

MEMO



DEC 09 2010

Senate of Pennsylvania

December 7, 2010

TO: ALL SENATORS
FROM: Stewart J. Greenleaf *Stewart*
SUBJECT: Cosponsorship -- **Common law courts**

I am reintroducing **Senate Bill 516**, amending the Crimes Code, Title 18 of the Pennsylvania Consolidated Statutes, to prohibit an unofficial legal tribunal, also referred to as a "common law court," from exercising jurisdiction over a person or property through the fraudulent use of a simulated legal process such as a summons, lien, warrant, injunction, writ, subpoena, and etc. The bill makes the use of a fraudulently based simulated legal process a misdemeanor of the second degree. There are also provisions prohibiting the impersonation of a public official or legal tribunal, and the intimidation of law enforcement personnel through the use of a simulated legal process. The bill also includes a provision prohibiting the use of unofficial license plates, for example a license plate from a nonexistent jurisdiction.

This legislation is based on a model act prepared by the Anti-Defamation League (ADL). The legislation was developed to address concerns about freemen and other antigovernment groups who have established their own legal tribunals and serve legal documents on public officials and private citizens. While these tribunals are often referred to as common law courts, the use of the term "common law" should not be confused with the traditional meaning of the term, judicially developed case law, recognized, affirmed and enforced by legitimate courts of law.

According to the ADL, common law courts "use legal sounding language and official looking documents to charge government officials with treason or other crimes, to file phony liens against public officials and ordinary citizens, and otherwise harass and threaten legitimate law enforcement personnel."

The ADL reports that common law courts exist in more than 30 states, including Pennsylvania. Several other states have enacted legislation similar to this bill or have legislation pending.

The Senate has passed this legislation during prior sessions.

If you would like to cosponsor this legislation, please contact Pat Snively of my office by e-mailing her at psnively@pasen.gov.