

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 196

Session of
1987

INTRODUCED BY HUTCHINSON, MANDERINO, PETRARCA AND VAN HORNE,
FEBRUARY 3, 1987

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,
MAY 12, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 oaths and acknowledgments; ~~and~~ further providing for <—
4 Statewide jurisdiction of municipal police in certain
5 circumstances; PROVIDING FOR PUBLIC SERVICE PROGRAMS FOR <—
6 CERTAIN OFFENDERS; AND DELETING PROVISIONS RELATING TO
7 ACCELERATED REHABILITATIVE DISPOSITION FOR SUMMARY OFFENDERS.

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

10 Section 1. ~~Sections 327 and 8953(a)(3)~~ SECTION 327 of Title <—
11 42 of the Pennsylvania Consolidated Statutes ~~are~~ IS amended to <—
12 read:

13 § 327. Oaths and acknowledgments.

14 Each judicial officer, each clerk of court, and such other
15 personnel of the system and jurors as may be designated by or
16 pursuant to general rules may administer oaths and affirmations
17 and take acknowledgments. ~~An attorney may take an acknowledgment~~ <—
18 ~~provided the final instrument is notarized by a notary public~~
19 ~~and the name of the attorney and Supreme Court identification~~

~~number are affixed to the acknowledgment.~~ AN ACKNOWLEDGMENT MAY
BE TAKEN BY A MEMBER OF THE BAR OF THE SUPREME COURT OF
PENNSYLVANIA IF THE DOCUMENT IS THEREAFTER CERTIFIED TO AN
OFFICER AUTHORIZED TO ADMINISTER OATHS. CERTIFICATION BY AN
ATTORNEY SHALL BE IN ACCORDANCE WITH SECTION 7(5) OF THE ACT OF
JULY 24, 1941 (P.L.490, NO.188), KNOWN AS THE UNIFORM
ACKNOWLEDGMENT ACT, AND SHALL INCLUDE THE ATTORNEY'S SUPREME
COURT IDENTIFICATION NUMBER.

SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
§ 1520. COMMUNITY PUBLIC SERVICE PROGRAM.

(A) GENERAL RULE.--EXCEPT FOR CASES CHARGING OFFENSES UNDER
TITLE 75 (RELATING TO VEHICLES) AND TITLE 34 (RELATING TO GAME),
THE DISTRICT JUSTICE MAY, UPON HEARING THE FACTS OF A CASE,
ADMIT TO AN APPROPRIATE ADJUDICATION ALTERNATIVE AUTHORIZED BY
THIS SECTION PERSONS CHARGED WITH SUMMARY OFFENSES. THE
DEFENDANT SHALL NOT BE REQUIRED TO PLEAD GUILTY TO BE ACCEPTED
BY THE DISTRICT JUSTICE INTO THE PROGRAM. ACCEPTANCE OF
PARTICIPATION IN AN ALTERNATIVE AUTHORIZED BY THIS SECTION SHALL
BE CONSIDERED A FIRST CONVICTION FOR THE PURPOSE OF COMPUTING
WHETHER A SUBSEQUENT CONVICTION OF AN OFFENSE SHALL BE
CONSIDERED A SECOND OR SUBSEQUENT CONVICTION.

(B) PUBLIC SERVICE PROGRAMS.--A DISTRICT JUSTICE MAY, IN
LIEU OF MAKING A DISPOSITION, PLACE AN OFFENDER IN AN
APPROPRIATE PROGRAM IN WHICH A PUBLIC SERVICE OR CHARITABLE
AGENCY OR ORGANIZATION OR POLITICAL SUBDIVISION AGREES TO ASSUME
SUPERVISORY RESPONSIBILITY FOR THE OFFENDER. THE PROGRAM IN
GENERAL SHALL BE APPROVED BY THE COURT OF COMMON PLEAS HAVING
SUPERVISION OVER THAT MAGISTERIAL DISTRICT. THIS PROGRAM MAY
INCLUDE WORK, COUNSELING, PUBLIC SERVICE, JOB TRAINING,
EDUCATION OR OTHER APPROPRIATE COMMUNITY SERVICE OR SELF-

1 IMPROVEMENT. THE PLACEMENT AUTHORIZED BY THE DISTRICT JUSTICE
2 SHALL BE APPROPRIATE TO THE OFFENSE CHARGED AND IN THE BEST
3 INTERESTS OF THE COMMUNITY AND THE OFFENDER. THE CONDITIONS OF
4 THE PROGRAM MAY INCLUDE THE IMPOSITION OF COSTS AND RESTITUTION,
5 THE IMPOSITION OF A REASONABLE CHARGE RELATING TO THE EXPENSE OF
6 ADMINISTERING THE PROGRAM AND ANY OTHER CONDITIONS AGREED TO BY
7 THE OFFENDER.

8 (C) COMPLETION OF PROGRAM.--THE DISTRICT JUSTICE SHALL
9 PROVIDE WRITTEN NOTICE TO THE PUBLIC SERVICE OR CHARITABLE
10 AGENCY OR ORGANIZATION OR POLITICAL SUBDIVISION OF THE PLACEMENT
11 OF THE OFFENDER. UPON NOTIFICATION, THE PUBLIC SERVICE OR
12 CHARITABLE AGENCY OR ORGANIZATION OR POLITICAL SUBDIVISION
13 SHALL, AS A CONDITION TO AGREEING TO ACCEPT RESPONSIBILITY FOR
14 SUPERVISION OF THE OFFENDER, MAKE PERIODIC REPORTS ON THE
15 FULFILLMENT OF THE CONDITIONS AND A FINAL REPORT UPON THE
16 COMPLETION OF THE APPROPRIATE ADJUDICATION ALTERNATIVE AS
17 REQUIRED BY THE SUPERVISING DISTRICT JUSTICE. THE DISTRICT
18 JUSTICE SHALL DISMISS THE CHARGES AND SHALL RELIEVE THE OFFENDER
19 OF THE OBLIGATION TO PAY ANY FINE OR SERVE ANY SENTENCE OF
20 IMPRISONMENT UPON THE SUCCESSFUL COMPLETION OF THE PROGRAM.

21 (D) REFUSAL TO ACCEPT OR COMPLETE PROGRAM.--IF THE OFFENDER
22 REFUSES TO ACCEPT THE CONDITIONS REQUIRED BY THE DISTRICT
23 JUSTICE OR FAILS TO COMPLETE THE PROGRAM WITHOUT GOOD CAUSE OR
24 VIOLATES ANY CONDITION OF THE PROGRAM WITHOUT GOOD CAUSE, THE
25 DISTRICT JUSTICE SHALL PROCEED ON THE CHARGES AS PROVIDED BY
26 LAW.

27 (E) IMMUNITY.--A DISTRICT JUSTICE AND ANY PUBLIC SERVICE OR
28 CHARITABLE AGENCY OR ORGANIZATION OR POLITICAL SUBDIVISION
29 SUPERVISING OR ADMINISTERING A PUBLIC SERVICE PROGRAM UNDER THIS
30 SECTION SHALL BE IMMUNE FROM ANY CIVIL ACTION FOR DAMAGES

1 BROUGHT BY A PERSON ADMITTED TO THIS PROGRAM. NOTHING IN THIS
2 SECTION SHALL BE CONSTRUED TO LIMIT OR OTHERWISE AFFECT OR
3 PRECLUDE LIABILITY RESULTING FROM GROSS NEGLIGENCE OR
4 INTENTIONAL MISCONDUCT. RECKLESS, WILLFUL OR WANTON MISCONDUCT
5 CONSTITUTES GROSS NEGLIGENCE.

6 (F) DEFINITION.--AS USED IN THIS SECTION, THE TERM "DISTRICT
7 JUSTICE" INCLUDES A JUDGE OF THE PITTSBURGH MAGISTRATES COURT.

8 SECTION 3. SECTION 1521 OF TITLE 42 IS REPEALED.

9 SECTION 4. SECTION 8953(A)(3) OF TITLE 42 IS AMENDED TO
10 READ:

11 § 8953. Statewide municipal police jurisdiction.

12 (a) General rule.--Any duly employed municipal police
13 officer who is within this Commonwealth, but beyond the
14 territorial limits of his primary jurisdiction, shall have the
15 power and authority to enforce the laws of this Commonwealth or
16 otherwise perform the functions of that office as if enforcing
17 those laws or performing those functions within the territorial
18 limits of his primary jurisdiction in the following cases:

19 * * *

20 (3) Where the officer has been requested to aid or
21 assist any local, State or Federal law enforcement officer or
22 park police officer or otherwise has probable cause to
23 believe that the other officer is in need of aid or
24 assistance.

25 * * *

26 ~~Section 2. This act shall take effect in 60 days.~~ <—

27 SECTION 5. THIS ACT SHALL TAKE EFFECT IMMEDIATELY. <—