

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 44

Session of
2007

INTRODUCED BY PICCOLA, EARLL, RAFFERTY, D. WHITE, FOLMER, PUNT,
ARMSTRONG, EICHELBERGER, O'PAKE, ROBBINS, WOZNIAK, ORIE,
SCARNATI, REGOLA AND WAUGH, FEBRUARY 13, 2007

SENATOR PICCOLA, STATE GOVERNMENT, AS AMENDED, MARCH 28, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for
3 compensation of judges ~~and district attorneys~~ and for
4 exclusive jurisdiction of Supreme Court; and making related
5 repeals. <—

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

8 Section 1. Chapter 17 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding a subchapter to read:

10 SUBCHAPTER C

11 COMPENSATION

12 Sec.

13 1741. Compensation of judges.

14 ~~1742. Compensation of district attorneys.~~ <—

15 ~~1743 1742. Exclusive jurisdiction of Supreme Court.~~ <—

16 § 1741. Compensation of judges.

17 (a) Base salaries.--Notwithstanding any other provision of
18 law to the contrary:

19 (1) A person who is elected or appointed to a term as a

1 justice of the Supreme Court, judge of the Superior Court,
2 judge of the Commonwealth Court, judge of a court of common
3 pleas, judge of the Philadelphia Municipal Court, judge of
4 the Philadelphia Traffic Court or magisterial district judge
5 after the effective date of this section shall receive a
6 salary that is equal to the salary payable to persons who
7 held that particular judicial office on the day prior to the
8 effective date of this section, plus \$1 and any applicable
9 cost-of-living adjustment or adjustments under subsection
10 (b).

11 (2) A person who serves a term as a justice of the
12 Supreme Court, judge of the Superior Court, judge of the
13 Commonwealth Court, judge of a court of common pleas, judge
14 of the Philadelphia Municipal Court, judge of the
15 Philadelphia Traffic Court or magisterial district judge on
16 the effective date of this section shall receive a salary
17 that is equal to the salary payable to persons holding that
18 particular judicial office on the day prior to the effective
19 date of this section, plus \$1 and any applicable cost-of-
20 living adjustment or adjustments under subsection (b).

21 (b) Cost-of-living adjustments.--

22 (1) For the 12-month period beginning January 1, 2008,
23 and each January 1 thereafter, the annual salaries for
24 persons subject to subsection (a)(1) or (2) shall be
25 increased by the percentage change, if any, in the Consumer
26 Price Index for All Urban Consumers (CPI-U) for the
27 Pennsylvania, New Jersey, Delaware and Maryland area for the
28 most recent 12-month period for which figures are officially
29 reported by the United States Department of Labor, Bureau of
30 Labor Statistics, immediately prior to the date the

1 adjustment is due to take effect.

2 (2) In no event shall deflation result in a negative
3 cost-of-living adjustment to a salary under subsection (a)(1)
4 or (2).

5 (c) Limitation.--

6 (1) No justice of the Supreme Court shall receive any
7 annual salary insofar as that salary is based on any increase
8 in the base salary of a circuit court judge of the United
9 States Court of Appeals that occurs after the effective date
10 of this section.

11 (2) No judge of the Superior Court or Commonwealth Court
12 shall receive any annual salary insofar as that salary is
13 based on any increase in the base salary of a judge of the
14 United States District Court that occurs after the effective
15 date of this section.

16 (3) No judge of a court of common pleas or Philadelphia
17 Municipal Court, Philadelphia Traffic Court or magisterial
18 district justice shall receive any annual salary insofar as
19 that annual salary is based on any increase in the base
20 salary of a United States magistrate judge that occurs after
21 the effective date of this section.

22 ~~§ 1742. Compensation of district attorneys.~~

<—

23 ~~The salary of a district attorney and a part time district~~
24 ~~attorney shall be determined as follows:~~

25 ~~(1) The salary of a full time district attorney shall be~~
26 ~~95% of the salary of a judge of a court of common pleas under~~
27 ~~section 1741(a) (relating to compensation of judges).~~

28 ~~(2) The salary of a part time district attorney shall be~~
29 ~~determined as follows:~~

30 ~~(i) In counties of the third or fourth class, 60% of~~

~~the salary under paragraph (1).~~

~~(ii) In counties of the fifth or sixth class, 50% of
the salary under paragraph (1).~~

~~(iii) In counties of the seventh or eighth class,
40% of the salary under paragraph (1).~~

~~§ 1743~~ 1742. Exclusive jurisdiction of Supreme Court. <—

The Pennsylvania Supreme Court shall have exclusive
jurisdiction to hear any challenge to or to render a declaratory
judgment concerning the constitutionality of this subchapter.

The Supreme Court is authorized to take such action as it deems
appropriate, consistent with the Supreme Court retaining
jurisdiction over such a matter, to find facts or to expedite a
final judgment in connection with such a challenge or request
for declaratory relief.

Section 2. Repeals are as follows:

(1) As much of section 2.1 of the act of September 30,
1983 (P.L.160, No.39), known as the Public Official
Compensation Law, that is inconsistent with the addition of
42 Pa.C.S. Ch. 17 Subch. C, is repealed.

(2) The General Assembly declares that the ~~repeals under~~ <—
~~paragraphs (3) and (4) are~~ REPEAL UNDER PARAGRAPH (3) IS <—
necessary to effectuate the addition of 42 Pa.C.S. Ch. 17
Subch. C.

(3) The provisions of 42 Pa.C.S. Ch. 18, added July 7,
2005 (P.L.201, No.44), repealed November 16, 2005 (P.L.385,
No.72) and repeal declared unconstitutional 905 A.2d 918 (Pa.
2006), are repealed.

~~(4) Section 1401(j) and as much as reads "and shall be~~ <—
~~compensated, notwithstanding the provisions of any other~~
~~statutes, as follows: In counties of the third or fourth~~

1 ~~class, the salary shall be sixty per cent of the annual~~
2 ~~salary payable to the judge of the court of common pleas of~~
3 ~~the judicial district of the county; in a county of the fifth~~
4 ~~or sixth class, the salary shall be fifty per cent of the~~
5 ~~annual salary payable to the judge of the court of common~~
6 ~~pleas of the judicial district of the county; and in a county~~
7 ~~of the seventh or eighth class, the salary shall be forty per~~
8 ~~cent of the annual salary payable to the judge of the court~~
9 ~~of common pleas of the judicial district of the county" in~~
10 ~~(1) of the act of August 9, 1955 (P.L.323, No.130), known as~~
11 ~~The County Code, are repealed.~~

12 Section 3. This act shall take effect immediately.