

PENNSYLVANIA CONSOLIDATED STATUTES - OMNIBUS AMENDMENTS TO
MISCELLANEOUS CONSOLIDATED TITLES

Act of Nov. 30, 2004, P.L. 1618, No. 207

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No. 2004-207

SB 904

AN ACT

Amending Titles 18 (Crimes and Offenses), 23 (Domestic Relations), 34 (Game), 42 (Judiciary and Judicial Procedure), 53 (Municipalities Generally), 68 (Real and Personal Property), 71 (State Government), 74 (Transportation) and 75 (Vehicles) of the Pennsylvania Consolidated Statutes, changing the name of "district justice" to "magisterial district judge" and replacing references to "justice of the peace" with "magisterial district judge."

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

Section 1. The definitions of "court" and "judge" in section 103 of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 103. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this part, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Court." Includes (when exercising criminal or quasi-criminal jurisdiction pursuant to 42 Pa.C.S. § 1515 (relating to jurisdiction and venue)) a [district justice] **magisterial district judge**.

* * *

"Judge." Includes (when exercising criminal or quasi-criminal jurisdiction pursuant to 42 Pa.C.S. § 1515 (relating to jurisdiction and venue)) a [district justice] **magisterial district judge**.

* * *

Section 2. The definition of "court facility" in section 913(f) of Title 18 is amended to read:

§ 913. Possession of firearm or other dangerous weapon in court facility.

* * *

(f) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Court facility." The courtroom of a court of record; a courtroom of a community court; the courtroom of a [district justice] **magisterial district judge**; a courtroom of the Philadelphia Municipal Court; a courtroom of the Pittsburgh Magistrates Court; a courtroom of the Traffic Court of Philadelphia; judge's chambers; witness rooms; jury deliberation rooms; attorney conference rooms; prisoner holding cells; offices of court clerks, the district attorney, the sheriff and probation and parole officers; and any adjoining corridors.

* * *

Section 3. Section 1106(d), (e) and (f) and the definition of "crime" in subsection (h) of Title 18 are amended to read:
§ 1106. Restitution for injuries to person or property.

* * *

(d) Limitations on district justices.--Restitution ordered by a [district justice] **magisterial district judge** shall be limited to the return of the actual property or its undisputed dollar amount or, where the claim for restitution does not exceed the civil jurisdictional limit specified in 42 Pa.C.S. § 1515(a)(3) (relating to jurisdiction) and is disputed as to amount, the [district justice] **magisterial district judge** shall determine and order the dollar amount of restitution to be made.

(e) Restitution payments and records.--Restitution, when ordered by a judge, shall be made by the offender to the probation section of the county in which he was convicted or to another agent designated by the county commissioners with the approval of the president judge of the county to collect restitution according to the order of the court or, when ordered by a [district justice] **magisterial district judge**, shall be made to the [district justice] **magisterial district judge**. The probation section or other agent designated by the county commissioners of the county with the approval of the president judge to collect restitution and the [district justice] **magisterial district judge** shall maintain records of the restitution order and its satisfaction and shall forward to the victim the property or payments made pursuant to the restitution order.

(f) Noncompliance with restitution order.--Whenever the offender shall fail to make restitution as provided in the order of a judge, the probation section or other agent designated by the county commissioners of the county with the approval of the president judge to collect restitution shall notify the court within 20 days of such failure. Whenever the offender shall fail to make restitution within 20 days to a [district justice] **magisterial district judge**, as ordered, the [district justice] **magisterial district judge** shall declare the offender in contempt and forward the case to the court of common pleas. Upon such notice of failure to make restitution, or upon receipt of the contempt decision from a [district justice] **magisterial district judge**, the court shall order a hearing to determine if the offender is in contempt of court or has violated his probation or parole.

* * *

(h) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Crime." Any offense punishable under this title or by a [district justice] **magisterial district judge**.

* * *

Section 4. Sections 2702(c)(23), 3929(e) and (g), 3929.1(g), 4953.1(c), 4955(c), 6308(c)(1), 6711(c) and 7311(f)(2) of Title 18 are amended to read:

§ 2702. Aggravated assault.

* * *

(c) Officers, employees, etc., enumerated.--The officers, agents, employees and other persons referred to in subsection (a) shall be as follows:

* * *

(23) A [district justice] **magisterial district judge**.

* * *

§ 3929. Retail theft.

* * *

(e) Reduction prohibited.--No [justice of the peace or other magistrate] **magisterial district judge** shall have the power to reduce any other charge of theft to a charge of retail theft as defined in this section.

* * *

(g) Fingerprinting.--Prior to the commencement of trial or entry of plea of a defendant 16 years of age or older accused of the summary offense of retail theft, the issuing authority shall order the defendant to submit within five days of such order for fingerprinting by the municipal police of the jurisdiction in which the offense allegedly was committed or the State Police. Fingerprints so obtained shall be forwarded immediately to the Pennsylvania State Police for determination as to whether or not the defendant previously has been convicted of the offense of retail theft. The results of such determination shall be forwarded to the Police Department obtaining the fingerprints if such department is the prosecutor, or to the issuing authority if the prosecutor is other than a police officer. The issuing authority shall not proceed with the trial or plea in summary cases until in receipt of the determination made by the State Police. The [district justice] **magisterial district judge** shall use the information obtained solely for the purpose of grading the offense pursuant to subsection (b).

§ 3929.1. Library theft.

* * *

(g) Prior offenses.--Prior to the commencement of trial or entry of plea of a defendant 16 years of age or older accused of the summary offense of library theft, the issuing authority shall notify the Pennsylvania State Police for determination as to whether or not the defendant previously has been convicted of the offense of library theft. The results of such determination shall be forwarded to the police department if the department is the prosecutor, or to the issuing authority if the prosecutor is other than a police officer. The issuing authority shall not proceed with the trial or plea in summary cases until in receipt of the determination made by the State Police. The [district justice] **magisterial district judge** shall use the information obtained solely for the purpose of grading the offense pursuant to subsection (b).

* * *

§ 4953.1. Retaliation against prosecutor or judicial official.

* * *

(c) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Judicial official." Any person who is a:

- (1) judge of the court of common pleas;
- (2) judge of the Commonwealth Court;
- (3) judge of the Superior Court;
- (4) justice of the Supreme Court;
- (5) [district justice] **magisterial district judge**;
- (6) judge of the Pittsburgh Magistrate's Court;
- (7) judge of the Philadelphia Municipal Court;
- (8) judge of the Traffic Court of Philadelphia; or
- (9) master appointed by a judge of a court of common pleas.

"Prosecutor." Any person who is:

- (1) an Attorney General;
- (2) a deputy attorney general;
- (3) a district attorney; or
- (4) an assistant district attorney.

§ 4955. Violation of orders.

* * *

(c) Arraignment.--Subsequent to an arrest, the defendant shall be taken without unnecessary delay before the court that issued the order. When that court is unavailable, the defendant shall be arraigned before a [district justice] **magisterial district judge** or, in cities of the first class, a Philadelphia Municipal Court Judge, in accordance with the Pennsylvania Rules of Criminal Procedure.

§ 6308. Purchase, consumption, possession or transportation of liquor or malt or brewed beverages.

* * *

(c) Preadjudication disposition.--

(1) When a person is charged with violating subsection (a), the [district justice] **magisterial district judge** may admit the offender to the adjudication alternative as authorized in 42 Pa.C.S. § 1520 (relating to adjudication alternative program) or any other preadjudication disposition if the offender has not previously received a preadjudication disposition for violating subsection (a).

* * *

§ 6711. Retention of military property after notice to return.

* * *

(c) Restitution to avoid prosecution.--A person may avoid prosecution under this section by returning the property or making restitution to the responsible official of the armed forces of the United States or the Pennsylvania military forces, as applicable, prior to the date of the hearing before the [district justice] **magisterial district judge**, municipal court judge or other official authorized to conduct the hearing.

§ 7311. Unlawful collection agency practices.

* * *

(f) Coercion or intimidation.--

* * *

(2) Paragraph (1) of this subsection shall not prohibit:

(i) A collection agency from informing a debtor that if a claim is not paid, it will be referred to an attorney at law for such action as he may deem necessary, without naming a specific attorney.

(ii) A [justice of the peace or magistrate] **magisterial district judge** from sending out notices to debtors before the institution of suit.

* * *

Section 5. The definition of "court" in section 102(a) of Title 23 is amended to read:

§ 102. Definitions.

(a) General rule.--Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this subsection unless the context clearly indicates otherwise:

* * *

"Court." The court or [district justice] **magisterial district judge** having jurisdiction over the matter under Title 42 (relating to judiciary and judicial procedure) exercised as provided in Title 42 or as otherwise provided or prescribed by law.

* * *

Section 6. Section 1503(a) of Title 23 is amended to read:

§ 1503. Persons qualified to solemnize marriages.

(a) General rule.--The following are authorized to solemnize marriages between persons that produce a marriage license issued under this part:

(1) A justice, judge or [district justice] **magisterial district judge** of this Commonwealth.

(2) A former or retired justice, judge or [district justice] **magisterial district judge** of this Commonwealth who is serving as a senior judge or senior [district justice] **magisterial district judge** as provided or prescribed by law.

(3) An active or senior judge or full-time magistrate of the District Courts of the United States for the Eastern, Middle or Western District of Pennsylvania.

(4) An active, retired or senior judge of the United States Court of Appeals for the Third Circuit who is a resident of this Commonwealth.

(5) A mayor of any city or borough of this Commonwealth.

(6) A minister, priest or rabbi of any regularly established church or congregation.

* * *

Section 7. The definition of "hearing officer" in section 6102(a) of Title 23 is amended to read:

§ 6102. Definitions.

(a) General rule.--The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Hearing officer." A [district justice] **magisterial district judge**, judge of the Philadelphia Municipal Court, bail commissioner appointed under 42 Pa.C.S. § 1123 (relating to jurisdiction and venue) and master appointed under 42 Pa.C.S. § 1126 (relating to masters).

* * *

Section 8. Sections 6113(c), 6113.1(a) and 6340(a)(5) of Title 23 are amended to read:

§ 6113. Arrest for violation of order.

* * *

(c) Procedure following arrest.--Subsequent to an arrest, the defendant shall be taken by the police officer without unnecessary delay before the court in the judicial district where the contempt is alleged to have occurred. When that court is unavailable, the police officer shall convey the defendant to a [district justice] **magisterial district judge** designated as appropriate by local rules of court or, in the city of Pittsburgh, to a magistrate of the Pittsburgh Magistrates Court or, in counties of the first class, to the appropriate hearing officer. For purposes of procedure relating to arraignments for arrest for violation of an order issued under this chapter, the judges of Pittsburgh Magistrates Court shall be deemed to be [district justices] **magisterial district judges**.

* * *

§ 6113.1. Private criminal complaints for violation of order or agreement.

(a) General rule.--A plaintiff may file a private criminal complaint against a defendant, alleging indirect criminal contempt for a noneconomic violation of any provision of an order or court-approved consent agreement issued under this chapter or a foreign protection order, with the court, the office of the district attorney or the [district justice] **magisterial district judge** in the jurisdiction or county where the violation occurred, except that, in a city of the first class, a complaint may only be filed with the family division

of the court of common pleas or the office of the district attorney.

* * *

§ 6340. Release of information in confidential reports.

(a) General rule.--Reports specified in section 6339 (relating to confidentiality of reports) shall only be made available to:

* * *

(5) A court of competent jurisdiction, including a [district justice] **magisterial district judge**, a judge of the Philadelphia Municipal Court and a judge of the Pittsburgh Magistrates Court, pursuant to court order or subpoena in a criminal matter involving a charge of child abuse under section 6303(b) (relating to definitions). Disclosure through testimony shall be subject to the restrictions of subsection (c).

* * *

Section 9. The definition of "district justice" in section 102 of Title 34 is amended and the section is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

["District justice." Includes a court of the minor judiciary having jurisdiction over summary offenses generally.]

* * *

"Magisterial district judge." Includes a court of the minor judiciary having jurisdiction over summary offenses generally.

* * *

Section 10. Sections 925(a), (f) and (i), 2511(b)(3), 2512(b)(3), 2711(a)(10), 2726(a)(1) and 2741(c) of Title 34 are amended to read:

§ 925. Jurisdiction and penalties.

(a) Jurisdiction.--Notwithstanding the provisions of Title 42 (relating to judiciary and judicial procedure), all [district justices] **magisterial district judges** shall have jurisdiction for all violations of this title which are classified as summary offenses and may accept guilty pleas and impose sentences for violations of this title classified as misdemeanors.

* * *

(f) Nonpayment of fines and costs.--Unless otherwise provided in this title, each person who fails to pay the fine imposed may, after hearing before a [district justice] **magisterial district judge**, be imprisoned until the fine is paid in full. The court may imprison the person for a number of days equal to one day for each \$40 of the unpaid balance of the fine and costs not to exceed 120 days.

* * *

(i) Replacement costs.--In addition to the fines and costs imposed for violations pursuant to subsection (b), the costs incurred by the commission for the replacement of the species involved in the violation shall be assessed by the [district justice] **magisterial district judge** in such amount as is fixed by regulation of the commission. Replacement costs shall only be assessed for violations relating to threatened or endangered species of North American game or wildlife and such other species of Pennsylvania game or wildlife as designated by the commission.

* * *
§ 2511. Damage to trees.

* * *
(b) Penalties.--

* * *
(3) In addition to any other penalty imposed, the defendant shall be liable to pay to the one in control of a tree the amount of any damage done by the defendant to the tree. The amount of the damage to the tree shall be determined by the [district justice] **magisterial district judge**. If a reasonable settlement for damage to the tree is not reached, the [district justice] **magisterial district judge** may appoint a competent appraiser to determine the amount of the damage. The amount of the damage determined shall be assessed against the defendant and paid to the [district justice] **magisterial district judge** for disposition. The [district justice] **magisterial district judge** shall deliver the amount collected to the person or governmental agency having legal control over the land where the damage occurred. The appraiser appointed by the [district justice] **magisterial district judge** shall be entitled to a reasonable fee for services rendered which shall be assessed against the defendant as additional costs.

§ 2512. Unlawful acts on commission lands or waters.

* * *
(b) Penalties.--

* * *
(3) In addition to any other penalty imposed, where the damages or materials removed are extreme or an agreeable arrangement cannot be reached between the concerned parties, the case shall be heard by the appropriate [district justice] **magisterial district judge** who, if necessary, may appoint an independent person to appraise the damage to be paid to the commission. Any costs for the appraiser shall be added to costs of prosecution.

§ 2711. Unlawful acts concerning licenses.

(a) General rule.--Except as otherwise provided in this title, it is unlawful for any person to:

* * *
(10) Hunt or take, or aid, assist or attempt to hunt or take, furbearers or take any game or wildlife anywhere in this Commonwealth, either with or without a license, or make application, receive or attempt or conspire to receive any license required by this chapter, during any period that these privileges have been denied or withdrawn by this title, by the director or by a [district justice] **magisterial district judge** or court.

* * *
§ 2726. Unlawful acts concerning agents.

(a) General rule.--It is unlawful for an agent or his representative to knowingly:

(1) Issue any license:

(i) To any person not fully qualified for or entitled to the license.

(ii) To one whose privilege to hunt or take game or wildlife has been denied by the commission or by a [district justice] **magisterial district judge** or court.

(iii) Without first securing the fees, affidavits, applications or other documents required by this title.

(iv) Without first securing satisfactory identification.

(v) At a fee greater than the fee prescribed in this title or by the commission.

* * *

§ 2741. Denial or revocation of licenses.

* * *

(c) Authority of court.--Any [district justice] **magisterial district judge** or court having jurisdiction in any case coming before it involving any of the offenses contained in this title may revoke a hunting or furtaking license and deny the privilege to secure a license or to hunt or take furbearers anywhere in this Commonwealth, with or without a license, as set forth in this title.

Section 11. The definitions of "central staff," "district justice," "issuing authority," "judicial officers," "magisterial district," "minor judiciary," "senior district justice" and "tribunal" in section 102 of Title 42 are amended and the section is amended by adding a definition to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Central staff." All individuals employed in the business of the unified judicial system, but the term does not include [district justices] **magisterial district judges** or their personal staff or personnel of the courts.

* * *

["District justice." A justice of the peace holding office under section 7(a) of Article V of the Constitution of Pennsylvania and Chapter 15 (relating to district justices).]

* * *

"Issuing authority." Any judge or [district justice] **magisterial district judge** of the minor judiciary, subject to the express limitations on jurisdiction specified in this title.

* * *

"Judicial officers." Judges, [district justices] **magisterial district judges** and appointive judicial officers.

* * *

"Magisterial district." A district established within a judicial district pursuant to Subchapter A of Chapter 15 (relating to magisterial districts) for the election of a [district justice] **magisterial district judge**.

"Magisterial district judge." A justice of the peace who holds office under section 7(a) of Article V of the Constitution of Pennsylvania and Subchapter B of Chapter 15 (relating to **magisterial district judges**).

* * *

"Minor judiciary." The community courts, [district justices] **magisterial district judges**, Pittsburgh Magistrates Court and Traffic Court of Philadelphia.

* * *

"Senior [district justice] **magisterial district judge**." A former or retired [district justice] **magisterial district judge** who retires or otherwise vacates office after January 1, 1970, who has served at least one complete six year elected term as a [district justice] **magisterial district judge**, and who, with his consent, is assigned on temporary magisterial service pursuant to section 4122(b) (relating to assignment of senior [district justices] **magisterial district judges**).

* * *

"Tribunal." A court, [district justice] **magisterial district judge** or other judicial officer vested with the power to enter an order in a matter. The term includes a government unit, other than the General Assembly and its officers and agencies, when performing quasi-judicial functions.

* * *

Section 12. Sections 301, 503(a), 723(a), 726, 912, 931(b), 1102(b) and (c), 1103, 1105(a), 1141, 1302(b), 1341, 1342 and 1503(d) of Title 42 are amended to read:

§ 301. Unified judicial system.

The judicial power of the Commonwealth shall be vested in a unified judicial system consisting of the:

- (1) Supreme Court.
- (2) Superior Court.
- (3) Commonwealth Court.
- (4) Courts of common pleas.
- (5) Community courts.
- (6) Philadelphia Municipal Court.
- (7) Pittsburgh Magistrates Court.
- (8) Traffic Court of Philadelphia.
- (9) [District justices] **Magisterial district judges**.

All courts and [district justices] **magisterial district judges** and their jurisdiction shall be in this unified judicial system.

§ 503. Reassignment of matters.

(a) General rule.--The Supreme Court may by general rule provide for the assignment and reassignment of classes of matters among the several courts of this Commonwealth and the [district justices] **magisterial district judges** as the needs of justice shall require and all laws shall be suspended to the extent that they are inconsistent with such general rules.

* * *

§ 723. Appeals from Commonwealth Court.

(a) General rule.--The Supreme Court shall have exclusive jurisdiction of appeals from final orders of the Commonwealth Court entered in any matter which was originally commenced in the Commonwealth Court except an order entered in a matter which constitutes an appeal to the Commonwealth Court from another court, a [district justice] **magisterial district judge** or another government unit.

* * *

§ 726. Extraordinary jurisdiction.

Notwithstanding any other provision of law, the Supreme Court may, on its own motion or upon petition of any party, in any matter pending before any court or [district justice] **magisterial district judge** of this Commonwealth involving an issue of immediate public importance, assume plenary jurisdiction of such matter at any stage thereof and enter a final order or otherwise cause right and justice to be done.

§ 912. Powers of courts of common pleas.

Every court of common pleas shall have power to issue, under its judicial seal, every lawful writ and process to or to be served or enforced by system and related personnel as such courts have been heretofore authorized by law or usage to issue. Every judge of a court of common pleas shall have all the powers of a judge or [district justice] **magisterial district judge** of the minor judiciary.

§ 931. Original jurisdiction and venue.

* * *

(b) Concurrent and exclusive jurisdiction.--The jurisdiction of the courts of common pleas under this section shall be exclusive except with respect to actions and proceedings

concurrent jurisdiction of which is by statute or by general rule adopted pursuant to section 503 vested in another court of this Commonwealth or in the [district justices] **magisterial district judges**.

* * *

§ 1102. Establishment or discontinuance of community courts.

* * *

(b) Establishment.--The community court of a judicial district shall be established on the first Monday of January following the municipal election at which the first judges of the court shall be elected. A court when established shall, in accordance with and subject to Article V of the Constitution of Pennsylvania, supplant all [district justices] **magisterial district judges** or the municipal court and the traffic court, as the case may be, within the judicial district, except that in the fifth judicial district a community court shall not supplant the Pittsburgh Magistrates Court. Upon the expiration of the term of any [district justice] **magisterial district judge** or judge of the municipal or traffic court, as the case may be, or the abolition of his office in the manner and at such time as is provided by section 3321 (relating to establishment of community courts), in a judicial district in which a community court has been established, the matters then pending and the books, dockets and records thereof shall be transferred to the community court which shall determine and conclude such matters as if it had assumed jurisdiction in the first instance.

(c) Discontinuance.--Where the electors of a judicial district have at a primary election approved the discontinuance of an existing community court within their judicial district such community court and the office of the judges serving thereon shall then be abolished in the manner and at such time as is provided by section 3322 (relating to discontinuance of community courts). Thereafter, the office of [district justice] **magisterial district judge** or judge of the municipal or traffic court, as the case may be, shall be established to replace and supplant such community court on the first Monday of January of the even-numbered year next following the odd-numbered year specified in section 1503(b) (relating to discontinuance of community court) and the number and boundaries of magisterial districts, if any, of each class within such judicial district shall be established in the manner provided by section 1503(b).

§ 1103. Powers of community courts.

Every judge of a community court shall have all the powers of a judge of the municipal court or traffic court, or of a [district justice] **magisterial district judge**, as the case may be.

§ 1105. Jurisdiction and venue.

(a) General rule.--Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters) each community court shall have the jurisdiction which under law was exercised by the municipal court or traffic court or by [district justices] **magisterial district judges**, as the case may be, within the judicial district.

* * *

§ 1141. Pittsburgh Magistrates Court.

The Pittsburgh Magistrates Court shall be a court not of record and shall consist of such a number of judges, not less than five nor more than eight, as shall be specified by ordinance of the City of Pittsburgh. The magistrates court shall be the police magistrates authorized to be continued in existence by section 21, Schedule to Article V of the

Constitution of Pennsylvania adopted April 23, 1968. Judges of the Pittsburgh Magistrates Court shall be deemed [district justices] **magisterial district judges** for the purposes of Chapter 33 (relating to discipline, removal and retirement of judicial officers).

§ 1302. Jurisdiction and venue.

* * *

(b) Concurrent and exclusive jurisdiction.--The jurisdiction of a traffic court under this section shall be exclusive of the courts of common pleas and [district justices] **magisterial district judges**, except that such jurisdiction shall be concurrent with the [district justices] **magisterial district judges** whenever the traffic court is closed.

* * *

§ 1341. Third class city traffic courts authorized.

Any city of the third class may establish by ordinance a traffic court which shall be a court not of record. The court shall be held by such of the [district justices] **magisterial district judges** of the city as shall be designated by the president judge of the court of common pleas upon petition by the city. If established, the court shall be for the city so establishing it.

§ 1342. Operations of optional traffic courts.

The [district justice] **magisterial district judge** designated by the president judge shall preside over and supervise the work of the traffic court. The traffic court shall be open for business at such times as shall be designated by city ordinance or prescribed by general rule.

§ 1503. Reestablishment of districts.

* * *

(d) Compensation of [district justice] **magisterial district judge**.--When a magisterial district is reestablished the compensation of a [district justice] **magisterial district judge** serving therein shall not be diminished for any reason during [his] **the magisterial district judge's** term or during any term to which [he] **the magisterial district judge** is reelected while serving in such reestablished district.

Section 13. The heading of Subchapter B of Chapter 15 of Title 42 is amended to read:

SUBCHAPTER B
[DISTRICT JUSTICES]
MAGISTERIAL DISTRICT JUDGES

Section 14. Sections 1512, 1513, 1514, 1515, 1516, 1520, 1522(a) and (c), 1523, 1602(a) and (b), 1722(a), 1723, 1725(d)(2) and (4), 1725.1(a) and (b), 1728(a), 1903, 2102(a) and (b), 2132(a)(1), 2301(a)(1), 2502(a), 2942(f), 2943(b)(2), 2949(b), 2950(g)(9) and (11), 3101(a), 3112, 3113(a), 3114, 3115, 3116, 3118(a), 3131(a) and (c), 3132(a), 3132.1, 3152(a) and (b), 3302, 3304, 3305, 3307, 3321(a), 3322(a), 3331(b), 3351 and 3352 of Title 42 are amendeded to read:

§ 1512. Seal.

Each magisterial district shall have a seal, which shall be in the custody of the [district justice] **magisterial district judge** elected or appointed for such district. The official acts of the [district justice] **magisterial district judge** shall be authenticated therewith. There shall be engraved on the seal such inscription as may be specified by general rule. A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

§ 1513. Powers of [district justices] **magisterial district judges**.

Every [district justice] **magisterial district judge** shall have power to issue every lawful process to or to be served or enforced by system and related personnel and to make such lawful orders as his official business may require. A [district justice] **magisterial district judge** may take affidavits and acknowledgments outside his magisterial district but within this Commonwealth.

§ 1514. Offices.

The governing body of the county shall establish an office or offices for each [district justice] **magisterial district judge** at such locations within the county as may be approved by the president judge of the court of common pleas of the judicial district in compliance with general rules.

§ 1515. Jurisdiction and venue.

(a) Jurisdiction.--Except as otherwise prescribed by general rule adopted pursuant to section 503 (relating to reassignment of matters), [district justices] **magisterial district judges** shall, under procedures prescribed by general rule, have jurisdiction of all of the following matters:

(1) Summary offenses, except those arising out of the same episode or transaction involving a delinquent act for which a petition alleging delinquency is filed under Chapter 63 (relating to juvenile matters).

(2) Matters arising under the act of April 6, 1951 (P.L.69, No.20), known as The Landlord and Tenant Act of 1951, which are stated therein to be within the jurisdiction of a [district justice] **magisterial district judge**.

(3) Civil claims, except claims against a Commonwealth party as defined by section 8501 (relating to definitions), wherein the sum demanded does not exceed \$8,000, exclusive of interest and costs, in the following classes of actions:

(i) In assumpsit, except cases of real contract where the title to real estate may be in question.

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

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

A plaintiff may waive a portion of his claim of more than \$8,000 so as to bring the matter within the monetary jurisdiction of a district justice. Such waiver shall be revoked automatically if the defendant appeals the final order of the [district justice] **magisterial district judge** or when the judgment is set aside upon certiorari.

(4) As commissioners to preside at arraignments, fix and accept bail, except for offenses under 18 Pa.C.S. §§ 2502 (relating to murder) and 2503 (relating to voluntary manslaughter) for which the fixing and accepting of bail shall be performed by any judge of any court of common pleas, and to issue warrants and perform duties of a similar nature, including the jurisdiction of a committing magistrate in all criminal proceedings.

(5) Offenses under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), if the following criteria are met:

(i) The offense is the first offense by the defendant under such provision in this Commonwealth.

(ii) No personal injury (other than to the defendant or the immediate family of the defendant) resulted from the offense.

(iii) The defendant pleads guilty.

(iv) No property damage in excess of \$500 other than to the defendant's property resulted from the violation.

(v) The defendant is not subject to the provisions of Chapter 63 (relating to juvenile matters).

(vi) The arresting authority shall cause to be transmitted a copy of the charge of any violation of 75 Pa.C.S. § 3731 to the office of the clerk of the court of common pleas within five days after the preliminary arraignment.

In determining that the above criteria are met the [district justice] **magisterial district judge** shall rely on the certification of the arresting authority. Certification that the criteria are met need not be in writing. Within ten days after the disposition, the district justice shall certify the disposition to the office of the clerk of the court of common pleas in writing.

(6) (i) Offenses under Title 18 (crimes and offenses), Title 30 (fish) and Title 35 (health and safety) which are classified as misdemeanors of the third degree, if the following criteria are met:

(A) The misdemeanor is not the result of a reduced charge.

(B) Any personal injury or property damage is less than \$500.

(C) The defendant pleads guilty.

(D) The defendant is not subject to the provisions of Chapter 63.

(ii) Subparagraph (i) shall not apply to any offense under the following provisions of Title 18:

Section 4303 (relating to concealing death of child born out of wedlock).

Section 4321 (relating to willful separation or nonsupport).

Section 5103 (relating to unlawfully listening into deliberations of jury).

(6.1) All offenses under Title 34 (relating to game).

(7) Matters jurisdiction of which is vested in [district justices] **magisterial district judges** by any statute.

(b) Venue and process.--The venue of a [district justice] **magisterial district judge** concerning matters over which jurisdiction is conferred by subsection (a) shall be as prescribed by general rule. The process of the [district justice] **magisterial district judge** shall extend beyond the territorial limits of the magisterial district to the extent prescribed by general rule.
§ 1516. Lien of judgment.

A judgment of a [district justice] **magisterial district judge** shall not operate as a lien on real property until a transcript of the record showing a final judgment of a [district justice] **magisterial district judge** has been filed in the manner prescribed by general rules in the office of the clerk of the court of common pleas of the county where the property is situated, or in the office of the clerk of the branch of the court of common pleas embracing such county. After such entry the judgment shall, from the date of such entry, be a lien upon real property to the same extent that judgment recovered in the court of common pleas is a lien. No such transcript shall be filed until after 30 days after the entry of final judgment by the district justice. No execution against real estate shall be issued by a [district justice] **magisterial district judge**.
§ 1520. Adjudication alternative program.

(a) General rule.--Except for cases charging offenses under Titles 75 (relating to vehicles) and 34 (relating to game), the [district justice] **magisterial district judge** may, upon hearing the facts of a case, admit to an appropriate adjudication alternative authorized by this section persons charged with summary offenses. The defendant shall not be required to plead guilty to be accepted by the district justice into the program. Acceptance of participation in an alternative authorized by this section shall be considered a first conviction for the purpose of computing whether a subsequent conviction of an offense shall be considered a second or subsequent conviction.

(b) Public service programs and other adjudication alternatives.--A [district justice] **magisterial district judge** may, in lieu of making a disposition, place an offender in an appropriate program in which a public service or charitable agency or organization or political subdivision agrees to assume supervisory responsibility for the offender. The program in general shall be approved by the court of common pleas having supervision over that magisterial district. This program may include work, counseling, public service, job training, education or other appropriate community service or self-improvement. The placement authorized by the [district justice] **magisterial district judge** shall be appropriate to the offense charged and in the best interests of the community and the offender. The conditions of the program may include the imposition of costs and restitution, the imposition of a reasonable charge relating to the expense of administering the program and any other conditions agreed to by the offender.

(c) Completion of program.--The [district justice] **magisterial district judge** shall provide written notice to the public service or charitable agency or organization or political subdivision of the placement of the offender. Upon notification, the public service or charitable agency or organization or political subdivision shall, as a condition to agreeing to accept responsibility for supervision of the offender, make periodic reports on the fulfillment of the conditions and a final report upon the completion of the appropriate adjudication alternative as required by the supervising [district justice] **magisterial district judge**. The [district justice] **magisterial district judge** shall dismiss the charges and shall relieve the offender of the obligation to pay any fine or serve any sentence of imprisonment upon the successful completion of the program.

(d) Refusal to accept or complete program.--If the offender refuses to accept the conditions required by the [district justice] **magisterial district judge** or fails to complete the program without good cause or violates any condition of the program without good cause, the [district justice] **magisterial district judge** shall proceed on the charges as provided by law.

(e) Immunity.--A [district justice] **magisterial district judge** and any public service or charitable agency or organization or political subdivision supervising or administering a public service program under this section shall be immune from any civil action for damages brought by a person admitted to this program. Nothing in this section shall be construed to limit or otherwise affect or preclude liability resulting from gross negligence or intentional misconduct. Reckless, willful or wanton misconduct constitutes gross negligence.

(f) Definition.--As used in this section, the term ["district justice"] "**magisterial district judge**" includes a judge of the Pittsburgh Magistrates Court.
§ 1522. Notice of summary cases involving juveniles.

(a) General rule.--Whenever an individual who is under 18 years of age and is not emancipated is charged with a summary offense for which jurisdiction is vested in a [district justice] **magisterial district judge** under section 1515 (relating to jurisdiction and venue), the [district justice] **magisterial district judge** shall mail a copy of the citation, or other appropriate written notification, to the parents or legal guardians of the individual at the time of the filing of the citation if the parents or legal guardians have not been previously notified by the police. Where the individual is not residing with a parent or legal guardian, the copy of the citation, or other appropriate written notification, shall be sent to the person with whom the individual resides if a verifiable address is available. In such cases a [district justice] **magisterial district judge** shall not accept a plea or schedule a hearing before 72 hours has lapsed from the time of the mailing of the notice as required under this section. Failure to provide notice under this section shall not constitute grounds for dismissal of the summary offense.

* * *

(c) Identification of juveniles.--Pennsylvania State Police and local police shall assist [district justices] **magisterial district judges** in complying with the requirements of this section by indicating, through conspicuous notation on citations, that the offense was committed by a juvenile and whether the police have notified the parents or legal guardian. § 1523. Parental or legal guardian attendance required at juvenile hearings.

(a) Order to attend.--In summary proceedings before a [district justice] **magisterial district judge** or judge of the minor judiciary involving any individual who is under 18 years of age and is not emancipated, the [district justice] **magisterial district judge** or judge of the minor judiciary may, when the [district justice] **magisterial district judge** or judge of the minor judiciary determines that it is in the best interest of the child, issue an order specifically requiring the parent or legal guardian or other person with whom the child resides, if other than the parent or guardian, to be present and ready to participate in the proceedings with the juvenile. No later than ten days before such proceedings, the [district justice] **magisterial district judge** or judge of the minor judiciary shall send a notice of the order to the parent or legal guardian or person with whom the child resides if other than the parent or guardian. Nothing in this subsection shall be construed to vest in either the individual who is under 18 years of age and is not emancipated to require participation under this subsection or the parent, legal guardian or other person with whom such individual resides the right to participate under this subsection.

(b) Contempt.--A person failing to comply with an order of participation may be found in contempt of court as outlined in section 4137 (relating to contempt powers of [district justices] **magisterial district judges**).

(c) Bench warrant.--The [district justice] **magisterial district judge** or judge of the minor judiciary shall issue a bench warrant for any parent, guardian or person with whom the child resides, if other than the parent or guardian, who fails to appear at any proceedings. The [district justice] **magisterial district judge** or judge of the minor judiciary may waive any fine or other punishment if the person is found to be present and ready to participate in the proceedings with the juvenile after a bench warrant is issued.

§ 1602. Composition of court.

(a) General rule.--The Court of Judicial Discipline shall consist of:

(1) Two judges of the Superior Court, the Commonwealth Court or the courts of common pleas in regular active service appointed by the Supreme Court.

(2) A [district justice] **magisterial district judge** appointed by the Supreme Court.

(3) A nonlawyer elector appointed by the Supreme Court.

(4) A judge of the Superior Court, the Commonwealth Court or the courts of common pleas in regular active service appointed by the Governor.

(5) Two nonjudge members of the bar of this Commonwealth appointed by the Governor.

(6) One nonlawyer elector appointed by the Governor.

(b) Qualifications.--All members of the court must be residents of this Commonwealth. No more than two of the four members appointed by the Supreme Court may be registered in the same political party. No more than two of the four members appointed by the Governor may be registered in the same political party. Membership of a judge or [district justice] **magisterial district judge** shall terminate if the member ceases to hold the judicial position that qualified the member for the appointment. Membership shall terminate if a member attains a position that would have rendered the member ineligible for appointment at the time of the appointment. No member may serve more than four consecutive years but may be reappointed after a lapse of one year.

* * *

§ 1722. Adoption of administrative and procedural rules.

(a) General rule.--The governing authority shall have the power to prescribe and modify general rules governing:

(1) Practice, procedure and the conduct of all courts, [district justices] **magisterial district judges** and all officers serving process or enforcing orders of any court or [district justice] **magisterial district judge** and for admission to the bar and to practice law, and the administration of all courts and the supervision of all officers of the judicial branch, if such rules are consistent with the Constitution of Pennsylvania and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or [district justice] **magisterial district judge**, nor suspend nor alter any statute of limitation or repose. All statutes shall be suspended to the extent that they are inconsistent with rules prescribed under this paragraph.

(2) The prescription of canons of ethics applicable to judges and [district justices] **magisterial district judges** and the prescription of rules or canons applicable to the activities of all other personnel of the system.

(3) Procedure under section 18 of Article V of the Constitution of Pennsylvania.

(4) Procedure under section 18 of Article V of the Constitution of Pennsylvania for the suspension, removal, discipline and compulsory retirement of [district justices] **magisterial district judges**.

(5) Any matter which is specifically authorized by statute to be governed by general rules.

A governing authority other than the Supreme Court shall not have power to prescribe general rules for assignment or reassignment of classes of matters among the several courts and

[district justices] **magisterial district judges** under section 503 (relating to reassignment of matters) or otherwise.

* * *

§ 1723. General supervisory and administrative authority.

The governing authority shall exercise general supervisory and administrative authority over all courts and [district justices] **magisterial district judges**.

§ 1725. Establishment of fees and charges.

* * *

(d) Counties of the second class.--In counties of the second class, the prothonotary and the clerk of the orphans' court division shall set apart from the fees fixed in this subsection or under any other statute and collected by them on the following actions, proceedings and appeals and remit monthly the total collected to the county treasurer for the exclusive use and benefit of the public law library in the county:

* * *

(2) The sum of \$1 for appeals that are filed with or are to be heard by the court of common pleas which appeals are not specifically set forth in paragraph (1), including, but not limited to, appeals from [district justices] **magisterial district judges**, the Pittsburgh Magistrates Court and the Traffic Court of Pittsburgh.

* * *

(4) The sum of \$1 for certiorari to [district justices] **magisterial district judges** and the Pittsburgh Magistrates Court and the Traffic Court of Pittsburgh.

* * *

§ 1725.1. Costs.

(a) Civil cases.--Subject to subsection (f), the costs to be charged by [district justices] **magisterial district judges** in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Actions involving \$500 or less.....	\$30.00
(2) Actions involving more than \$500 but not more than \$2,000.....	\$40.00
(3) Actions involving more than \$2,000 but not more than \$4,000.....	\$50.00
(4) Actions involving more than \$4,000 but not more than \$8,000.....	\$75.00
(5) Landlord-tenant actions involving less than \$2,000.....	\$45.00
(6) Landlord-tenant actions involving more than \$2,000 but not more than \$4,000.....	\$55.00
(7) Landlord-tenant actions involving more than \$4,000 but not more than \$8,000.....	\$75.00
(8) Order of execution.....	\$22.50
(9) Objection to levy.....	\$10.00
(10) Reinstatement of complaint.....	\$ 5.00

Such costs shall include all charges except the costs of a [district justice's] **magisterial district judge's** transcript of every proceeding on appeal or certiorari (including affidavit and certificate) which shall be \$2.50 per transcript. Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.

* * *

(b) Criminal cases.--Subject to subsection (f), the costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases.....	\$28.50
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(2) Summary conviction, motor vehicles cases, other than paragraph (3).....	\$22.50
(3) Summary conviction, motor vehicle cases, hearing demanded.....	\$27.50
(4) Misdemeanor.....	\$32.50
(5) Felony.....	\$37.50

Such costs shall include all charges including the costs of giving a [district justice's] **magisterial district judge's** transcript to the prosecutor or defendant, or both, if requested. Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.

* * *

§ 1728. Recognition of related organizations.

(a) General rule.--The governing authority shall have power on application to identify the several conferences or associations which are the most broadly representative of each of the following groups:

- (1) Judges of the courts of common pleas, community courts and Philadelphia Municipal Court.
- (2) [District justices] **Magisterial district judges.**
- (3) Members of the bar of this Commonwealth.

If the governing authority shall approve the organic law of the conference or association insofar as it relates to matters affecting the system, the governing authority may by general rule designate the applicant as the recognized conference or association of such group for the purposes of this title and any other provision of law.

* * *

§ 1903. Staff.

The Supreme Court may appoint such subordinate administrators and staff as may be necessary and proper for the prompt and proper disposition of the business of all courts and [district justices] **magisterial district judges.**

§ 2102. Composition of board.

(a) General rule.--The Judicial Conduct Board shall consist of:

- (1) A judge of the Superior Court or the Commonwealth Court in regular active service appointed by the Supreme Court.
- (2) A [district justice] **magisterial district judge**, who need not be a member of the bar of this Commonwealth, appointed by the Supreme Court.
- (3) A nonjudge member of the bar of this Commonwealth appointed by the Supreme Court.
- (4) Three nonlawyer electors appointed by the Supreme Court.
- (5) A judge of the courts of common pleas in regular active service appointed by the Governor.
- (6) Two nonjudge members of the bar of this Commonwealth appointed by the Governor.
- (7) Three nonlawyer electors appointed by the Governor.

(b) Qualifications.--All members of the board must be residents of this Commonwealth. No more than three of the six members appointed by the Supreme Court may be registered in the same political party. No more than three of the six members appointed by the Governor may be registered in the same political party. Membership of a judge or [district justice] **magisterial district judge** shall terminate if the member ceases to hold the judicial position that qualified the member for the appointment. Membership shall terminate if a member attains a position that would have rendered the member ineligible for

appointment at the time of the appointment. No member may serve more than four consecutive years but may be reappointed after a lapse of one year.

* * *

§ 2132. Composition of board.

(a) General rule.--The Minor Judiciary Education Board shall consist of the following appointed by the Governor. Appointments made after the effective date of this amendatory act shall require the consent of a majority of the members elected to the Senate:

(1) Three persons who shall be judges of the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia or [district justices] **magisterial district judges**.

* * *

§ 2301. Appointment of personnel.

(a) General rule.--Subject to any inconsistent general rules or statutory provisions each:

(1) Judge and [district justice] **magisterial district judge** may appoint and fix the duties of necessary personal staff.

* * *

§ 2502. Certain persons not to appear as counsel.

(a) General rule.--Except as otherwise prescribed by general rule, an attorney at law who is an employee of a court shall not appear as counsel in such court. An attorney at law shall not appear in any court or in any matter in violation of any general rule relating to the practice of law or the conduct of courts, [district justices] **magisterial district judges** and officers serving process or enforcing orders of courts.

* * *

§ 2942. Conduct and insurance.

* * *

(f) Conduct.--While a constable or deputy constable is performing duties other than judicial duties, regardless of whether or not he is certified under this subchapter, he shall not in any manner hold himself out to be active as an agent, employee or representative of any court, [district justice] **magisterial district judge** or judge.

§ 2943. Board established.

* * *

(b) Composition.--The board shall be composed of the Pennsylvania State Police Commissioner or his designee and six other members appointed by the Governor with the consent of a majority of the members of the Senate:

* * *

(2) One person who shall be a [district justice] **magisterial district judge**.

* * *

§ 2949. Restricted account.

* * *

(b) Surcharge.--There is hereby assessed as a cost in each case before a [district justice] **magisterial district judge** a surcharge of \$5 per docket number in each criminal case and \$5 per named defendant in each civil case in which a constable or deputy constable performs a service provided in this subchapter, except that no county shall be required to pay this surcharge on behalf of any indigent or other defendant in a criminal case.

* * *

§ 2950. Fees.

* * *

(g) Criminal cases.--Fees in criminal cases shall be as follows:

* * *

(9) For holding one or more defendants at the office of [the district justice] **a magisterial district judge**, \$10 per hour beyond the first half hour.

* * *

(11) For fingerprinting or overseeing the fingerprinting of defendants at the direction of [the district justice] **a magisterial district judge**, \$10 per defendant, plus \$10 per hour beyond the first half hour.

* * *

§ 3101. Qualifications of judicial officers generally.

(a) General rule.--Judges and [district justices] **magisterial district judges** shall be citizens of this Commonwealth. Judges, except judges of the Pittsburgh Magistrates Court and the Traffic Court of Philadelphia, shall be members of the bar of this Commonwealth. Judges of the Supreme, Superior and Commonwealth Courts, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within this Commonwealth. Other judges and [district justices] **magisterial district judges**, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within their respective districts, except when temporarily assigned to another district pursuant to law. Judges and [district justices] **magisterial district judges** shall be at least 21 years of age.

* * *

§ 3112. Course of instruction and examination required.

[District justices] **Magisterial district judges**, bail commissioners and judges who are not members of the bar of this Commonwealth shall complete a course of training and instruction in the duties of their respective offices and pass an examination prior to assuming office.

§ 3113. Content of course of instruction and examination.

(a) General rule.--The board shall prescribe and approve the subject matter and the examination for the course of training and instruction required by this subchapter. The Administrative Office shall, subject to the direction of the board, administer the course of training and instruction and conduct the examination. The Administrative Office shall conduct the course and examination at such times, at such places and in such manner as the regulations of the board may prescribe. The board shall make the course of instruction available at such times so as to insure that any [district justice] **magisterial district judge**, bail commissioner or judge elected or appointed may qualify to assume office as soon as possible.

* * *

§ 3114. Admission of interested persons.

In addition to those required by this subchapter to complete the course of training and instruction and successfully pass an examination prior to assuming office, any interested person may apply to the Administrative Office to be enrolled in the course of instruction and take the examination. Any such interested person who successfully completes the course and passes the examination, and who subsequently is elected or appointed to the office of [district justice] **magisterial district judge**, bail commissioner or judge may secure a certificate from the Administrative Office as provided in section 3115 (relating to certification of successful completion of course) without again taking the course of training and instruction and passing the examination required by this subchapter.

§ 3115. Certification of successful completion of course.

Upon the successful completion of the course of training and instruction and examination, the Administrative Office shall issue to a person elected or appointed as a [district justice] **magisterial district judge**, bail commissioner or judge a certificate in the form prescribed by the board, certifying that such person is qualified to perform his duties as required by the Constitution of Pennsylvania. Such certificate shall be filed in the office of the clerk of the court of common pleas of the judicial district embracing the district to be served by the [district justice] **magisterial district judge**, bail commissioner or judge.

§ 3116. Effect of failure to obtain certificate.

In the event that any [district justice] **magisterial district judge** or judge fails to file the certificate provided for by section 3115 (relating to certification of successful completion of course) in the manner therein provided within nine months after [his] **the magisterial district judge's or judge's** election or appointment, [his] **that** office shall become vacant, and such vacancy shall be filled as provided in this chapter.

§ 3118. Continuing education requirement.

(a) [District justices] **Magisterial district judges**.--Every [district justice] **magisterial district judge** shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the board. If a [district justice] **magisterial district judge** fails to meet these continuing education requirements, such [justice] **judge** shall be subject to suspension by the Supreme Court until such time as evidence of compliance with such requirements is submitted by the board, but in no event longer than six months at which time the failure to meet the continuing education requirements shall be grounds for the Supreme Court, after a hearing, to declare a vacancy in that district.

* * *

§ 3131. Selection of judicial officers for regular terms.

(a) Judges and [district justices] **magisterial district judges** generally.--Except as provided in subsection (d) judges and [district justices] **magisterial district judges** shall be elected for a regular term of office at the municipal election next preceding the commencement of their respective regular terms of office by the electors of this Commonwealth or the respective districts in which they are to serve. A candidate for judge or [district justice] **magisterial district judge** shall not be placed upon a ballot in any primary or municipal election unless that person will meet the qualifications set forth in section 3101 (relating to qualifications of judicial officers generally) as of the beginning of the term of office for which the candidate runs.

* * *

(c) Other elections.--Except as provided in subsection (b) judges and [district justices] **magisterial district judges** shall be elected as provided in the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code."

* * *

§ 3132. Vacancies in office.

(a) General rule.--Except as provided in subsection (b), a vacancy in the office of judge or [district justice] **magisterial district judge** shall be filled by appointment by the Governor. The appointment shall be with the advice and consent of two-thirds of the members elected to the Senate, except in the

case of [district justices] **magisterial district judges** which shall be by a majority. The person so appointed shall serve for a term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs or for the remainder of the unexpired term whichever is less.

* * *

§ 3132.1. Reappointment of [district justice] **magisterial district judge**.

Notwithstanding any provisions of this title to the contrary, a [district justice] **magisterial district judge** who resigns from office may not be reappointed to [his or her] **the** unexpired term.

§ 3152. Tenure of judicial officers.

(a) Judges and [district justices] **magisterial district judges**.--The regular term of office of judges and [district justices] **magisterial district judges** shall be as follows:

(1) Judges of the Philadelphia Municipal Court and the Traffic Court of Philadelphia--Six years.

(2) Judges of the Pittsburgh Magistrates Court--Four years.

(3) All other judges--Ten years.

(4) [District justices] **Magisterial district judges**--Six years.

(b) Effect of changes.--The tenure of any judge or [district justice] **magisterial district judge** shall not be affected by changes in judicial or magisterial districts or by reduction in the number of judges or magisterial districts. Where a multicounty judicial district is divided by statute into two or more districts or where a county is transferred by statute from one judicial district to another, a judge shall continue to be or shall become a judge of that judicial district which embraces the county of [his] **that person's** residence at the effective date of the change. Where the boundaries of a magisterial district are revised pursuant to section 1503 (relating to reestablishment of districts) a [district justice] **magisterial district judge** shall continue to be or shall become a [district justice] **magisterial district judge** of the magisterial district in which [he] **that person** resides at the effective date of the change.

* * *

§ 3302. Additional restrictions.

[Judges] **A judge** shall not engage in any activity prohibited by this subchapter or any other provision of law and shall not violate any canon of ethics prescribed by general rule. A [district justice] **magisterial district judge** shall devote the time necessary for the prompt and proper disposition of the business of [his] **that** office, which shall be given priority over any other occupation, business, profession, pursuit or activity. [He] **A magisterial district judge** shall not use or permit the use of the premises established for the disposition of [his] magisterial business for any other occupation, business, profession or gainful pursuit. A [district justice] **magisterial district judge** shall not hold any other elected or appointed public office in this Commonwealth. [District justices] **A magisterial district judge** and an appointive judicial [officers] **officer** shall be governed by rules or canons prescribed by general rule.

§ 3304. Acting as collection agent or paid arbitrator prohibited.

(a) Collection agent.--No judge or [district justice] **magisterial district judge** shall act as agent for a person in the collection of a claim or judgment for money.

(b) Arbitrator.--No judge or [district justice] **magisterial district judge** shall receive any fee or emolument for performing the duties of an arbitrator.

§ 3305. Automatic removal upon conviction or disbarment.

A judge or [district justice] **magisterial district judge** convicted of misbehavior in office by a court, disbarred as a member of the bar of this Commonwealth or removed under Subchapter C (relating to discipline and removal of judges) shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

§ 3307. Automatic suspension of judicial officer under impeachment.

No judge or [district justice] **magisterial district judge** against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he shall have been acquitted.

§ 3321. Establishment of community courts.

(a) General rule.--In a judicial district which establishes a community court, a person serving as a [district justice] **magisterial district judge** at such time:

(1) may complete his term exercising the jurisdiction provided or prescribed by law and with the compensation provided by or pursuant to statute; and

(2) upon completion of his term, his office is abolished and no judicial function of the kind theretofore exercised by a [district justice] **magisterial district judge** shall thereafter be exercised other than by the community court.

* * *

§ 3322. Discontinuance of community courts.

(a) General rule.--In a judicial district which discontinues a community court, a person serving as a judge of the community court at such time:

(1) may complete his term exercising the jurisdiction provided or prescribed by law and with the compensation provided by or pursuant to statute; and

(2) upon completion of his term, his office is abolished and no judicial function of the kind theretofore exercised by the community court shall thereafter be exercised other than by the court of common pleas and the [district justices] **magisterial district judges** of the judicial district.

* * *

§ 3331. Power of discipline or removal.

* * *

(b) [District justices] **Magisterial district judges**.--The suspension, removal, discipline and compulsory retirement of [district justices] **magisterial district judges** shall be governed by general rule.

§ 3351. Automatic retirement on age.

Judges and [district justices] **magisterial district judges** shall be retired upon attaining the age of 70 years.

§ 3352. Pension rights.

(a) General rule.--Former and retired judges and [district justices] **magisterial district judges** shall receive such compensation as shall be provided by or pursuant to statute. No salary, retirement benefit or other compensation shall be paid to any judge or [district justice] **magisterial district judge** who is suspended or removed from office under section 18 of Article V or under Article VI of the Constitution of Pennsylvania.

(b) Definition.--As used in this section "former" means a judge or [district justice] **magisterial district judge** serving by appointment or election who vacates his office upon the expiration of his term or who resigns his office.

Section 15. The definitions of "budget respondent" and "judicial and related functions" in section 3501 of Title 42 are amended to read:

§ 3501. Definitions.

Subject to additional definitions contained in subsequent provisions of this part which are applicable to specific provisions of this part, the following words and phrases when used in this part shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Budget respondent." The courts, [district justices] **magisterial district judges**, other agencies or units of the unified judicial system, the Director of Finance of the City of Philadelphia, the county controllers or county auditors of other counties of this Commonwealth, the Treasurer of the City of Pittsburgh, and any other government unit from which the Administrative Office is authorized to obtain information relating to the budget of the Judicial Department.

"Judicial and related functions." All functions relating to the organization and operation of courts and [district justices] **magisterial district judges** and all offices of system and related personnel. The term does not include any function relating to the detection of crime, the apprehension of persons suspected of criminal conduct (except in connection with the enforcement of bench warrants, injunctions or other judicial orders in specific matters), the maintenance of public peace or other police functions or penal and correctional functions.

Section 16. Sections 3532, 3571(c)(1), 3733(a.1)(1)(iv) and 4101 of Title 42 are amended to read:

§ 3532. Expenses.

The Office of the Court Administrator of Pennsylvania shall pay the annual registration fee of \$200 to the Special Court Judges of Pennsylvania Association for each [district justice] **magisterial district judge**, Philadelphia Municipal Court Judge and Philadelphia Traffic Court Judge position authorized as of January 31 of each year. Payment shall be made on the first day of a new fiscal year including July 1, 1988. In addition the Office of the Court Administrator of Pennsylvania shall pay the annual cost for the publishing of a monthly journal containing the update and revision of laws and State Supreme Court rule changes. Except for the funding of the publication of the monthly journal which shall be a direct cost of the Office of the Court Administrator of Pennsylvania, all other funding for the other expenses set forth in this section shall come from the annual appropriation made to the [district justices] **magisterial district judges**.

§ 3571. Commonwealth portion of fines, etc.

* * *

(c) Costs in [district justice] **magisterial district judge** proceedings.--

(1) Costs collected by a [district justice] **magisterial district judge** shall be transmitted monthly to the Commonwealth in amounts as prescribed in subsection (b) and the balance shall be transmitted monthly to the county in which the magisterial district is located. Costs transmitted to the Commonwealth shall be credited to the General Fund. Costs transmitted to the county shall be retained by the county for its use.

* * *
§ 3733. Deposits into account.
* * *

(a.1) Additional fees.--

(1) In addition to the court costs and filing fees authorized to be collected by statute:

* * *

(iv) An additional fee of \$10 shall be charged and collected by the minor judiciary, including [district justices] **magisterial district judges**, Philadelphia Municipal Court, Philadelphia Traffic Court and Pittsburgh Magistrates Court, for the initiation of a legal proceeding for which a fee or cost is now authorized, except that in criminal, summary and traffic matters the fee shall be charged only when a conviction is obtained or guilty plea is entered.

* * *

§ 4101. Coordination of activities.

The several courts and [district justices] **magisterial district judges**, all other system and related personnel, executive agencies and political subdivisions shall devise a practical and working basis for cooperation and coordination of activities, facilitating the performance of their respective duties and eliminating duplicating and overlapping of functions, and shall, so far as practical, cooperate with each other in the use of employees, land, buildings, quarters, facilities, services and equipment. Any agency or unit of the unified judicial system may empower or require an employee of any other government unit, subject to the consent of such other government unit, to perform any duty which might be required by such agency or unit of the system of its own employees, and any other government unit may empower or require an employee of any agency or unit of the system, subject to the consent of such agency or unit of the system, to perform any duty which might be required by such other government unit of its own employees.

Section 17. The heading of Subchapter B of Chapter 41 of Title 42 is amended to read:

SUBCHAPTER B
TEMPORARY ASSIGNMENT OF JUDGES AND [DISTRICT JUDGES]
MAGISTERIAL DISTRICT JUDGES

Section 18. Sections 4121(c), 4122, 4123, 4135(a), 4137 heading, (a), (d) and (e), 5102, 5103(a), (b) and (d), 5105(a)(1), 5572, 5749(f), 5761, 6102, 6103(a), 6303(b), 8127(a)(3.2), 8151(a), 9702 and 9730(b) of Title 42 are amended to read:

§ 4121. Assignment of judges.

* * *

(c) Exception.--Only a judge who is a member of the bar of this Commonwealth shall be temporarily assigned to a court to which only members of the bar of this Commonwealth may be appointed or elected pursuant to section 3101 (relating to qualifications of judicial officers generally). A judge of the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia may be temporarily assigned to a magisterial district with the same effect as an assignment pursuant to section 4122 (relating to assignment of [district justices] **magisterial district judges**).

§ 4122. Assignment of [district justices] **magisterial district judges**.

(a) General rule.--Subject to general rules any [district justice] **magisterial district judge** may be temporarily assigned to any other magisterial district or the Pittsburgh Magistrates

Court or the Traffic Court of Philadelphia, and may there hear and determine any matter with like effect as if duly commissioned to sit in such other district or in such court.

(b) Senior [district justices] **magisterial district judges**.--A senior [district justice] **magisterial district judge** who shall not have been defeated for reelection or been suspended or removed from office may, with [his] **the senior magisterial district judge's** consent, be assigned on temporary magisterial service pursuant to subsection (a). A senior [district justice] **magisterial district judge** shall be paid a per diem salary at the same annual rate as is applicable in the district where [he] **the senior magisterial district judge** is temporarily assigned and shall receive expenses at the same per diem rate as other [justices] **magisterial district judges** temporarily assigned.

(c) Additional compensation.--A [district justice] **magisterial district judge**, assigned by the president judge of the court of common pleas to perform additional duties for a district other than the one in which [he] **the magisterial district judge** is elected, shall be entitled to receive additional compensation of \$20 per day when [he] **the magisterial district judge** performs assigned duties, except that no additional compensation shall be allowed for routine duties scheduled by the president judge of the court of common pleas. Any assignment, compensable under this subsection, for which the per diem exceeds \$100 a calendar month shall be approved by the Court Administrator of Pennsylvania.
§ 4123. Assignment procedure.

The procedure for effecting temporary assignments of judges and [district justices] **magisterial district judges**, the kind, amount and method of payment for travel, lodgings and subsistence, and all other matters related to such temporary assignments, shall be governed by general rules established by the Supreme Court except as otherwise specifically provided.
§ 4135. Publication out of court.

(a) General rule.--Publication out of court respecting the conduct of judges, [district justices] **magisterial district judges**, other system or related personnel, jurors or participants in connection with any matter pending before any tribunal shall not be construed as a contempt of court on the part of the author, publisher or other person connected with such publication.

* * *

§ 4137. Contempt powers of [district justices] **magisterial district judges**.

(a) General rule.--[District justices] **A magisterial district judge** shall have the power to issue attachments and impose summary punishments for criminal contempts of a [district justice] **magisterial district judge** court in the following cases:

- (1) Misbehavior of any person in the presence of the court, thereby obstructing the administration of justice.
- (2) Failure of a person to obey lawful process in the nature of a subpoena issued by a [district justice] **magisterial district judge**.
- (3) Failure to comply with an order of a [district justice] **magisterial district judge** directing a defendant in a criminal proceeding to compensate the victim of the criminal conduct for the damage or injury sustained by the victim.

(4) Failure to comply with an order of a [district justice] **magisterial district judge** directing a defendant in a criminal proceeding to pay fines and costs in accordance with an installment payment order.

(5) Violation of an order issued pursuant to 23 Pa.C.S. § 6110 (relating to emergency relief by minor judiciary).

* * *

(d) Procedure.--A [district justice] **magisterial district judge** shall have the power to issue an attachment by means of a warrant and to conduct a hearing prior to the imposition of punishment for contempt. Any punishment imposed by a [district justice] **magisterial district judge** for contempt shall be automatically stayed for a period of ten days from the date of imposition of the punishment during which time an appeal of the action of the [district justice] **magisterial district judge** may be filed with the court of common pleas of the judicial district. The stay shall remain in effect pending the disposition of an appeal. Upon the filing of the appeal, the court of common pleas shall hear the matter de novo. On appeal, the accused shall have the right to be notified of the accusation and shall have a reasonable time to make a defense. The defendant shall not have a right to a jury trial on appeal.

(e) Bail.--A [district justice] **magisterial district judge** may not impose bail as a condition of release of any person accused of contempt specified in subsection (a)(1), (2) or (3) during the period that punishment is stayed under subsection (d). A [district justice] **magisterial district judge** may impose bail as a condition of release of any person who has committed contempt specified in subsection (a)(4) and (5).

§ 5102. Place and form of filing applications for relief.

Applications for relief to any court under section 5101 (relating to remedy to exist for legal injury) or under any other provision of law, or documents relating to a matter before a [district justice] **magisterial district judge**, shall be filed in such office and in such form as may be prescribed by general rule or rule of court.

§ 5103. Transfer of erroneously filed matters.

(a) General rule.--If an appeal or other matter is taken to or brought in a court or magisterial district of this Commonwealth which does not have jurisdiction of the appeal or other matter, the court or [district justice] **magisterial district judge** shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper tribunal of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in the transferee tribunal on the date when the appeal or other matter was first filed in a court or magisterial district of this Commonwealth. A matter which is within the exclusive jurisdiction of a court or [district justice] **magisterial district judge** of this Commonwealth but which is commenced in any other tribunal of this Commonwealth shall be transferred by the other tribunal to the proper court or magisterial district of this Commonwealth where it shall be treated as if originally filed in the transferee court or magisterial district of this Commonwealth on the date when first filed in the other tribunal.

(b) Federal cases.--

(1) Subsection (a) shall also apply to any matter transferred or remanded by any United States court for a district embracing any part of this Commonwealth. In order to preserve a claim under Chapter 55 (relating to limitation of time), a litigant who timely commences an action or proceeding in any United States court for a district

embracing any part of this Commonwealth is not required to commence a protective action in a court or before a [district justice] **magisterial district judge** of this Commonwealth. Where a matter is filed in any United States court for a district embracing any part of this Commonwealth and the matter is dismissed by the United States court for lack of jurisdiction, any litigant in the matter filed may transfer the matter to a court or magisterial district of this Commonwealth by complying with the transfer provisions set forth in paragraph (2).

(2) Except as otherwise prescribed by general rules, or by order of the United States court, such transfer may be effected by filing a certified transcript of the final judgment of the United States court and the related pleadings in a court or magisterial district of this Commonwealth. The pleadings shall have the same effect as under the practice in the United States court, but the transferee court or [district justice] **magisterial district judge** may require that they be amended to conform to the practice in this Commonwealth. Section 5535(a)(2)(i) (relating to termination of prior matter) shall not be applicable to a matter transferred under this subsection.

* * *

(d) Definition.--As used in this section "tribunal" means a court or [district justice] **magisterial district judge** or other judicial officer of this Commonwealth vested with the power to enter an order in a matter, the Board of Claims, the Board of Property, the Office of Administrator for Arbitration Panels for Health Care and any other similar agency.
§ 5105. Right to appellate review.

(a) General rule.--There is a right of appeal under this subsection from the final order (including an order defined as a final order by general rule) of every:

(1) Court or [district justice] **magisterial district judge** of this Commonwealth to the court having jurisdiction of such appeals.

* * *

§ 5572. Time of entry of order.

The date of service of an order of a government unit, which shall be the date of mailing if service is by mail, shall be deemed to be the date of entry of the order for the purposes of this subchapter. The date of entry of an order of a court or [district justice] **magisterial district judge** may be specified by general rules.

§ 5749. Prohibitions and penalties.

* * *

(f) Public solicitation.--Any professional bondsman who solicits business in any of the courts or on the premises of any tribunal of this Commonwealth, including any tribunal conducted by a [district justice] **magisterial district judge**, commits a summary offense.

§ 5761. Bail in drug offenses.

(a) Inquiry as to source.--When fixing and accepting bail for a person charged with a violation of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, the [district justice] **magisterial district judge** or judge shall determine the source of the currency, bonds, realty or other property used for the payment of the bail or the procurement of a surety bond, as the case may be, being posted by or on behalf of the defendant. The [district justice] **magisterial district judge** or judge may request such information as needed to identify the direct or

indirect sources, derivation or ownership of the currency or other property used for the payment of bail or procurement of a bond.

(b) Drug proceeds unacceptable.--If the [district justice] **magisterial district judge** or judge determines that the bail or surety bond is being financed from funds derived from violations of The Controlled Substance, Drug, Device and Cosmetic Act, the security shall not be accepted, and other security shall be required for the defendant to be admitted to bail.

§ 6102. Judicial notice of official seals.

The seal of every court, [district justice] **magisterial district judge** and other government unit, adopted pursuant to law, shall be judicially noticed.

§ 6103. Proof of official records.

(a) General rule.--An official record kept within this Commonwealth by any court, [district justice] **magisterial district judge** or other government unit, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by [his] **that officer's** deputy, and accompanied by a certificate that the officer has the custody. The certificate may be made by any public officer having a seal of office and having official duties with respect to the government unit in which the record is kept, authenticated by the seal of [his] **that** office, or if there is no such officer, by:

(1) The Department of State, in the case of any Commonwealth agency.

(2) The clerk of the court of common pleas of the judicial district embracing any county in which the government unit has jurisdiction, in the case of any government unit other than a Commonwealth agency.

* * *

§ 6303. Scope of chapter.

* * *

(b) Minor judiciary.--No child shall be detained, committed or sentenced to imprisonment by a [district justice] **magisterial district judge** or a judge of the minor judiciary unless the child is charged with an act set forth in paragraph (2)(i), (ii), (iii) or (v) of the definition of "delinquent act" in section 6302 (relating to definitions).

§ 8127. Personal earnings exempt from process.

(a) General rule and exceptions.--The wages, salaries and commissions of individuals shall while in the hands of the employer be exempt from any attachment, execution or other process except upon an action or proceeding:

* * *

(3.2) In the case of wage attachment arising out of a residential lease, to implement the wage attachment, the judgment creditor-landlord shall comply with the Pennsylvania Rules of Civil Procedure and any applicable local rules. The judgment of the [district justice] **magisterial district judge**, magistrate or any other court having jurisdiction over landlord and tenant matters or a judgment before the court of common pleas shall reflect that portion of the judgment which is for physical damages arising out of a residential lease.

* * *

§ 8151. Notice to Department of Revenue of judicial sale of property.

(a) General rule.--No judicial officer or officer enforcing orders of a court or [district justice] **magisterial district**

judge shall, as such, sell the property of any person without filing with the Department of Revenue at least 20 days prior to the sale a report or return with respect to such property containing such information as the department may specify by regulation.

* * *

§ 9702. Definitions.

As used in this chapter "court" and "judge" include (when exercising criminal or quasi-criminal jurisdiction pursuant to section 1515 (relating to jurisdiction and venue)) a [district justice] **magisterial district judge**.

§ 9730. Payment of court costs, restitution and fines.

* * *

(b) Procedures regarding default.--

(1) If a defendant defaults in the payment of a fine, court costs or restitution after imposition of sentence, the issuing authority or a senior judge or senior [district justice] **magisterial district judge** appointed by the president judge for the purposes of this section may conduct a hearing to determine whether the defendant is financially able to pay.

(2) If the issuing authority, senior judge or senior [district justice] **magisterial district judge** determines that the defendant is financially able to pay the fine or costs, the issuing authority, senior judge or senior [district justice] **magisterial district judge** may turn the delinquent account over to a private collection agency or impose imprisonment for nonpayment, as provided by law.

(3) If the issuing authority, senior judge or senior [district justice] **magisterial district judge** determines that the defendant is without the financial means to pay the fine or costs immediately or in a single remittance, the issuing authority, senior judge or senior [district justice] **magisterial district judge** may provide for payment in installments. In determining the appropriate installments, the issuing authority, senior judge or senior [district justice] **magisterial district judge** shall consider the defendant's financial resources, the defendant's ability to make restitution and reparations and the nature of the burden the payment will impose on the defendant. If the defendant is in default of a payment or advises the issuing authority, senior judge or senior [district justice] **magisterial district judge** that default is imminent, the issuing authority, senior judge or senior [district justice] **magisterial district judge** may schedule a rehearing on the payment schedule. At the rehearing the defendant has the burden of proving changes of financial condition such that the defendant is without the means to meet the payment schedule. The issuing authority, senior judge or senior [district justice] **magisterial district judge** may extend or accelerate the schedule, leave it unaltered or sentence the defendant to a period of community service as the issuing authority, senior judge or senior [district justice] **magisterial district judge** finds to be just and practicable under the circumstances.

(4) A decision of the issuing authority, senior judge or senior [district justice] **magisterial district judge** under paragraph (2) or (3) is subject to section 5105 (relating to right to appellate review).

Section 19. The definition of "court" in section 9802 of Title 42 is amended to read:

§ 9802. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Court." The trial judge exercising sentencing jurisdiction over an eligible offender under this chapter. Trial judge may include a [district justice] **magisterial district judge** if use of intermediate punishment programs by the minor judiciary is approved by the court of common pleas via administrative order or local rule.

* * *

Section 20. Section 2915(b) of Title 53 is amended to read: § 2915. Oath of office of members of commission.

* * *

(b) Other members.--As soon as possible and in any event no later than ten days after its certification of election, the members of a government study commission elected on other than a countywide basis shall, before a [district justice or a justice of the peace] **magisterial district judge**, make oath to support the Constitution of the United States and the Constitution of Pennsylvania and to perform the duties of the office with fidelity.

Section 21. Section 7511(b) of Title 68 is amended to read: § 7511. Penalties.

* * *

(b) Fine.--A person who violates any provision of section 7508 (relating to home inspection reports) shall, upon conviction in a summary proceeding before a [district justice] **magisterial district judge**, be sentenced to pay a fine not exceeding \$500.

Section 22. Section 5703 of Title 74 is amended to read: § 5703. Disposition of fines, fees and forfeitures.

All fines, fees and forfeitures collected under this part for violations thereof, and all bail forfeited, shall be paid to the Department of Revenue and transmitted to the State Treasury and credited to the Aviation Restricted account by the [district justice] **magisterial district judge** or other officer imposing or receiving them. A [district justice] **magisterial district judge** who fails to pay the fines, fees and forfeitures to the Department of Revenue commits a misdemeanor of the third degree.

Section 23. The definitions of "district justice" and "issuing authority" in section 102 of Title 75 are amended and the section is amended by adding a definition to read: § 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

["District justice." Includes a judge of a community court, of the Pittsburgh Magistrates Court, and of the Traffic Court of Philadelphia when exercising the jurisdiction of a district justice under this title.]

* * *

"Issuing authority." A public official having the power and authority of a [district justice] **magisterial district judge**.

* * *

"Magisterial district judge." Includes a judge of a community court, of the Pittsburgh Magistrates Court and of the

Traffic Court of Philadelphia when exercising the jurisdiction of a magisterial district judge under this title.

* * *

Section 24. Sections 1619(c)(1), (3) and (4), 3510(b.2), 3582(b), 4581(c) and 4907(e)(1) of Title 75 are amended to read:
§ 1619. Prohibition against discharging, disciplining or discriminating against employees.

* * *

(c) Procedure.--

(1) Any employee who believes he has been discharged, disciplined or otherwise discriminated against by any person in violation of subsection (a) or (b) may, within 180 days after such alleged violation occurs, file or have filed by any person on the employee's behalf a complaint with a [district justice] **magisterial district judge** alleging such discharge, discipline or discrimination. Actions brought under this section shall be brought in the court of common pleas if the complaint states a claim for damages in excess of the jurisdictional limits provided by 42 Pa.C.S. § 1515 (relating to jurisdiction and venue) and the plaintiff declines to waive the portion of his claim exceeding the jurisdictional amount.

* * *

(3) If the [district justice] **magisterial district judge** or the court of common pleas, after notice and hearing, determines that a violation of subsection (a) or (b) has occurred, the [district justice] **magisterial district judge** or court of common pleas has the power to and shall order:

(i) the person who committed such violation to take affirmative action to abate the violation;

(ii) such person to reinstate the complainant to the complainant's former position together with the compensation, including back pay, terms, conditions and privileges of the complainant's employment; and

(iii) compensatory damages.

(4) If an order is issued under paragraph (3), the [district justice] **magisterial district judge** or court of common pleas issuing the order, at the request of the complainant, may assess against the person against whom the order is issued a sum equal to the aggregate amount of all costs and expenses, including attorney fees, reasonably incurred by the complainant for, or in connection with, the bringing of the complaint upon which the order was issued.

* * *

§ 3510. Pedalcycle helmets for certain persons.

* * *

(b.2) Waiver of fine.--If a person receives a citation issued by the proper authority for violation of subsection (a), a [district justice] **magisterial district judge**, magistrate or judge shall dismiss the charges if the person prior to or at [his] **the person's** hearing displays evidence of acquisition of a helmet meeting the standards prescribed in subsection (a) to such [district justice] **magisterial district judge**, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase or transfer of such a helmet from another helmet owner, evidenced by a notarized letter.

* * *

§ 3582. Pedalcycle helmets for certain persons.

* * *

(b) Waiver of fine.--If a person receives a citation issued by the proper authority for violation of subsection (a), a

[district justice] **magisterial district judge**, magistrate or judge shall dismiss the charges if the person prior to or at [his] **the person's** hearing displays evidence of acquisition of a helmet meeting the standards prescribed in subsection (a) to the [district justice] **magisterial district judge**, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase or transfer of such a helmet from another helmet owner, evidenced by a notarized letter.

* * *

§ 4581. Restraint systems.

* * *

(c) Waiver of fine.--If a person receives a citation issued by the proper authority for violation of subsection (a)(1) or (1.1), a [district justice] **magisterial district judge**, magistrate or judge shall dismiss the charges if the person prior to or at [his] **the person's** hearing displays evidence of acquisition of a child passenger restraint system or child booster seat to such [district justice] **magisterial district judge**, magistrate or judge. Sufficient evidence shall include a receipt mailed to the appropriate court officer which evidences purchase, rental, transferal from another child seat owner (evidenced by notarized letter) or bailment from a bona fide loaner program of a child passenger restraint system or child booster seat.

* * *

§ 4907. Penalty for violation of chapter.

* * *

(e) Failure to properly administer, adhere to and enforce the requirements of this chapter.--When it is determined in a summary proceeding that a local authority has failed to comply with any of the requirements of this chapter or the department's concomitant regulations, the following shall occur:

(1) The local authority shall be liable for the costs for scheduling and conducting the proceeding and for the reasonable costs incurred to respond to and defend against the charges. The costs shall be assessed by the [district justice] **magisterial district judge** and payable within 30 days of assessment.

* * *

Section 25. The definition of "appropriate judicial authority" in section 6309.2(e) of Title 75 is amended to read:
§ 6309.2. Immobilization, towing and storage of vehicle for driving without operating privileges or registration.

* * *

(e) Definitions.--As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

"Appropriate judicial authority." In counties of the first class, the Philadelphia Traffic Court. In all other counties, the [district justice] **magisterial district judge** in whose district the violation occurred.

* * *

Section 26. Section 8306(e) of Title 75 is amended to read:
§ 8306. Penalties.

* * *

(e) Jurisdiction.--All summary proceedings under the provisions of this chapter may be brought before any [district justice] **magisterial district judge** of the county where the offense occurred or in the county where the public is affected, and to that end jurisdiction is hereby conferred upon the [district justices] **magisterial district judges**, subject to

appeal by either party in the manner provided by law for appeals from summary convictions. It shall be the duty of the district attorney of the county to represent the interests of the Commonwealth.

* * *

Section 27. The definition of "magistrate" in section 9002 of Title 75 is amended to read:

§ 9002. Definitions.

The following words and phrases when used in this chapter shall have the meanings given to them in this section unless the context clearly indicates otherwise:

* * *

"Magistrate." An officer of the minor judiciary. The term includes a [district justice] **magisterial district judge**.

* * *

Section 28. This act shall apply as follows:

(1) Except as otherwise provided in paragraph (2), any and all references in any other law to a "district justice" or "justice of the peace" shall be deemed to be references to a magisterial district judge.

(2) Paragraph (1) shall not apply to the provisions of 71 Pa.C.S.

Section 29. Nothing in this act shall be construed or deemed to provide magisterial district judges with retirement benefits or rights that are different from those available to district justices or justices of the peace immediately prior to the effective date of this act. Nothing in this act shall be construed or deemed to provide senior magisterial district judges with retirement benefits or rights that are different from those available to senior district justices immediately prior to the effective date of this act.

Section 30. This act shall take effect in 60 days.

APPROVED--The 30th day of November, A. D. 2004.

EDWARD G. RENDELL