THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 38 Session of 2021

INTRODUCED BY DIAMOND, KAUFFMAN, BERNSTINE, BOBACK, CAUSER, COX, SCHLEGEL CULVER, DUNBAR, GROVE, HAMM, HICKERNELL, IRVIN, JAMES, KEEFER, LEWIS, R. MACKENZIE, MALONEY, MILLARD, B. MILLER, MOUL, OWLETT, PICKETT, RADER, RAPP, ROTHMAN, ROWE, RYAN, SANKEY, SAYLOR, WARNER, WHEELAND, ZIMMERMAN, STAMBAUGH AND M. MACKENZIE, JANUARY 11, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 11, 2021

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, organizing the Judiciary into
3 representative districts and further providing for residency
4 requirements.
5
6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby resolves as follows:
8
9 Section 1. The following integrated amendments to the
10 Constitution of Pennsylvania are proposed in accordance with
11 Article XI:
12
13 (1) That section 2 of Article V be amended to read:
14
15 § 2. Supreme Court.
16
17 The Supreme Court (a) shall be the highest court of the
18 Commonwealth and in this court shall be reposed the supreme
19 judicial power of the Commonwealth;
20
21 (b) shall consist of seven justices, to be elected from
22 seven judicial districts which shall be established by law, one
of whom shall be the Chief Justice; and

(c) shall have such jurisdiction as shall be provided by law.

(2) That section 3 of Article V be amended to read:

§ 3. Superior Court.

The Superior Court shall be a statewide court, and shall consist of the number of judges, which shall be not less than seven judges, to be elected from judicial districts which shall be established by law, and have such jurisdiction as shall be provided by this Constitution or by the General Assembly. One of its judges shall be the president judge.

(3) That section 4 of Article V be amended to read:

§ 4. Commonwealth Court.

The Commonwealth Court shall be a statewide court, and shall consist of the number of judges, to be elected from judicial districts which shall be established by law, and have such jurisdiction as shall be provided by law. One of its judges shall be the president judge.

(4) That section 11 of Article V be amended to read:

§ 11. Judicial districts; boundaries.

[The number and boundaries of judicial districts shall be changed by the General Assembly only with the advice and consent of the Supreme Court.]

(a) The number of judges and justices of the Supreme Court, the Superior Court and the Commonwealth Court elected from each judicial district shall provide every resident of the Commonwealth with approximately equal representation on a court. Each judicial district shall be composed of compact and contiguous territory as nearly equal in population as practicable. Each judicial district shall elect one judge or
justice. Unless absolutely necessary, no county, city, incorporated town, borough, township or ward may be divided in forming a judicial district.

(b) The General Assembly shall, by law, establish:

(1) The judicial districts from which justices of the Supreme Court and the judges of the Superior Court and the Commonwealth Court are elected.

(2) A transition to an appellate court judiciary elected from judicial districts.

(3) The effect of set judicial districts upon eligibility to seek retention election.

(4) The order in which judicial districts shall elect justices of the Supreme Court and judges of the Superior Court and the Commonwealth Court.

(5) The decennial realignment of the appellate judicial districts based on the Federal decennial census, beginning in 2021 and occurring each ten years thereafter.

(c) Except as provided under subsection (b) and section 7(b), the number and boundaries of all other judicial districts shall be established by the General Assembly by law, with the advice and consent of the Supreme Court.

(5) That section 12 of Article V be amended to read:

§ 12. Qualifications of justices, judges and justices of the peace.

(a) Justices, judges and justices of the peace shall be citizens of the Commonwealth. Justices and judges, except the judges of the traffic court in the City of Philadelphia, shall be members of the bar of the Supreme Court. Justices of statewide courts, for a period of one year preceding their election or appointment and during their continuance in office,
shall reside within the Commonwealth. Other judges and justices of the peace, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within their respective districts, except as provided in this article for temporary assignments.

(b) Justices of the peace shall be members of the bar of the Supreme Court or shall complete a course of training and instruction in the duties of their respective offices and pass an examination prior to assuming office. Such courses and examinations shall be as provided by law.

Section 3.  (a) Upon the first passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments.

(b) Upon the second passage by the General Assembly of these proposed constitutional amendments, the Secretary of the Commonwealth shall proceed immediately to comply with the advertising requirements of section 1 of Article XI of the Constitution of Pennsylvania and shall transmit the required advertisements to two newspapers in every county in which such newspapers are published in sufficient time after passage of these proposed constitutional amendments. The Secretary of the Commonwealth shall submit the proposed constitutional amendments under section 1 of this resolution to the qualified electors of this Commonwealth as a single ballot question as provided under subsection (c) at the first primary, general or municipal election.
election which meets the requirements of and is in conformance
with section 1 of Article XI of the Constitution of Pennsylvania
and which occurs at least three months after the proposed
constitutional amendments are passed by the General Assembly.

(c) The Secretary of the Commonwealth shall place these
proposed constitutional amendments on the ballot as a single
ballot question in the following form:
Shall sections 2, 3, 4, 11 and 12 of Article V of the
Pennsylvania Constitution be amended to require that
judges and justices of the Supreme Court, the Superior
Court and the Commonwealth Court be elected from judicial
districts established by the General Assembly which must
be compact, contiguous and nearly equal in population as
practicable and to require that all justices, judges and
justices of the peace to be residents of their judicial
districts for one year preceding election or appointment
and during service?