course of their official duties. No civil action or disciplinary  
30 complaint predicated upon the filing of a complaint or other

documents with the board or testimony before the board may be maintained against any complainant, witness or counsel.

(b) There shall be a Court of Judicial Discipline, the composition, powers and duties of which shall be as follows:

(1) The court shall be composed of a total of eight members as follows: three judges other than senior judges from the courts of common pleas, the Superior Court or the Commonwealth Court, one [justice of the peace] magisterial district judge, two non-judge members of the bar of the Supreme Court and two non-lawyer electors. Two judges, the [justice of the peace] magisterial district judge and one non-lawyer elector shall be appointed to the court by the Supreme Court. One judge, the two non-judge members of the bar of the Supreme Court and one non-lawyer elector shall be appointed to the court by the Governor.

(2) Except for the initial appointees whose terms shall be provided by the schedule to this article, each member shall serve for a term of four years; however, the member, rather than the member's successor, shall continue to participate in any hearing in progress at the end of the member's term. All members must be residents of this Commonwealth. No more than two of the members appointed by the Supreme Court may be registered in the same political party. No more than two of the members appointed by the Governor may be registered in the same political party. Membership of a judge or [justice of the peace] magisterial district judge shall terminate if the judge or [justice of the peace] magisterial district judge ceases to hold the judicial position that qualified the judge or [justice of the peace] magisterial district judge for appointment. Membership shall terminate if a member attains a position that would have rendered that person ineligible for appointment at the time of

1 the appointment. A vacancy on the court shall be filled by the  
2 respective appointing authority for the remainder of the term to  
3 which the member was appointed in the same manner in which the  
4 original appointment occurred. No member of the court may serve  
5 more than four consecutive years but may be reappointed after a  
6 lapse of one year.

7 (3) The court shall prescribe general rules governing the  
8 conduct of members. A member may be removed by the court for a  
9 violation of the rules of conduct prescribed by the court. No  
10 member, during the member's term of service, may hold office in  
11 any political party or political organization. Except for a  
12 judicial member, no member of the court, during the member's  
13 term of service, may hold a compensated public office or public  
14 appointment. All members of the court shall be reimbursed for  
15 expenses necessarily incurred in the discharge of their official  
16 duties.

17 (4) The court shall appoint staff and prepare and administer  
18 its own budget as provided by law and undertake actions needed  
19 to ensure its efficient operation. All actions of the court,  
20 including disciplinary action, shall require approval by a  
21 majority vote of the members of the court. The budget request of  
22 the court shall be made as a separate item in the request by the  
23 Supreme Court on behalf of the Judicial Branch to the General  
24 Assembly. The court shall adopt rules to govern the conduct of  
25 proceedings before the court.

26 (5) Upon the filing of formal charges with the court by the  
27 board, the court shall promptly schedule a hearing or hearings  
28 to determine whether a sanction should be imposed against a  
29 justice, judge or [justice of the peace] magisterial district  
30 judge pursuant to the provisions of this section. The court

1 shall be a court of record, with all the attendant duties and  
2 powers appropriate to its function. Formal charges filed with  
3 the court shall be a matter of public record. All hearings  
4 conducted by the court shall be public proceedings conducted  
5 pursuant to the rules adopted by the court and in accordance  
6 with the principles of due process and the law of evidence.  
7 Parties appearing before the court shall have a right to  
8 discovery pursuant to the rules adopted by the court and shall  
9 have the right to subpoena witnesses and to compel the  
10 production of documents, books, accounts and other records as  
11 relevant. The subject of the charges shall be presumed innocent  
12 in any proceeding before the court, and the board shall have the  
13 burden of proving the charges by clear and convincing evidence.  
14 All decisions of the court shall be in writing and shall contain  
15 findings of fact and conclusions of law. A decision of the court  
16 may order removal from office, suspension, censure or other  
17 discipline as authorized by this section and as warranted by the  
18 record.

19 (6) Members of the court and the court's staff shall be  
20 absolutely immune from suit for all conduct in the course of  
21 their official duties, and no civil action or disciplinary  
22 complaint predicated on testimony before the court may be  
23 maintained against any witness or counsel.

24 (c) Decisions of the court shall be subject to review as  
25 follows:

26 (1) A justice, judge or [justice of the peace] magisterial  
27 district judge shall have the right to appeal a final adverse  
28 order of discipline of the court. A judge or [justice of the  
29 peace] magisterial district judge shall have the right to appeal  
30 to the Supreme Court in a manner consistent with rules adopted

1 by the Supreme Court; a justice shall have the right to appeal  
2 to a special tribunal composed of seven judges, other than  
3 senior judges, chosen by lot from the judges of the Superior  
4 Court and Commonwealth Court who do not sit on the Court of  
5 Judicial Discipline or the board, in a manner consistent with  
6 rules adopted by the Supreme Court. The special tribunal shall  
7 hear and decide the appeal in the same manner in which the  
8 Supreme Court would hear and decide an appeal from an order of  
9 the court.

10 (2) On appeal, the Supreme Court or special tribunal shall  
11 review the record of the proceedings of the court as follows: on  
12 the law, the scope of review is plenary; on the facts, the scope  
13 of review is clearly erroneous; and, as to sanctions, the scope  
14 of review is whether the sanctions imposed were lawful. The  
15 Supreme Court or special tribunal may revise or reject an order  
16 of the court upon a determination that the order did not sustain  
17 this standard of review; otherwise, the Supreme Court or special  
18 tribunal shall affirm the order of the court.

19 (3) An order of the court which dismisses a complaint  
20 against a judge or [justice of the peace] magisterial district  
21 judge may be appealed by the board to the Supreme Court, but the  
22 appeal shall be limited to questions of law. An order of the  
23 court which dismisses a complaint against a justice of the  
24 Supreme Court may be appealed by the board to a special tribunal  
25 in accordance with paragraph (1), but the appeal shall be  
26 limited to questions of law.

27 (4) No justice, judge or [justice of the peace] magisterial  
28 district judge may participate as a member of the board, the  
29 court, a special tribunal or the Supreme Court in any proceeding  
30 in which the justice, judge or [justice of the peace]

1 magisterial district judge is a complainant, the subject of a  
2 complaint, a party or a witness.

3 (d) A justice, judge or [justice of the peace] magisterial  
4 district judge shall be subject to disciplinary action pursuant  
5 to this section as follows:

6 (1) A justice, judge or [justice of the peace] magisterial  
7 district judge may be suspended, removed from office or  
8 otherwise disciplined for conviction of a felony; violation of  
9 section 17 of this article; misconduct in office; neglect or  
10 failure to perform the duties of office or conduct which  
11 prejudices the proper administration of justice or brings the  
12 judicial office into disrepute, whether or not the conduct  
13 occurred while acting in a judicial capacity or is prohibited by  
14 law; or conduct in violation of a canon or rule prescribed by  
15 the Supreme Court. In the case of a mentally or physically  
16 disabled justice, judge or [justice of the peace] magisterial  
17 district judge, the court may enter an order of removal from  
18 office, retirement, suspension or other limitations on the  
19 activities of the justice, judge or [justice of the peace]  
20 magisterial district judge as warranted by the record. Upon a  
21 final order of the court for suspension without pay or removal,  
22 prior to any appeal, the justice, judge or [justice of the  
23 peace] magisterial district judge shall be suspended or removed  
24 from office; and the salary of the justice, judge or [justice of  
25 the peace] magisterial district judge shall cease from the date  
26 of the order.

27 (2) Prior to a hearing, the court may issue an interim order  
28 directing the suspension, with or without pay, of any justice,  
29 judge or [justice of the peace] magisterial district judge  
30 against whom formal charges have been filed with the court by



1 the board or against whom has been filed an indictment or  
2 information charging a felony. An interim order under this  
3 paragraph shall not be considered a final order from which an  
4 appeal may be taken.

5 (3) A justice, judge or [justice of the peace] magisterial  
6 district judge convicted of misbehavior in office by a court,  
7 disbarred as a member of the bar of the Supreme Court or removed  
8 under this section shall forfeit automatically his judicial  
9 office and thereafter be ineligible for judicial office.

10 (4) A justice, judge or [justice of the peace] magisterial  
11 district judge who files for nomination for or election to any  
12 public office other than a judicial office shall forfeit  
13 automatically his judicial office.

14 (5) This section is in addition to and not in substitution  
15 for the provisions for impeachment for misbehavior in office  
16 contained in Article VI. No justice, judge or [justice of the  
17 peace] magisterial district judge against whom impeachment  
18 proceedings are pending in the Senate shall exercise any of the  
19 duties of office until acquittal.

20 (11) That section 7 of the Schedule to Article V be amended  
21 to read:

22 § 7. Community courts.

23 In a judicial district which establishes a community court, a  
24 person serving as a [justice of the peace] magisterial district  
25 judge at such time:

26 (a) May complete his term exercising the jurisdiction  
27 provided by law and with the compensation provided by law, and

28 (b) Upon completion of his term, his office is abolished and  
29 no judicial function of the kind heretofore exercised by a  
30 [justice of the peace] magisterial district judge shall

thereafter be exercised other than by the community court.

(12) That the undesignated subdivision heading preceding section 8 of the Schedule to Article V be amended to read:

JUSTICES, JUDGES AND [JUSTICES OF THE PEACE]

MAGISTERIAL DISTRICT JUDGES

(13) That section 8 of the Schedule to Article V be amended to read:

§ 8. Justices, judges and [justices of the peace] magisterial district judges.

Notwithstanding any provision in the article, a present justice, judge or [justice of the peace] magisterial district judge may complete his term of office.

(14) That the undesignated subdivision heading preceding section 12 of the Schedule to Article V be amended to read:

MAGISTRATES, ALDERMEN AND [JUSTICES OF THE PEACE]

MAGISTERIAL DISTRICT JUDGES AND

MAGISTERIAL DISTRICTS OTHER THAN IN THE CITY

OF PHILADELPHIA

(15) That section 12 of the Schedule to Article V be amended to read:

§ 12. Magistrates, aldermen and [justices of the peace] magisterial district judges.

An alderman, [justice of the peace] magisterial district judge or magistrate:

(a) May complete his term, exercising the jurisdiction provided by law and with the method of compensation provided by law prior to the adoption of this article;

(b) Shall be deemed to have taken and passed the examination required by this article for [justices of the peace] magisterial district judges if he has completed one full term of office

1 before creation of a magisterial district, and

2 (c) At the completion of his term, his office is abolished.

3 (d) Except for officers completing their terms, after the  
4 first Monday in January, 1970, no judicial function of the kind  
5 heretofore exercised by these officers, by mayors and like  
6 officers in municipalities shall be exercised by any officer  
7 other than the one [justice of the peace] magisterial district  
8 judge elected or appointed to serve in that magisterial  
9 district.

10 (16) That section 13 of the Schedule to Article V be amended  
11 to read:

12 § 13. Magisterial districts.

13 So that the provisions of this article regarding the  
14 establishment of magisterial districts and the instruction and  
15 examination of [justices of the peace] magisterial district  
16 judges may be self-executing, until otherwise provided by law in  
17 a manner agreeable to this article, the following provisions  
18 shall be in force:

19 (a) The Supreme Court or the courts of common pleas under  
20 the direction of the Supreme Court shall fix the number and  
21 boundaries of magisterial districts of each class within each  
22 judicial district by January 1, 1969, and these magisterial  
23 districts, except where a community court has been adopted,  
24 shall come into existence on January 1, 1970, the [justices of  
25 the peace] magisterial district judges thereof to be elected at  
26 the municipal election in 1969. These [justices of the peace]  
27 magisterial district judges shall retain no fine, costs or any  
28 other sum that shall be delivered into their hands for the  
29 performance of any judicial duty or for any service connected  
30 with their offices, but shall remit the same to the

Commonwealth, county, municipal subdivision, school district or otherwise as may be provided by law.

(b) Classes of magisterial districts.

(i) Magisterial districts of the first class shall have a population density of more than 5,000 persons per square mile and a population of not less than 65,000 persons.

(ii) Magisterial districts of the second class shall have a population density of between 1,000 and 5,000 persons per square mile and a population of between 20,000 persons and 65,000 persons.

(iii) Magisterial districts of the third class shall have a population density of between 200 and 1,000 persons per square mile and a population of between 12,000 persons and 20,000 persons.

(iv) Magisterial districts of the fourth class shall have a population density of between 70 and 200 persons per square mile and a population of between 7,500 persons and 12,000 persons.

(v) Magisterial districts of the fifth class shall have a population density of under 70 persons per square mile and a population of between 4,000 persons and 7,500 persons.

(c) Salaries of [justices of the peace] magisterial district judges.

The salaries of the [justices of the peace] magisterial district judges shall be as follows:

(i) In first class magisterial districts, \$12,000 per year,

(ii) In second class magisterial districts, \$10,000 per year,

(iii) In third class magisterial districts, \$8,000 per year,

(iv) In fourth and fifth class magisterial districts, \$5,000 per year.

1 (v) The salaries here fixed shall be paid by the State  
2 Treasurer and for such payment this article and schedule shall  
3 be sufficient warrant.

4 (d) Course of training, instruction and examination. The  
5 course of training and instruction and examination in civil and  
6 criminal law and procedure for a [justice of the peace]  
7 magisterial district judge shall be devised by the Department of  
8 Public Instruction, and it shall administer this course and  
9 examination to insure that [justices of the peace] magisterial  
10 district judges are competent to perform their duties.

11 (17) That section 14 of the Schedule to Article V be amended  
12 to read:

13 § 14. Magisterial districts.

14 Effective immediately upon establishment of magisterial  
15 districts and until otherwise prescribed the civil and criminal  
16 procedural rules relating to venue shall apply to magisterial  
17 districts; all proceedings before aldermen, magistrates and  
18 [justices of the peace] magisterial district judges shall be  
19 brought in and only in a magisterial district in which occurs an  
20 event which would give rise to venue in a court of record; the  
21 court of common pleas upon its own motion or on application at  
22 any stage of proceedings shall transfer any proceeding in any  
23 magisterial district to the [justice of the peace] magisterial  
24 district judge for the magisterial district in which proper  
25 venue lies.

26 (18) That section 21 of the Schedule to Article V be amended  
27 to read:

28 § 21. Inferior courts.

29 Upon the establishment of magisterial districts pursuant to  
30 this article and schedule, and unless otherwise provided by law,

1 the police magistrates, including those serving in the traffic  
2 court, the housing court and the city court shall continue as at  
3 present. Such magistrates shall be part of the unified judicial  
4 system and shall be subject to the general supervisory and  
5 administrative authority of the Supreme Court. Such magistrates  
6 shall be subject to the provisions of this article and schedule  
7 regarding educational requirements and prohibited activities of  
8 [justices of the peace] magisterial district judges.

9 (19) That section 22 of the Schedule to Article V be amended  
10 to read:

11 § 22. Causes, proceedings, books and records.

12 All causes and proceedings pending in any abolished court or  
13 office of the [justice of the peace] magisterial district judge  
14 shall be determined and concluded by the court to which  
15 jurisdiction of the proceedings has been transferred under this  
16 schedule and all books, dockets and records of any abolished  
17 court or office of the [justice of the peace] magisterial  
18 district judge shall become those of the court to which, under  
19 this schedule, jurisdiction of the proceedings concerned has  
20 been transferred.

21 (20) That section 24(b) and (c) of the Schedule to Article V  
22 be amended to read:

23 § 24. Judicial discipline.

24 \* \* \*

25 (b) Of the members initially appointed to the Judicial  
26 Conduct Board, the judge appointed by the Supreme Court shall  
27 serve a four-year term, and the judge appointed by the Governor  
28 shall serve a three-year term. The [justice of the peace]  
29 magisterial district judge initially appointed shall serve a  
30 two-year term. Of the three non-judge members of the bar of the

1 Supreme Court initially appointed, the first appointed by the  
2 Governor shall serve a three-year term, the next appointed by  
3 the Governor shall serve a two-year term, and the non-judge  
4 member of the bar of the Supreme Court appointed by the Supreme  
5 Court shall serve a one-year term. Of the six non-lawyer  
6 electors initially appointed, the first appointed by the  
7 Governor and the first appointed by the Supreme Court shall  
8 serve a four-year term, the next appointed by the Governor and  
9 the next appointed by the Supreme Court shall serve a three-year  
10 term, and the next appointed by the Governor and the next  
11 appointed by the Supreme Court shall serve a two-year term.

12 (c) Of the three judges initially appointed to the Court of  
13 Judicial Discipline, the first appointed by the Supreme Court  
14 shall serve a four-year term, the next appointed by the Supreme  
15 Court shall serve a three-year term, and the judge appointed by  
16 the Governor shall serve a two-year term. The [justice of the  
17 peace] magisterial district judge initially appointed shall  
18 serve a one-year term. Of the non-judge members of the bar  
19 initially appointed, the first appointed shall serve a four-year  
20 term, and the next appointed shall serve a three-year term. Of  
21 the two non-lawyer electors initially appointed, the non-lawyer  
22 elector appointed by the Governor shall serve a three-year term,  
23 and the non-lawyer elector appointed by the Supreme Court shall  
24 serve a two-year term.

25 (21) That section 26 of the Schedule to Article V be amended  
26 to read:

27 § 26. Writs of certiorari.

28 Unless and until changed by rule of the Supreme Court, in  
29 addition to the right of appeal under section 9 of this article,  
30 the judges of the courts of common pleas, within their

1    respective judicial districts, shall have power to issue writs  
2    of certiorari to the municipal court in the City of  
3    Philadelphia, [justices of the peace] magisterial district  
4    judges and inferior courts not of record and to cause their  
5    proceedings to be brought before them, and right and justice to  
6    be done.

7        Section 2.    (a)    Upon the first passage by the General  
8    Assembly of these proposed constitutional amendments, the  
9    Secretary of the Commonwealth shall proceed immediately to  
10   comply with the advertising requirements of section 1 of Article  
11   XI of the Constitution of Pennsylvania and shall transmit the  
12   required advertisements to two newspapers in every county in  
13   which such newspapers are published in sufficient time after  
14   passage of these proposed constitutional amendments.

15        (b)    Upon the second passage by the General Assembly of these  
16   proposed constitutional amendments, the Secretary of the  
17   Commonwealth shall proceed immediately to comply with the  
18   advertising requirements of section 1 of Article XI of the  
19   Constitution of Pennsylvania and shall transmit the required  
20   advertisements to two newspapers in every county in which such  
21   newspapers are published in sufficient time after passage of  
22   these proposed constitutional amendments. The Secretary of the  
23   Commonwealth shall submit the proposed constitutional amendments  
24   under section 1 to the qualified electors of this Commonwealth  
25   as a single ballot question at the first primary, general or  
26   municipal election which meets the requirements of and is in  
27   conformance with section 1 of Article XI of the Constitution of  
28   Pennsylvania and which occurs at least three months after the  
29   proposed constitutional amendments are passed by the General  
30   Assembly.