

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

## HOUSE BILL

No. 1863 Session of  
1977

## Report of the Committee of Conference

To the Members of the House of Representatives and Senate:

We, the undersigned, Committee of Conference on the part of the House of Representatives and Senate for the purpose of considering House Bill No. 1863, entitled:

~~"An act authorizing the service of subpoenas by first class mail or by certified mail in criminal cases, and providing for the duration of subpoenas.~~ AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE PENNSYLVANIA CONSOLIDATED STATUTES, PROVIDING FOR OPTIONAL TRAFFIC COURTS AND FOR SUBPOENAS IN CRIMINAL PROCEEDINGS."

respectfully submit the following bill as our report:

NORMAN S. BERSON

JAMES J. MANDERINO

ANTHONY J. SCIRICA

(Committee on the part of the House of Representatives.)

MICHAEL A. O'PAKE

HENRY C. MESSINGER

RICHARD A. SNYDER

(Committee on the part of the Senate.)

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, adding judges to certain  
3 courts of common pleas, and providing for optional traffic  
4 courts and for subpoenas in criminal proceedings.

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

7 Section 1. Section 911 of Title 42, act of November 25, 1970  
8 (P.L.707, No.230), known as the Pennsylvania Consolidated  
9 Statutes, added July 9, 1976 (P.L.586, No.142) is amended to  
10 read:

11 § 911. Courts of common pleas.

12 (a) General rule.--There shall be one court of common pleas  
13 for each judicial district of this Commonwealth consisting of  
14 the following number of judges:

15		Number of
16	Judicial District	Judges
17	First	81
18	Second	[4] <u>6</u>
19	Third	[4] <u>5</u>
20	Fourth	1
21	Fifth	39
22	Sixth	5
23	Seventh	9
24	Eighth	2
25	Ninth	[2] <u>3</u>
26	Tenth	[6] <u>7</u>
27	Eleventh	7
28	Twelfth	6
29	Thirteenth	1
30	Fourteenth	4

1	Fifteenth	6
2	Sixteenth	2
3	Seventeenth	1
4	Eighteenth	1
5	Nineteenth	5
6	Twentieth	1
7	Twenty-first	5
8	Twenty-second	1
9	Twenty-third	[5] <u>6</u>
10	Twenty-fourth	[2] <u>3</u>
11	Twenty-fifth	1
12	Twenty-sixth	1
13	Twenty-seventh	5
14	Twenty-eighth	1
15	Twenty-ninth	2
16	Thirtieth	2
17	Thirty-first	5
18	Thirty-second	12
19	Thirty-third	1
20	Thirty-fourth	1
21	Thirty-fifth	2
22	Thirty-sixth	5
23	Thirty-seventh	1
24	Thirty-eighth	[12] <u>14</u>
25	Thirty-ninth	2
26	Fortieth	2
27	Forty-first	1
28	Forty-second	1
29	Forty-third	2
30	Forty-fourth	1

1	Forty-fifth	5
2	Forty-sixth	1
3	Forty-seventh	4
4	Forty-eighth	1
5	Forty-ninth	[1]_2
6	Fiftieth	2
7	Fifty-first	1
8	Fifty-second	2
9	Fifty-third	2
10	Fifty-fourth	1
11	Fifty-fifth	1
12	Fifty-sixth	1
13	Fifty-seventh	1
14	Fifty-eighth	1
15	Fifty-ninth	1

16 (b) Single county districts.--In single county judicial  
17 districts the court of common pleas of the district shall be  
18 known as the "Court of Common Pleas of (the respective) County."

19 (c) Multicounty districts.--In multicounty judicial  
20 districts the court of common pleas of the district shall be  
21 known as the "Court of Common Pleas of the (respective) Judicial  
22 District." There shall be a separate branch of the court in each  
23 county comprising the judicial district.

24 Section 2. Chapter 13 of Title 42 is amended by adding a  
25 subchapter to read:

26 CHAPTER 13

27 TRAFFIC COURTS

28 \* \* \*

29 SUBCHAPTER D

30 OPTIONAL TRAFFIC COURTS

1 Sec.

2 1341. Third class city traffic courts authorized.

3 1342. Operations of optional traffic courts.

4 § 1341. Third class city traffic courts authorized.

5 Any city of the third class may establish by ordinance a  
6 traffic court which shall be a court not of record. The court  
7 shall be held by such of the district justices of the city as  
8 shall be designated by the president judge of the court of  
9 common pleas upon petition by the city. If established, the  
10 court shall be for the city so establishing it.

11 § 1342. Operations of optional traffic courts.

12 The district justice designated by the president judge shall  
13 preside over and supervise the work of the traffic court. The  
14 traffic court shall be open for business at such times as shall  
15 be designated by city ordinance or prescribed by general rule.

16 Section 3. Title 42 is amended by adding a section to read:

17 § 5904. Subpoena of witnesses.

18 (a) Method of service.--In addition to any other method of  
19 service provided by law, a subpoena may be served upon a witness  
20 in a criminal proceeding by registered or certified mail, return  
21 receipt requested, or by first class mail.

22 (b) Proof of service.--A completed return receipt shall be  
23 prima facie evidence of service of the subpoena.

24 (c) Duration.--A subpoena shall remain in force until the  
25 termination of the criminal proceeding.

26 (d) Bench warrants.--Upon proof of service of a subpoena,  
27 the court may issue a bench warrant for any witness who fails to  
28 appear in response to a subpoena. However, such warrant cannot  
29 be issued if service has been by first class mail.

30 Section 4. (a) At the municipal election in November 1979,

1 the qualified electors of the judicial districts in which the  
2 judges authorized herein are added shall elect, in the same  
3 manner prescribed by law for the election of president judge of  
4 the court of common pleas of the districts, competent persons  
5 learned in the law to serve as additional law judges of the  
6 court of common pleas of the respective judicial districts from  
7 the first Monday in January 1980, for terms of ten years each.  
8 Vacancies in the offices hereby created whether caused by death,  
9 resignation, expiration of term or otherwise shall be filled in  
10 the same manner as is required by law in case of similar  
11 vacancies in the office of president judge of the courts.

12 (b) The provisions of section 3135 (relating to increase in  
13 number of judges) of Title 42 of the Pa.C.S. shall not apply to  
14 the additional judges herein authorized.

15 Section 5. This act shall take effect immediately.