

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1863 Session of
1977

INTRODUCED BY MR. GREENLEAF, NOVEMBER 15, 1977

SENATOR O'PAKE, JUDICIARY, IN SENATE, AS AMENDED,
SEPTEMBER 13, 1978

AN ACT

~~1 Authorizing the service of subpoenas by first class mail or by~~ <—
~~2 certified mail in criminal cases, and providing for the~~
~~3 duration of subpoenas.~~

4 AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE <—
5 PENNSYLVANIA CONSOLIDATED STATUTES, PROVIDING FOR OPTIONAL
6 TRAFFIC COURTS AND FOR SUBPOENAS IN CRIMINAL PROCEEDINGS.

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

9 ~~Section 1. Service.~~ <—

10 ~~In addition to any method of service which may now or~~
11 ~~hereafter be used, a subpoena may be served upon a witness in a~~
12 ~~criminal proceeding by first class mail or by certified mail,~~
13 ~~return receipt requested.~~

14 ~~Section 2. Duration.~~

15 ~~A subpoena shall remain in force until the termination of the~~
16 ~~criminal proceeding.~~

17 ~~Section 3. Bench warrants.~~

18 ~~(a) Insurance. Upon proof of service of a subpoena, the~~
19 ~~court may issue a bench warrant for any witness who fails to~~

1 ~~appear.~~

2 ~~(b) Proof of service. A completed return receipt shall be~~
3 ~~prima facia evidence of service.~~

4 ~~Section 4. Repeals.~~

5 ~~All acts or parts of acts inconsistent herewith are repealed~~
6 ~~to the extent of inconsistency.~~

7 SECTION 1. CHAPTER 13 OF TITLE 42, ACT OF NOVEMBER 25, 1970 <—
8 (P.L.707, NO.230), KNOWN AS THE PENNSYLVANIA CONSOLIDATED
9 STATUTES, IS AMENDED BY ADDING A SUBCHAPTER TO READ:

10 CHAPTER 13

11 TRAFFIC COURTS

12 * * *

13 SUBCHAPTER D

14 OPTIONAL TRAFFIC COURTS

15 SEC.

16 1341. THIRD CLASS CITY TRAFFIC COURTS AUTHORIZED.

17 1342. OPERATIONS OF OPTIONAL TRAFFIC COURTS.

18 § 1341. THIRD CLASS CITY TRAFFIC COURTS AUTHORIZED.

19 ANY CITY OF THE THIRD CLASS MAY ESTABLISH BY ORDINANCE A
20 TRAFFIC COURT WHICH SHALL BE A COURT NOT OF RECORD. THE COURT
21 SHALL BE HELD BY SUCH OF THE DISTRICT JUSTICES OF THE CITY AS
22 SHALL BE DESIGNATED BY THE PRESIDENT JUDGE OF THE COURT OF
23 COMMON PLEAS UPON PETITION BY THE CITY. IF ESTABLISHED, THE
24 COURT SHALL BE FOR THE CITY SO ESTABLISHING IT.

25 § 1342. OPERATIONS OF OPTIONAL TRAFFIC COURTS.

26 THE DISTRICT JUSTICE DESIGNATED BY THE PRESIDENT JUDGE SHALL
27 PRESIDE OVER AND SUPERVISE THE WORK OF THE TRAFFIC COURT. THE
28 TRAFFIC COURT SHALL BE OPEN FOR BUSINESS AT SUCH TIMES AS SHALL
29 BE DESIGNATED BY CITY ORDINANCE OR PRESCRIBED BY GENERAL RULE.

30 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:

1 § 5904. SUBPOENA OF WITNESSES.

2 (A) METHOD OF SERVICE.--IN ADDITION TO ANY OTHER METHOD OF
3 SERVICE PROVIDED BY LAW, A SUBPOENA MAY BE SERVED UPON A WITNESS
4 IN A CRIMINAL PROCEEDING BY REGISTERED OR CERTIFIED MAIL, RETURN
5 RECEIPT REQUESTED, OR BY FIRST CLASS MAIL.

6 (B) PROOF OF SERVICE.--A COMPLETED RETURN RECEIPT SHALL BE
7 PRIMA FACIE EVIDENCE OF SERVICE OF THE SUBPOENA.

8 (C) DURATION.--A SUBPOENA SHALL REMAIN IN FORCE UNTIL THE
9 TERMINATION OF THE CRIMINAL PROCEEDING.

10 (D) BENCH WARRANTS.--UPON PROOF OF SERVICE OF A SUBPOENA,
11 THE COURT MAY ISSUE A BENCH WARRANT FOR ANY WITNESS WHO FAILS TO
12 APPEAR IN RESPONSE TO A SUBPOENA. HOWEVER, SUCH WARRANT CANNOT
13 BE ISSUED IF SERVICE HAS BEEN BY FIRST CLASS MAIL.

14 Section 5 3. Effective date.

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15 This act shall take effect immediately.