

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1224 Session of
1981

INTRODUCED BY MAIALE, O'DONNELL, BELOFF, BORSKI, McMONAGLE,
PUCCIARELLI, SWAIM AND WHITE, APRIL 21, 1981

REFERRED TO COMMITTEE ON URBAN AFFAIRS, APRIL 21, 1981

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 duties and jurisdiction of the Municipal Court of
4 Philadelphia.

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

7 Section 1. Section 1123(a) of Title 42, act of November 25,
8 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated
9 Statutes, is amended to read:

10 § 1123. Jurisdiction and venue.

11 (a) General rule.--Except as otherwise prescribed by any
12 general rule adopted pursuant to section 503 (relating to
13 reassignment of matters), the Philadelphia Municipal Court shall
14 have jurisdiction of the following matters:

15 (1) Summary offenses, except those within the
16 jurisdiction of the Traffic Court of Philadelphia and
17 excepting summary offenses committed by juveniles which shall
18 be within the jurisdiction of the family court division of

1 common pleas court.

2 (2) Criminal offenses by any person (other than a
3 juvenile) for which no prison term may be imposed or which
4 are punishable by imprisonment for a term of not more than
5 five years, including indictable offenses under Title 75
6 (relating to vehicles). In cases under this paragraph the
7 defendant shall have no right of trial by jury in the
8 municipal court, but shall have the right of appeal for trial
9 de novo, including the right of trial by jury, to the court
10 of common pleas. The judges of the municipal court exercising
11 jurisdiction under this paragraph shall have the same
12 jurisdiction in probation and parole arising out of sentences
13 imposed by them as judges of the court of common pleas.

14 (3) Matters arising under the act of April 6, 1951
15 (P.L.69, No.20), known as "The Landlord and Tenant Act of
16 1951."

17 (4) Civil actions wherein the sum demanded does not
18 exceed \$1000, exclusive of interest and costs, in the
19 following classes of actions:

20 (i) In assumpsit.

21 (ii) In trespass, including all forms of trespass
22 and trespass on the case.

23 (iii) For fines and penalties by any government
24 agency.

25 A plaintiff may waive a portion of his claim of more than
26 \$1000 so as to bring the matter within the jurisdiction of
27 the municipal court. Such waiver shall be revoked
28 automatically if the defendant appeals the final order of the
29 municipal court. In cases under this paragraph the defendant
30 shall have no right of trial by jury in the municipal court,

1 but shall have the right to appeal for trial de novo,
2 including the right of trial by jury, to the court of common
3 pleas, it being the purpose of this paragraph to establish an
4 expeditious small claims procedure whereby it shall not be
5 necessary for the litigants to obtain counsel. Judgments by
6 confession shall not be entered in the municipal court.

7 (5) As commissioners to preside at arraignments, fix and
8 accept bail, issue warrants and perform duties of a similar
9 nature, including the jurisdiction of a committing magistrate
10 in all criminal proceedings.

11 (6) Civil actions wherein the sum demanded does not
12 exceed \$15,000 in matters involving judgments of real estate
13 taxes and school taxes levied by cities of the first class.

14 * * *

15 Section 2. This act shall take effect immediately.