

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

7 Section 1. The following integrated amendments to the
8 Constitution of Pennsylvania are proposed in accordance with
9 Article XI:

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

11 § 2. Supreme Court.

12 The Supreme Court (a) shall be the highest court of the
13 Commonwealth and in this court shall be reposed the supreme
14 judicial power of the Commonwealth;

15 (b) shall consist of seven justices, to be elected from
16 seven judicial districts which shall be established by law, one

1 of whom shall be the Chief Justice; and

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

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

5 § 3. Superior Court.

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

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

13 § 4. Commonwealth Court.

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

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

20 § 11. Judicial districts; boundaries.

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

24 (a) The number of judges and justices of the Supreme Court,
25 the Superior Court and the Commonwealth Court elected from each
26 judicial district shall provide every resident of the
27 Commonwealth with approximately equal representation on a court.
28 Each judicial district shall be composed of compact and
29 contiguous territory as nearly equal in population as
30 practicable. Each judicial district shall elect one judge or

1 justice. Unless absolutely necessary, no county, city,
2 incorporated town, borough, township or ward may be divided in
3 forming a judicial district.

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

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

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

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

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

15 (5) The decennial realignment of the appellate judicial
16 districts based on the Federal decennial census, beginning in
17 2021 and occurring each ten years thereafter.

18 (c) Except as provided under subsection (b) and section
19 7(b), the number and boundaries of all other judicial districts
20 shall be established by the General Assembly by law, with the
21 advice and consent of the Supreme Court.

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

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

25 (a) Justices, judges and justices of the peace shall be
26 citizens of the Commonwealth. Justices and judges, except the
27 judges of the traffic court in the City of Philadelphia, shall
28 be members of the bar of the Supreme Court. Justices [and judges
29 of statewide courts, for a period of one year preceding their
30 election or appointment and during their continuance in office,

1 shall reside within the Commonwealth. Other], judges and
2 justices of the peace, for a period of one year preceding their
3 election or appointment and during their continuance in office,
4 shall reside within their respective districts, except as
5 provided in this article for temporary assignments.

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

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

19 (b) Upon the second passage by the General Assembly of these
20 proposed constitutional amendments, the Secretary of the
21 Commonwealth shall proceed immediately to comply with the
22 advertising requirements of section 1 of Article XI of the
23 Constitution of Pennsylvania and shall transmit the required
24 advertisements to two newspapers in every county in which such
25 newspapers are published in sufficient time after passage of
26 these proposed constitutional amendments. The Secretary of the
27 Commonwealth shall submit the proposed constitutional amendments
28 under section 1 of this resolution to the qualified electors of
29 this Commonwealth as a single ballot question as provided under
30 subsection (c) at the first primary, general or municipal

1 election which meets the requirements of and is in conformance
2 with section 1 of Article XI of the Constitution of Pennsylvania
3 and which occurs at least three months after the proposed
4 constitutional amendments are passed by the General Assembly.

5 (c) The Secretary of the Commonwealth shall place these
6 proposed constitutional amendments on the ballot as a single
7 ballot question in the following form:

8 Shall sections 2, 3, 4, 11 and 12 of Article V of the
9 Pennsylvania Constitution be amended to require that
10 judges and justices of the Supreme Court, the Superior
11 Court and the Commonwealth Court be elected from judicial
12 districts established by the General Assembly which must
13 be compact, contiguous and nearly equal in population as
14 practicable and to require that all justices, judges and
15 justices of the peace to be residents of their judicial
16 districts for one year preceding election or appointment
17 and during service?