

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 752

Session of 1981

INTRODUCED BY FREIND, J. L. WRIGHT, CIMINI, BROWN, MAIALE, PITTS, MADIGAN, HALUSKA, HORGOS, ALDEN, E. Z. TAYLOR, L. E. SMITH, JOHNSON, CALTAGIRONE, PERZEL, GALLAGHER, BLAUM, VROON, TRELLO, SEVENTY, MILLER, RAPPAPORT, GANNON, PETERSON, NOYE, ROCKS, MACKOWSKI, GRAY, MRKONIC, HAGARTY, FISCHER, PRATT, KANUCK, CUNNINGHAM, MICOZZIE, GEIST, ARTY, LETTERMAN, SPITZ, DAVIES, HOFFFEL, McINTYRE AND CIVERA, MARCH 9, 1981

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 14, 1981

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, extending DIRECT CRIMINAL <—
3 contempt of court powers to district justices.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Subchapter C of Chapter 41 of Title 42, act of
7 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania
8 Consolidated Statutes, is amended by adding a section to read:

9 SUBCHAPTER C

10 CONTEMPT OF COURT

11 * * *

12 § 4136. Contempt powers of district justices.

13 (a) General rule.--Except as provided in subsection (b),
14 district justices shall have the same power to inflict summary <—
15 punishments for contempts of court as are granted to courts <—

1 ~~generally pursuant to this subchapter.~~ IN THE CASE OF THE <—
2 MISBEHAVIOR OF ANY PERSON IN THE PRESENCE OF THE COURT, THEREBY
3 OBSTRUCTING THE ADMINISTRATION OF JUSTICE.

4 (b) Stay of contempt conviction.--Any punishment imposed by
5 a district justice for contempt UNDER SUBSECTION (A) shall be <—
6 stayed for a period of ten days from the date of imposition of
7 the punishment to allow the offender to appeal to the court of
8 common pleas of the judicial district, OR UNTIL DISPOSITION OF <—
9 THE APPEAL, WHICHEVER IS LATER.

10 (C) PUNISHMENT.--EXCEPT AS OTHERWISE PROVIDED IN THIS TITLE
11 OR BY STATUTE HEREAFTER ENACTED, PUNISHMENT FOR A CONTEMPT
12 SPECIFIED IN SUBSECTION (A) MAY BE BY FINE NOT EXCEEDING \$100 OR
13 BY IMPRISONMENT NOT EXCEEDING TEN DAYS IN THE JAIL OF THE COUNTY
14 WHERE THE DISTRICT JUSTICE IS SITTING, OR BOTH, IN THE
15 DISCRETION OF THE DISTRICT JUSTICE.

16 Section 2. This act shall take effect in 60 days.