

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1153 Session of
2007INTRODUCED BY GREENLEAF, WAUGH, RAFFERTY, M. WHITE, MUSTO,
COSTA, O'PAKE AND WASHINGTON, NOVEMBER 5, 2007

AS AMENDED ON THIRD CONSIDERATION, MARCH 17, 2008

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for the
3 Minor Judiciary Education Board and for ~~qualifications of THE~~ <—
4 COURSE OF INSTRUCTION AND EXAMINATION FOR certain minor
5 judiciary.

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

8 Section 1. Section 2131 of Title 42 of the Pennsylvania
9 Consolidated Statutes, amended November 29, 1990 (P.L.574,
10 No.147), amendment declared unconstitutional 598 A.2d 985 (Pa.
11 1992), and amendment repealed July 9, 1992 (P.L.689, No.102), is
12 reenacted and amended to read:

13 § 2131. Minor Judiciary Education Board.

14 (a) General rule.--The Minor Judiciary Education Board shall
15 consist of such members [selected] as provided in this
16 subchapter.

17 (b) Seal.--The Minor Judiciary Education Board shall have a
18 seal engraved with its name and such other inscription as may be
19 specified by general rule. A facsimile or preprinted seal may be

1 used for all purposes in lieu of the original seal.

2 Section 2. Section 2132 of Title 42, amended November 29,
3 1990 (P.L.574, No.147), amendment declared unconstitutional 598
4 A.2d 985 (Pa. 1992), amendment repealed July 9, 1992 (P.L.689,
5 No.102), and amended November 30, 2004 (P.L.1618, No.207), is
6 reenacted and amended to read:

7 § 2132. Composition of board.

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

13 (1) Three persons who shall be judges of [the Pittsburgh <—
14 Magistrates Court or] the Traffic Court of Philadelphia or <—
15 magisterial district judges.

16 (2) Three members of the bar of this Commonwealth.

17 (3) One lay elector.

18 (b) Terms of office.--The members of the board shall serve
19 for terms of [five] three years and until a successor has been
20 appointed [and qualified]. A vacancy on the board shall be
21 filled for the balance of the term.

22 (c) Compensation.--Members of the board shall receive such
23 fees [or salary] as shall be fixed by the [governing authority <—
24 in the manner provided by section 503(b) (relating to
25 procedures)] Supreme Court.

26 Section 3. Sections 2133 and 2134 of Title 42 are amended to
27 read:

28 § 2133. Organization.

29 [Annually the Minor Judiciary Education Board shall elect]
30 The Supreme Court shall appoint a chairman and other officers of

1 the board, who shall hold office at the pleasure of the [board]
2 Supreme Court. The board shall act only with the concurrence of
3 a majority of its members.

4 § 2134. Staff.

5 [The Administrative Office shall provide such staff
6 assistance as the Minor Judiciary Education Board may require.]

7 Subject to the approval of the Supreme Court, the Minor
8 Judiciary Education Board shall appoint a director and shall
9 authorize such other staff positions as may be necessary.

10 Section 4. The definition of "judge" in section 3111 of
11 Title 42 is amended to read:

12 § 3111. Definitions.

13 The following words and phrases when used in this subchapter
14 shall have, unless the context clearly indicates otherwise, the
15 meanings given to them in this section:

16 * * *

17 "Judge." A judge of the [Pittsburgh Magistrates Court or
18 the] Traffic Court of Philadelphia.

19 Section 5. Sections 3113, 3114, 3115, 3116 and 3119 of Title
20 42 are amended to read:

21 § 3113. Content of course of instruction and examination.

22 (a) General rule.--[The] Subject to the approval of the
23 Supreme Court, the board shall prescribe and approve the subject
24 matter and the examination for the course of training and
25 instruction required by this subchapter. The [Administrative
26 Office] staff authorized by Subchapter D of Chapter 21 (relating
27 to minor judiciary education board) shall, subject to the
28 direction of the board, administer the course of training and
29 instruction and conduct the examination. The [Administrative
30 Office] staff shall conduct the course of training and

1 examination at such times, at such places and in such manner as
2 the regulations of the board may prescribe. The board shall make
3 the course of training and instruction available at such times
4 so as to insure that any magisterial district judge, bail
5 commissioner or judge elected or appointed may qualify to assume
6 office as soon as possible.

7 (b) Content of course.--The course of training and
8 instruction shall not exceed four weeks in duration and shall
9 consist of a minimum of 40 hours of class instruction in civil
10 and criminal law, including evidence and procedure, summary
11 proceedings, motor vehicles and courses in judicial ethics, in
12 the case of all such officials except bail commissioners, in
13 which case [it] the course of training shall consist of a
14 minimum of 30 hours of class instruction in criminal law, search
15 and seizure, arrest and bail practices and procedures, and
16 except judges of the Traffic Court of Philadelphia, in which
17 case [it] the course of training shall consist of a minimum of
18 20 hours of class instruction in summary proceedings and laws
19 relating to motor vehicles.

20 § 3114. Admission of interested persons.

21 In addition to those required by this subchapter to complete
22 the course of training and instruction and successfully pass an
23 examination prior to assuming office, any interested person may
24 apply to the [Administrative Office] board to be enrolled in the
25 course of training and instruction and take the examination. Any
26 such interested person who successfully completes the course of
27 training and passes the examination, and who subsequently is
28 elected or appointed to the office of magisterial district
29 judge, bail commissioner or judge may secure a certificate from
30 the Administrative Office as provided in section 3115 (relating

1 to certification of successful completion of course of training)
2 without again taking the course of training and instruction and
3 passing the examination required by this subchapter prior to
4 assuming such office.

5 § 3115. Certification of successful completion of course of
6 training.

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

17 § 3116. Effect of failure to obtain certificate.

18 In the event that any magisterial district judge or judge
19 fails to file the certificate provided for by section 3115
20 (relating to certification of successful completion of course of
21 training) in the manner therein provided within nine months
22 after the magisterial district judge's or judge's election or
23 appointment, that office shall become vacant, and such vacancy
24 shall be filled as provided in this chapter.

25 § 3119. Rules and regulations.

26 The [Administrative Office] board shall have the power to
27 promulgate, with the approval of the [board] Supreme Court, such
28 rules and regulations as are necessary to carry out its duties
29 under this subchapter.

30 Section 6. This act shall take effect in 60 days.