
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 908 Session of
1993

INTRODUCED BY CALTAGIRONE, PICCOLA, LaGROTTA, PESCI, MELIO,
MANDERINO AND RITTER, MARCH 24, 1993

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 24, 1993

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 jurisdiction and venue and for certain costs and fees and the
4 collection and disposition thereof; and providing for the
5 compensation of justices and judges.

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

8 Section 1. Sections 1515, 1725.1, 3571(c) and 3581 of Title
9 42 of the Pennsylvania Consolidated Statutes, amended or added
10 December 18, 1992 (P.L. , No.167), are amended to read:

11 § 1515. Jurisdiction and venue.

12 (a) Jurisdiction.--Except as otherwise prescribed by general
13 rule adopted pursuant to section 503 (relating to reassignment
14 of matters), district justices shall, under procedures
15 prescribed by general rule, have jurisdiction of all of the
16 following matters:

17 (1) Summary offenses.

18 (2) Matters arising under the act of April 6, 1951
19 (P.L.69, No.20), known as The Landlord and Tenant Act of

1 1951, which are stated therein to be within the jurisdiction
2 of a district justice.

3 (3) Civil claims, except claims against a Commonwealth
4 party as defined by section 8501 (relating to definitions),
5 wherein the sum demanded does not exceed [\$8,000] \$4,000,
6 exclusive of interest and costs, in the following classes of
7 actions:

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

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

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

14 A plaintiff may waive a portion of his claim of more than
15 [\$8,000] \$4,000 so as to bring the matter within the monetary
16 jurisdiction of a district justice. Such waiver shall be
17 revoked automatically if the defendant appeals the final
18 order of the district justice or when the judgment is set
19 aside upon certiorari.

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

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

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

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

6 (iii) The defendant pleads guilty.

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

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

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

16 In determining that the above criteria are met the district
17 justice shall rely on the certification of the arresting
18 authority. Certification that the criteria are met need not
19 be in writing. Within ten days after the disposition, the
20 district justice shall certify the disposition to the office
21 of the clerk of the court of common pleas in writing.

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

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

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

30 (C) The defendant pleads guilty.

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

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

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

7 Section 4321 (relating to willful separation or
8 nonsupport).

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

11 (6.1) All offenses under Title 34 (relating to game).

12 (7) Matters jurisdiction of which is vested in district
13 justices by any statute.

14 (b) Venue and process.--The venue of a district justice
15 concerning matters over which jurisdiction is conferred by
16 subsection (a) shall be as prescribed by general rule. The
17 process of the district justice shall extend beyond the
18 territorial limits of the magisterial district to the extent
19 prescribed by general rule.

20 § 1725.1. Costs.

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

24 (1) Actions involving \$500 or
25 less..... \$30.00

26 (2) Actions involving more than
27 \$500 but not more than \$2,000..... \$40.00

28 (3) Actions involving more than
29 \$2,000 [but not more than \$4,000]..... \$50.00

30 [(4) Actions involving more than

1	\$4,000 but not more than \$8,000.....	\$75.00]
2	[(5)] <u>(4)</u> Landlord-tenant actions involving	
3	less than \$2,000.....	\$45.00
4	[(6)] <u>(5)</u> Landlord-tenant actions involving more	
5	than \$2,000 [but not more than \$4,000].....	\$55.00
6	[(7)] Landlord-tenant actions involving more	
7	than \$4,000 but not more than \$8,000.....	\$75.00]
8	[(8)] <u>(6)</u> Order of execution.....	\$22.50
9	[(9)] <u>(7)</u> Objection to levy.....	\$10.00
10	[(10)] <u>(8)</u> Reinstatement of complaint.....	\$ 5.00
11	<u>(9) Orders of possession.....</u>	<u>\$20.00</u>

12 Such costs shall include all charges except the costs of a
13 district justice's transcript of every proceeding on appeal or
14 certiorari (including affidavit and certificate) which shall be
15 \$2.50 per transcript. [Said] Such costs shall not include,
16 however, the cost of postage and registered mail which shall be
17 borne by the plaintiff.

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

22	(1) Summary conviction, except motor vehicle	
23	cases.....	\$28.50
24	(2) Summary conviction, motor vehicles cases,	
25	other than paragraph (3).....	\$22.50
26	(3) Summary conviction, motor vehicle cases,	
27	hearing demanded.....	\$27.50
28	(4) Misdemeanor.....	[\$32.50]
29		<u>\$33.50</u>
30	(5) Felony.....	[\$37.50]

Such costs shall include all charges including the costs of giving a district justice'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.

(c) Unclassified costs or charges.--Subject to subsection (f), the costs to be charged by the minor judiciary in the following instances not readily classifiable shall be as follows:

(1) Entering transcript of judgment from another member of the minor judiciary..... \$ 5.00

(2) Marrying each couple, making record thereof, and certificate to the parties..... \$25.00

(3) Granting emergency relief pursuant to 23 Pa.C.S. Ch. 61 (relating to protection from abuse)..... \$10.00

(4) Issuing a search warrant (except as provided in subsection (d))..... \$10.00

(5) Any other issuance not otherwise provided for in this subsection..... \$10.00

(d) Search warrants.--In every case where a search warrant is requested by a police officer, constable or other peace officer engaged as such in the employ or service of the Commonwealth or any of its political subdivisions, no cost or charge shall be assessed against such officer, the Commonwealth or political subdivision for the issuance of such search warrant.

(e) Fish and boating offenses.--

(1) Except as provided in paragraph (2), any person convicted of a summary offense under Title 30 (relating to

1 fish) shall, in addition to the fine imposed, be sentenced to
2 pay \$10 as costs of the issuing authority which costs shall
3 include all charges including, when called for, the costs of
4 postage and registered or certified mail and the costs of
5 giving a transcript to the prosecutor or defendant, or both,
6 if requested.

7 (2) Where the person charged with a summary offense
8 under Title 30 demands a hearing, the costs of the issuing
9 authority shall be \$15, which costs shall include all charges
10 including the charges specified in paragraph (1).

11 (f) Annual increase in costs.--Beginning on January 1, 1994,
12 and each January 1 thereafter, the costs under subsections (a),
13 (b) and (c) shall be increased by the percentage of increase in
14 the Consumer Price Index for Urban Workers for the immediate
15 preceding calendar year to the next even dollar which shall be
16 published in the Pennsylvania Bulletin annually by the Supreme
17 Court on or before the preceding November 30. This subsection
18 shall expire January 1, 2001.

19 § 3571. Commonwealth portion of fines, etc.

20 * * *

21 (c) Costs in district justice proceedings.--

22 (1) Costs collected by a district justice shall be
23 transmitted monthly to the Commonwealth in amounts as
24 prescribed in subsection (b) and the balance shall be
25 transmitted monthly to the county in which the magisterial
26 district is located. Costs transmitted to the Commonwealth
27 shall be credited to the General Fund. Costs transmitted to
28 the county shall be retained by the county for its use.

29 (2) Amounts payable to the Commonwealth:

30 (i) Summary conviction, except motor vehicle

1	cases.....	\$10.00
2	(ii) Summary conviction, motor vehicle cases other	
3	than subparagraph (iii).....	\$10.00
4	(iii) Summary conviction, motor vehicle cases,	
5	hearing demanded.....	\$10.00
6	(iv) Misdemeanor.....	\$13.00
7	(v) Felony.....	\$20.00
8	(vi) Assumpsit or trespass involving:	
9	(A) \$500 or less.....	\$12.50
10	(B) More than \$500 but not more than	
11	\$2,000.....	\$20.00
12	(C) More than \$2,000 [but not more	
13	than \$4,000].....	\$30.00
14	[(D) More than \$4,000 but not more	
15	than \$8,000.....	\$50.00]
16	(vii) Landlord-tenant proceeding involving:	
17	(A) \$2,000 or less.....	\$20.00
18	(B) More than \$2,000 [but not more	
19	\$4,000].....	\$25.00
20	[(C) More than \$4,000 but not more than	
21	\$8,000.....	\$35.00]
22	(viii) Objection to levy.....	[\$ 5.00]
23		<u>10.00</u>
24	(ix) Order of execution.....	\$15.00
25	(x) Issuing a search warrant (except as provided	
26	in section 1725.1(d) (relating to costs)).....	\$ 7.00
27	(xi) Order of possession.....	\$15.00
28	<u>(xii) Reinstatement of complaint.....</u>	<u>\$ 5.00</u>
29	(3) In all cases where costs are borne by the county	
30	pursuant to section 1725.2 (relating to assumption of summary	

conviction costs by county), no share of such costs shall be payable to the Commonwealth.

(4) Beginning on January 1, 1994, and each January 1 thereafter, the costs under paragraph (2) shall be increased by the percentage of increase in the Consumer Price Index for Urban Workers for the immediate preceding calendar year to the next even dollar which shall be published in the Pennsylvania Bulletin annually by the Supreme Court on or before the preceding November 30. This paragraph shall expire January 1, 2001.

* * *

§ 3581. Judicial salaries.

(a) Supreme Court.--The annual salary of the Chief Justice of the Supreme Court shall be \$108,000, and the annual salary of each of the other justices of the Supreme Court shall be \$105,000.

(b) Superior Court.--The annual salary of the President Judge of the Superior Court shall be \$103,000, and the annual salary of the other judges of the Superior Court shall be \$101,500.

(c) Commonwealth Court.--The annual salary of the President Judge of the Commonwealth Court shall be \$103,000. The annual salary of each of the other judges of the Commonwealth Court shall be \$101,500.

(d) Courts of common pleas.--

(1) The annual salary of a president judge of a court of common pleas shall be fixed in accordance with the following schedule:

(i) Allegheny County, \$92,000.

(ii) Philadelphia County, \$92,500.

(iii) Judicial districts having six or more judges,
\$91,000.

(iv) Judicial districts having three to five judges,
\$90,500.

(v) Judicial districts having one or two judges,
\$90,000.

(vi) Administrative judges of the divisions of the
Court of Common Pleas of Philadelphia County with
divisions of six or more judges, \$91,000.

(vii) Administrative judges of the divisions of the
Court of Common Pleas of Philadelphia County with
divisions of five or less judges, \$90,500.

(viii) Administrative judges of the divisions of the
Court of Common Pleas of Allegheny County with divisions
of six or more judges, \$91,000.

(ix) Administrative judges of the divisions of the
Court of Common Pleas of Allegheny County of five or less
judges, \$90,500.

(2) The other judges of the courts of common pleas shall
be paid an annual salary of \$90,000.

(e) Philadelphia Municipal Court.--The President Judge of
the Philadelphia Municipal Court shall receive an annual salary
of \$89,000. The annual salary for the other judges of the
Philadelphia Municipal Court shall be \$87,500.

(f) Philadelphia Traffic Court.--The President Judge of the
Philadelphia Traffic Court shall receive an annual salary of
\$48,500. The annual salary for the other judges of the
Philadelphia Traffic Court shall be \$48,000.

(g) District justices.--A district justice shall receive an
annual salary payable by the Commonwealth and computed by adding

1 to \$33,500 the product of the population of his magisterial
2 district times [\$1, but in no event shall the salary exceed
3 \$45,000] \$2, to a current maximum of \$45,000.

4 (h) Senior judges.--The compensation of the senior judges
5 pursuant to section 4121 (relating to assignment of judges)
6 shall be \$275 per day. In any calendar year the amount of
7 compensation which a senior judge shall be permitted to earn as
8 a senior judge shall not, when added to retirement income paid
9 by the Commonwealth for such senior judge, exceed the
10 compensation payable by the Commonwealth to a judge then in
11 regular active service on the court from which said senior judge
12 retired. A senior judge who so elects may serve without being
13 paid all or any portion of the compensation provided by this
14 section.

15 (i) Annual cost-of-living adjustment.--Beginning January 1,
16 1994, and each January 1 thereafter, the annual salaries under
17 subsections (a) through (h) shall be increased by the percentage
18 increase in the Consumer Price Index for Urban Workers for the
19 immediate preceding twelve-month period. The percentage of
20 increase shall be published in the Pennsylvania Bulletin
21 annually by the Supreme Court on or before November 30. This
22 subsection shall expire January 1, 2001.

23 Section 2. This act shall take effect immediately.