

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 282

Session of
1985

INTRODUCED BY FISHER, O'PAKE, SHUMAKER, WILT, STAPLETON, STOUT,
ANDREZESKI, REIBMAN, STAUFFER, HESS, RHOADES, WENGER,
LINCOLN, MADIGAN, LEWIS, HOWARD, SHAFFER, KELLEY, BELL,
KRATZER AND JONES, JANUARY 31, 1985

REFERRED TO JUDICIARY, JANUARY 31, 1985

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for community
3 public service programs ordered by district justices.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 1517. Community public service program.

9 (a) General rule.--A district justice may, upon hearing the
10 facts of a case, admit to the adjudication alternative
11 authorized by this section persons charged with misdemeanors of
12 the third degree or summary offenses within the jurisdiction of
13 the district justice. Where applicable, the defendant shall be
14 required to waive his rights to a speedy trial. The defendant
15 shall not be required to plead guilty to be accepted by the
16 district justice into the program.

17 (b) Public service programs.--A district justice may, in

1 lieu of making a disposition, authorize an offender to
2 participate in a program in which an agency or organization is
3 willing to assume supervision or placement responsibility for
4 such offenders. The program in general shall be approved by the
5 court of common pleas of that district and the district
6 attorney. This program may include work, counseling, public
7 service, job training, education or other appropriate community
8 service or self-improvement. The conditions of the program may
9 include the imposition of costs and restitution, the imposition
10 of a reasonable charge relating to the expense of administering
11 the program and any other conditions agreed to by the offender.

12 (c) Completion of program.--The district justice shall
13 dismiss the charges and shall relieve the person of the
14 obligation to pay any fine or serve any sentence of
15 imprisonment, upon the successful completion of the program.

16 (d) Refusal to accept or complete program.--If the person
17 refuses to accept the conditions required by the district
18 justice or fails to complete the program without good cause or
19 violates any condition of the program without good cause, the
20 district justice shall proceed on the charges as provided by
21 law.

22 (e) Immunity.--A district justice and any public service or
23 charitable organization supervising or administering a public
24 service program under this section shall be immune from any
25 civil action for damages brought by a person admitted to this
26 program. Nothing in this section shall be construed to limit or
27 otherwise affect or preclude liability resulting from gross
28 negligence or intentional misconduct. Reckless, willful or
29 wanton misconduct constitutes gross negligence.

30 (f) Definition.--As used in this section the term "district

1 justice" includes a judge of the Pittsburgh Magistrates Court.

2 Section 2. Section 1515(a)(5)(iii) and (6)(i)(C) of Title 42
3 is repealed insofar as it is inconsistent with this act.

4 Section 3. This act shall take effect in 90 days.