
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 223 Session of
2005

INTRODUCED BY GREENLEAF, COSTA, LEMMOND, O'PAKE, ERICKSON,
WOZNIAK, TARTAGLIONE, KITCHEN, LOGAN AND GORDNER,
FEBRUARY 8, 2005

REFERRED TO JUDICIARY, FEBRUARY 8, 2005

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, making editorial changes by
3 replacing the phrase "justice of the peace" with "magisterial
4 district judge."

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 8(b) of Article IV be amended to read:

11 § 8. Appointing power.

12 * * *

13 (b) The Governor shall fill vacancies in offices to which he
14 appoints by nominating to the Senate a proper person to fill the
15 vacancy within 90 days of the first day of the vacancy and not
16 thereafter. The Senate shall act on each executive nomination
17 within 25 legislative days of its submission. If the Senate has
18 not voted upon a nomination within 15 legislative days following

1 such submission, any five members of the Senate may, in writing,
2 request the presiding officer of the Senate to place the
3 nomination before the entire Senate body whereby the nomination
4 must be voted upon prior to the expiration of five legislative
5 days or 25 legislative days following submission by the
6 Governor, whichever occurs first. If the nomination is made
7 during a recess or after adjournment sine die, the Senate shall
8 act upon it within 25 legislative days after its return or
9 reconvening. If the Senate for any reason fails to act upon a
10 nomination submitted to it within the required 25 legislative
11 days, the nominee shall take office as if the appointment had
12 been consented to by the Senate. The Governor shall in a similar
13 manner fill vacancies in the offices of Auditor General, State
14 Treasurer, justice, judge, [justice of the peace] magisterial
15 district judge and in any other elective office he is authorized
16 to fill. In the case of a vacancy in an elective office, a
17 person shall be elected to the office on the next election day
18 appropriate to the office unless the first day of the vacancy is
19 within two calendar months immediately preceding the election
20 day in which case the election shall be held on the second
21 succeeding election day appropriate to the office.

22 * * *

23 (2) That sections 1, 7, 10(a), (b) and (c), 12, 13 heading,
24 (a) and (b), 15 heading and (a), 16, 17(b) and (c) and 18 of
25 Article V be amended to read:

26 § 1. Unified judicial system.

27 The judicial power of the Commonwealth shall be vested in a
28 unified judicial system consisting of the Supreme Court, the
29 Superior Court, the Commonwealth Court, courts of common pleas,
30 community courts, municipal and traffic courts in the City of

1 Philadelphia, such other courts as may be provided by law and
2 [justices of the peace] magisterial district judges. All courts
3 and [justices of the peace] magisterial district judges and
4 their jurisdiction shall be in this unified judicial system.

5 § 7. [Justices of the peace] Magisterial district judges;
6 magisterial districts.

7 (a) In any judicial district, other than the City of
8 Philadelphia, where a community court has not been established
9 or where one has been discontinued there shall be one [justice
10 of the peace] magisterial district judge in each magisterial
11 district. The jurisdiction of the [justice of the peace]
12 magisterial district judge shall be as provided by law.

13 (b) The General Assembly shall by law establish classes of
14 magisterial districts solely on the basis of population and
15 population density and shall fix the salaries to be paid
16 [justices of the peace] magisterial district judges in each
17 class. The number and boundaries of magisterial districts of
18 each class within each judicial district shall be established by
19 the Supreme Court or by the courts of common pleas under the
20 direction of the Supreme Court as required for the efficient
21 administration of justice within each magisterial district.

22 § 10. Judicial administration.

23 (a) The Supreme Court shall exercise general supervisory and
24 administrative authority over all the courts and [justices of
25 the peace] magisterial district judges, including authority to
26 temporarily assign judges and [justices of the peace]
27 magisterial district judges from one court or district to
28 another as it deems appropriate.

29 (b) The Supreme Court shall appoint a court administrator
30 and may appoint such subordinate administrators and staff as may

1 be necessary and proper for the prompt and proper disposition of
2 the business of all courts and [justices of the peace]
3 magisterial district judges.

4 (c) The Supreme Court shall have the power to prescribe
5 general rules governing practice, procedure and the conduct of
6 all courts, [justices of the peace] magisterial district judges
7 and all officers serving process or enforcing orders, judgments
8 or decrees of any court or [justice of the peace] magisterial
9 district judge, including the power to provide for assignment
10 and reassignment of classes of actions or classes of appeals
11 among the several courts as the needs of justice shall require,
12 and for admission to the bar and to practice law, and the
13 administration of all courts and supervision of all officers of
14 the Judicial Branch, if such rules are consistent with this
15 Constitution and neither abridge, enlarge nor modify the
16 substantive rights of any litigant, nor affect the right of the
17 General Assembly to determine the jurisdiction of any court or
18 [justice of the peace] magisterial district judge, nor suspend
19 nor alter any statute of limitation or repose. All laws shall be
20 suspended to the extent that they are inconsistent with rules
21 prescribed under these provisions.

22 * * *

23 § 12. Qualifications of justices, judges and [justices of the
24 peace] magisterial district judges.

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

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

7 (b) Judges of the traffic court in the City of Philadelphia
8 and [justices of the peace] magisterial district judges shall be
9 members of the bar of the Supreme Court or shall complete a
10 course of training and instruction in the duties of their
11 respective offices and pass an examination prior to assuming
12 office. Such courses and examinations shall be as provided by
13 law.

14 § 13. Election of justices, judges and [justices of the peace;]
15 magisterial district judges; vacancies.

16 (a) Justices, judges and [justices of the peace] magisterial
17 district judges; shall be elected at the municipal election next
18 preceding the commencement of their respective terms of office
19 by the electors of the Commonwealth or the respective districts
20 in which they are to serve.

21 (b) A vacancy in the office of justice, judge or [justice of
22 the peace] magisterial district judge shall be filled by
23 appointment by the Governor. The appointment shall be with the
24 advice and consent of two-thirds of the members elected to the
25 Senate, except in the case of [justices of the peace]
26 magisterial district judges which shall be by a majority. The
27 person so appointed shall serve for a term ending on the first
28 Monday of January following the next municipal election more
29 than ten months after the vacancy occurs or for the remainder of
30 the unexpired term whichever is less, except in the case of

1 persons selected as additional judges to the Superior Court,
2 where the General Assembly may stagger and fix the length of the
3 initial terms of such additional judges by reference to any of
4 the first, second and third municipal elections more than ten
5 months after the additional judges are selected. The manner by
6 which any additional judges are selected shall be provided by
7 this section for the filling of vacancies in judicial offices.

8 * * *

9 § 15. Tenure of justices, judges and [justices of the peace]
10 magisterial district judges.

11 (a) The regular term of office of justices and judges shall
12 be ten years and the regular term of office for judges of the
13 municipal court and traffic court in the City of Philadelphia
14 and of [justices of the peace] magisterial district judges shall
15 be six years. The tenure of any justice or judge shall not be
16 affected by changes in judicial districts or by reduction in the
17 number of judges.

18 * * *

19 § 16. Compensation and retirement of justices, judges and
20 [justices of the peace] magisterial district judges.

21 (a) Justices, judges and [justices of the peace] magisterial
22 district judges shall be compensated by the Commonwealth as
23 provided by law. Their compensation shall not be diminished
24 during their terms of office, unless by law applying generally
25 to all salaried officers of the Commonwealth.

26 (b) Justices, judges and [justices of the peace] magisterial
27 district judges shall be retired upon attaining the age of 70
28 years. Former and retired justices, judges and [justices of the
29 peace] magisterial district judges shall receive such
30 compensation as shall be provided by law. Except as provided by

1 law, no salary, retirement benefit or other compensation,
2 present or deferred, shall be paid to any justice, judge or
3 [justice of the peace] magisterial district judge who, under
4 section 18 or under Article VI, is suspended, removed or barred
5 from holding judicial office for conviction of a felony or
6 misconduct in office or conduct which prejudices the proper
7 administration of justice or brings the judicial office into
8 disrepute.

9 (c) A former or retired justice or judge may, with his
10 consent, be assigned by the Supreme Court on temporary judicial
11 service as may be prescribed by rule of the Supreme Court.

12 § 17. Prohibited activities.

13 * * *

14 (b) Justices and judges shall not engage in any activity
15 prohibited by law and shall not violate any canon of legal or
16 judicial ethics prescribed by the Supreme Court. [Justices of
17 the peace] Magisterial district judges shall be governed by
18 rules or canons which shall be prescribed by the Supreme Court.

19 (c) No justice, judge or [justice of the peace] magisterial
20 district judge shall be paid or accept for the performance of
21 any judicial duty or for any service connected with his office,
22 any fee, emolument or perquisite other than the salary and
23 expenses provided by law.

24 * * *

25 § 18. Suspension, removal, discipline and other sanctions.

26 (a) There shall be an independent board within the Judicial
27 Branch, known as the Judicial Conduct Board, the composition,
28 powers and duties of which shall be as follows:

29 (1) The board shall be composed of 12 members, as follows:
30 two judges, other than senior judges, one from the courts of

1 common pleas and the other from either the Superior Court or the
2 Commonwealth Court, one [justice of the peace] magisterial
3 district judge who need not be a member of the bar of the
4 Supreme Court, three non-judge members of the bar of the Supreme
5 Court and six non-lawyer electors.

6 (2) The judge from either the Superior Court or the
7 Commonwealth Court, the [justice of the peace] magisterial
8 district judge, one non-judge member of the bar of the Supreme
9 Court and three non-lawyer electors shall be appointed to the
10 board by the Supreme Court. The judge from the courts of common
11 pleas, two non-judge members of the bar of the Supreme Court and
12 three non-lawyer electors shall be appointed to the board by the
13 Governor.

14 (3) Except for the initial appointees whose terms shall be
15 provided by the schedule to this article, the members shall
16 serve for terms of four years. All members must be residents of
17 this Commonwealth. No more than three of the six members
18 appointed by the Supreme Court may be registered in the same
19 political party. No more than three of the six members appointed
20 by the Governor may be registered in the same political party.
21 Membership of a judge or [justice of the peace] magisterial
22 district judge shall terminate if the member ceases to hold the
23 judicial position that qualified the member for the appointment.
24 Membership shall terminate if a member attains a position that
25 would have rendered the member ineligible for appointment at the
26 time of the appointment. A vacancy shall be filled by the
27 respective appointing authority for the remainder of the term to
28 which the member was appointed. No member may serve more than
29 four consecutive years but may be reappointed after a lapse of
30 one year. The Governor shall convene the board for its first

1 meeting. At that meeting and annually thereafter, the members of
2 the board shall elect a chairperson. The board shall act only
3 with the concurrence of a majority of its members.

4 (4) No member of the board, during the member's term, may
5 hold office in a political party or political organization.
6 Except for a judicial member, no member of the board, during the
7 member's term, may hold a compensated public office or public
8 appointment. All members shall be reimbursed for expenses
9 necessarily incurred in the discharge of their official duties.

10 (5) The board shall prescribe general rules governing the
11 conduct of members. A member may be removed by the board for a
12 violation of the rules governing the conduct of members.

13 (6) The board shall appoint a chief counsel and other staff,
14 prepare and administer its own budget as provided by law,
15 exercise supervisory and administrative authority over all board
16 staff and board functions, establish and promulgate its own
17 rules of procedure, prepare and disseminate an annual report and
18 take other actions as are necessary to ensure its efficient
19 operation. The budget request of the board shall be made by the
20 board as a separate item in the request submitted by the Supreme
21 Court on behalf of the Judicial Branch to the General Assembly.

22 (7) The board shall receive and investigate complaints
23 regarding judicial conduct filed by individuals or initiated by
24 the board; issue subpoenas to compel testimony under oath of
25 witnesses, including the subject of the investigation, and to
26 compel the production of documents, books, accounts and other
27 records relevant to the investigation; determine whether there
28 is probable cause to file formal charges against a justice,
29 judge or [justice of the peace] magisterial district judge for
30 conduct proscribed by this section; and present the case in

1 support of the charges before the Court of Judicial Discipline.

2 (8) Complaints filed with the board or initiated by the
3 board shall not be public information. Statements, testimony,
4 documents, records or other information or evidence acquired by
5 the board in the conduct of an investigation shall not be public
6 information. A justice, judge or [justice of the peace]
7 magisterial district judge who is the subject of a complaint
8 filed with the board or initiated by the board or of an
9 investigation conducted by the board shall be apprised of the
10 nature and content of the complaint and afforded an opportunity
11 to respond fully to the complaint prior to any probable cause
12 determination by the board. All proceedings of the board shall
13 be confidential except when the subject of the investigation
14 waives confidentiality. If, independent of any action by the
15 board, the fact that an investigation by the board is in
16 progress becomes a matter of public record, the board may, at
17 the direction of the subject of the investigation, issue a
18 statement to confirm that the investigation is in progress, to
19 clarify the procedural aspects of the proceedings, to explain
20 the rights of the subject of the investigation to a fair hearing
21 without prejudgment or to provide the response of the subject of
22 the investigation to the complaint. In acting to dismiss a
23 complaint for lack of probable cause to file formal charges, the
24 board may, at its discretion, issue a statement or report to the
25 complainant or to the subject of the complaint, which may
26 contain the identity of the complainant, the identity of the
27 subject of the complaint, the contents and nature of the
28 complaint, the actions taken in the conduct of the investigation
29 and the results and conclusions of the investigation. The board
30 may include with a report a copy of information or evidence

1 acquired in the course of the investigation.

2 (9) If the board finds probable cause to file formal charges
3 concerning mental or physical disability against a justice,
4 judge or [justice of the peace] magisterial district judge, the
5 board shall so notify the subject of the charges and provide the
6 subject with an opportunity to resign from judicial office or,
7 when appropriate, to enter a rehabilitation program prior to the
8 filing of the formal charges with the Court of Judicial
9 Discipline.

10 (10) Members of the board and its chief counsel and staff
11 shall be absolutely immune from suit for all conduct in the
12 course of their official duties. No civil action or disciplinary
13 complaint predicated upon the filing of a complaint or other
14 documents with the board or testimony before the board may be
15 maintained against any complainant, witness or counsel.

16 (b) There shall be a Court of Judicial Discipline, the
17 composition, powers and duties of which shall be as follows:

18 (1) The court shall be composed of a total of eight members
19 as follows: three judges other than senior judges from the
20 courts of common pleas, the Superior Court or the Commonwealth
21 Court, one [justice of the peace] magisterial district judge,
22 two non-judge members of the bar of the Supreme Court and two
23 non-lawyer electors. Two judges, the [justice of the peace]
24 magisterial district judge and one non-lawyer elector shall be
25 appointed to the court by the Supreme Court. One judge, the two
26 non-judge members of the bar of the Supreme Court and one non-
27 lawyer elector shall be appointed to the court by the Governor.

28 (2) Except for the initial appointees whose terms shall be
29 provided by the schedule to this article, each member shall
30 serve for a term of four years; however, the member, rather than

1 the member's successor, shall continue to participate in any
2 hearing in progress at the end of the member's term. All members
3 must be residents of this Commonwealth. No more than two of the
4 members appointed by the Supreme Court may be registered in the
5 same political party. No more than two of the members appointed
6 by the Governor may be registered in the same political party.
7 Membership of a judge or [justice of the peace] magisterial
8 district judge shall terminate if the judge or [justice of the
9 peace] magisterial district judge ceases to hold the judicial
10 position that qualified the judge or [justice of the peace]
11 magisterial district judge for appointment. Membership shall
12 terminate if a member attains a position that would have
13 rendered that person ineligible for appointment at the time of
14 the appointment. A vacancy on the court shall be filled by the
15 respective appointing authority for the remainder of the term to
16 which the member was appointed in the same manner in which the
17 original appointment occurred. No member of the court may serve
18 more than four consecutive years but may be reappointed after a
19 lapse of one year.

20 (3) The court shall prescribe general rules governing the
21 conduct of members. A member may be removed by the court for a
22 violation of the rules of conduct prescribed by the court. No
23 member, during the member's term of service, may hold office in
24 any political party or political organization. Except for a
25 judicial member, no member of the court, during the member's
26 term of service, may hold a compensated public office or public
27 appointment. All members of the court shall be reimbursed for
28 expenses necessarily incurred in the discharge of their official
29 duties.

30 (4) The court shall appoint staff and prepare and administer

1 its own budget as provided by law and undertake actions needed
2 to ensure its efficient operation. All actions of the court,
3 including disciplinary action, shall require approval by a
4 majority vote of the members of the court. The budget request of
5 the court shall be made as a separate item in the request by the
6 Supreme Court on behalf of the Judicial Branch to the General
7 Assembly. The court shall adopt rules to govern the conduct of
8 proceedings before the court.

9 (5) Upon the filing of formal charges with the court by the
10 board, the court shall promptly schedule a hearing or hearings
11 to determine whether a sanction should be imposed against a
12 justice, judge or [justice of the peace] magisterial district
13 judge pursuant to the provisions of this section. The court
14 shall be a court of record, with all the attendant duties and
15 powers appropriate to its function. Formal charges filed with
16 the court shall be a matter of public record. All hearings
17 conducted by the court shall be public proceedings conducted
18 pursuant to the rules adopted by the court and in accordance
19 with the principles of due process and the law of evidence.
20 Parties appearing before the court shall have a right to
21 discovery pursuant to the rules adopted by the court and shall
22 have the right to subpoena witnesses and to compel the
23 production of documents, books, accounts and other records as
24 relevant. The subject of the charges shall be presumed innocent
25 in any proceeding before the court, and the board shall have the
26 burden of proving the charges by clear and convincing evidence.
27 All decisions of the court shall be in writing and shall contain
28 findings of fact and conclusions of law. A decision of the court
29 may order removal from office, suspension, censure or other
30 discipline as authorized by this section and as warranted by the

1 record.

2 (6) Members of the court and the court's staff shall be
3 absolutely immune from suit for all conduct in the course of
4 their official duties, and no civil action or disciplinary
5 complaint predicated on testimony before the court may be
6 maintained against any witness or counsel.

7 (c) Decisions of the court shall be subject to review as
8 follows:

9 (1) A justice, judge or [justice of the peace] magisterial
10 district judge shall have the right to appeal a final adverse
11 order of discipline of the court. A judge or [justice of the
12 peace] magisterial district judge shall have the right to appeal
13 to the Supreme Court in a manner consistent with rules adopted
14 by the Supreme Court; a justice shall have the right to appeal
15 to a special tribunal composed of seven judges, other than
16 senior judges, chosen by lot from the judges of the Superior
17 Court and Commonwealth Court who do not sit on the Court of
18 Judicial Discipline or the board, in a manner consistent with
19 rules adopted by the Supreme Court. The special tribunal shall
20 hear and decide the appeal in the same manner in which the
21 Supreme Court would hear and decide an appeal from an order of
22 the court.

23 (2) On appeal, the Supreme Court or special tribunal shall
24 review the record of the proceedings of the court as follows: on
25 the law, the scope of review is plenary; on the facts, the scope
26 of review is clearly erroneous; and, as to sanctions, the scope
27 of review is whether the sanctions imposed were lawful. The
28 Supreme Court or special tribunal may revise or reject an order
29 of the court upon a determination that the order did not sustain
30 this standard of review; otherwise, the Supreme Court or special

1 tribunal shall affirm the order of the court.

2 (3) An order of the court which dismisses a complaint
3 against a judge or [justice of the peace] magisterial district
4 judge may be appealed by the board to the Supreme Court, but the
5 appeal shall be limited to questions of law. An order of the
6 court which dismisses a complaint against a justice of the
7 Supreme Court may be appealed by the board to a special tribunal
8 in accordance with paragraph (1), but the appeal shall be
9 limited to questions of law.

10 (4) No justice, judge or [justice of the peace] magisterial
11 district judge may participate as a member of the board, the
12 court, a special tribunal or the Supreme Court in any proceeding
13 in which the justice, judge or [justice of the peace]
14 magisterial district judge is a complainant, the subject of a
15 complaint, a party or a witness.

16 (d) A justice, judge or [justice of the peace] magisterial
17 district judge shall be subject to disciplinary action pursuant
18 to this section as follows:

19 (1) A justice, judge or [justice of the peace] magisterial
20 district judge may be suspended, removed from office or
21 otherwise disciplined for conviction of a felony; violation of
22 section 17 of this article; misconduct in office; neglect or
23 failure to perform the duties of office or conduct which
24 prejudices the proper administration of justice or brings the
25 judicial office into disrepute, whether or not the conduct
26 occurred while acting in a judicial capacity or is prohibited by
27 law; or conduct in violation of a canon or rule prescribed by
28 the Supreme Court. In the case of a mentally or physically
29 disabled justice, judge or [justice of the peace] magisterial
30 district judge, the court may enter an order of removal from

1 office, retirement, suspension or other limitations on the
2 activities of the justice, judge or [justice of the peace]
3 magisterial district judge as warranted by the record. Upon a
4 final order of the court for suspension without pay or removal,
5 prior to any appeal, the justice, judge or [justice of the
6 peace] magisterial district judge shall be suspended or removed
7 from office; and the salary of the justice, judge or [justice of
8 the peace] magisterial district judge shall cease from the date
9 of the order.

10 (2) Prior to a hearing, the court may issue an interim order
11 directing the suspension, with or without pay, of any justice,
12 judge or [justice of the peace] magisterial district judge
13 against whom formal charges have been filed with the court by
14 the board or against whom has been filed an indictment or
15 information charging a felony. An interim order under this
16 paragraph shall not be considered a final order from which an
17 appeal may be taken.

18 (3) A justice, judge or [justice of the peace] magisterial
19 district judge convicted of misbehavior in office by a court,
20 disbarred as a member of the bar of the Supreme Court or removed
21 under this section shall forfeit automatically his judicial
22 office and thereafter be ineligible for judicial office.

23 (4) A justice, judge or [justice of the peace] magisterial
24 district judge who files for nomination for or election to any
25 public office other than a judicial office shall forfeit
26 automatically his judicial office.

27 (5) This section is in addition to and not in substitution
28 for the provisions for impeachment for misbehavior in office
29 contained in Article VI. No justice, judge or [justice of the
30 peace] magisterial district judge against whom impeachment

1 proceedings are pending in the Senate shall exercise any of the
2 duties of office until acquittal.

3 (3) That section 7 of the Schedule to Article V be amended
4 to read:

5 § 7. Community courts.

6 In a judicial district which establishes a community court, a
7 person serving as a [justice of the peace] magisterial district
8 judge at such time:

9 (a) May complete his term exercising the jurisdiction
10 provided by law and with the compensation provided by law, and

11 (b) Upon completion of his term, his office is abolished and
12 no judicial function of the kind heretofore exercised by a
13 [justice of the peace] magisterial district judge shall
14 thereafter be exercised other than by the community court.

15 (4) That the undesignated subdivision heading preceding
16 section 8 of the Schedule to Article V be amended to read:

17 JUSTICES, JUDGES AND [JUSTICES OF THE PEACE]

18 MAGISTERIAL DISTRICT JUDGES

19 (5) That section 8 of the Schedule to Article V be amended
20 to read:

21 § 8. Justices, judges and [justices of the peace] magisterial
22 district judges.

23 Notwithstanding any provision in the article, a present
24 justice, judge or [justice of the peace] magisterial district
25 judge may complete his term of office.

26 (6) That the undesignated subdivision heading preceding
27 section 12 of the Schedule to Article V be amended to read:

28 MAGISTRATES, ALDERMEN AND [JUSTICES OF THE PEACE]

29 MAGISTERIAL DISTRICT JUDGES AND

30 MAGISTERIAL DISTRICTS OTHER THAN IN THE CITY

OF PHILADELPHIA

(7) That sections 12, 13, 14, 21, 22, 24(b) and (c) and 26 of the Schedule to Article V be amended to read:

§ 12. Magistrates, aldermen and [justices of the peace] magisterial district judges.

An alderman, [justice of the peace] magisterial district judge or magistrate:

(a) May complete his term, exercising the jurisdiction provided by law and with the method of compensation provided by law prior to the adoption of this article;

(b) Shall be deemed to have taken and passed the examination required by this article for [justices of the peace] magisterial district judges if he has completed one full term of office before creation of a magisterial district, and

(c) At the completion of his term, his office is abolished.

(d) Except for officers completing their terms, after the first Monday in January, 1970, no judicial function of the kind heretofore exercised by these officers, by mayors and like officers in municipalities shall be exercised by any officer other than the one [justice of the peace] magisterial district judge elected or appointed to serve in that magisterial district.

§ 13. Magisterial districts.

So that the provisions of this article regarding the establishment of magisterial districts and the instruction and examination of [justices of the peace] magisterial district judges may be self-executing, until otherwise provided by law in a manner agreeable to this article, the following provisions shall be in force:

(a) The Supreme Court or the courts of common pleas under

1 the direction of the Supreme Court shall fix the number and
2 boundaries of magisterial districts of each class within each
3 judicial district by January 1, 1969, and these magisterial
4 districts, except where a community court has been adopted,
5 shall come into existence on January 1, 1970, the [justices of
6 the peace] magisterial district judges thereof to be elected at
7 the municipal election in 1969. These [justices of the peace]
8 magisterial district judges shall retain no fine, costs or any
9 other sum that shall be delivered into their hands for the
10 performance of any judicial duty or for any service connected
11 with their offices, but shall remit the same to the
12 Commonwealth, county, municipal subdivision, school district or
13 otherwise as may be provided by law.

14 (b) Classes of magisterial districts.

15 (i) Magisterial districts of the first class shall have a
16 population density of more than 5,000 persons per square mile
17 and a population of not less than 65,000 persons.

18 (ii) Magisterial districts of the second class shall have a
19 population density of between 1,000 and 5,000 persons per square
20 mile and a population of between 20,000 persons and 65,000
21 persons.

22 (iii) Magisterial districts of the third class shall have a
23 population density of between 200 and 1,000 persons per square
24 mile and a population of between 12,000 persons and 20,000
25 persons.

26 (iv) Magisterial districts of the fourth class shall have a
27 population density of between 70 and 200 persons per square mile
28 and a population of between 7,500 persons and 12,000 persons.

29 (v) Magisterial districts of the fifth class shall have a
30 population density of under 70 persons per square mile and a

1 population of between 4,000 persons and 7,500 persons.

2 (c) Salaries of [justices of the peace] magisterial district
3 judges.

4 The salaries of the [justices of the peace] magisterial
5 district judges shall be as follows:

6 (i) In first class magisterial districts, \$12,000 per year,

7 (ii) In second class magisterial districts, \$10,000 per
8 year,

9 (iii) In third class magisterial districts, \$8,000 per year,

10 (iv) In fourth and fifth class magisterial districts, \$5,000
11 per year.

12 (v) The salaries here fixed shall be paid by the State
13 Treasurer and for such payment this article and schedule shall
14 be sufficient warrant.

15 (d) Course of training, instruction and examination. The
16 course of training and instruction and examination in civil and
17 criminal law and procedure for a [justice of the peace]
18 magisterial district judge shall be devised by the Department of
19 Public Instruction, and it shall administer this course and
20 examination to insure that [justices of the peace] magisterial
21 district judges are competent to perform their duties.

22 § 14. Magisterial districts.

23 Effective immediately upon establishment of magisterial
24 districts and until otherwise prescribed the civil and criminal
25 procedural rules relating to venue shall apply to magisterial
26 districts; all proceedings before aldermen, magistrates and
27 [justices of the peace] magisterial district judges shall be
28 brought in and only in a magisterial district in which occurs an
29 event which would give rise to venue in a court of record; the
30 court of common pleas upon its own motion or on application at

1 any stage of proceedings shall transfer any proceeding in any
2 magisterial district to the [justice of the peace] magisterial
3 district judge for the magisterial district in which proper
4 venue lies.

5 § 21. Inferior courts.

6 Upon the establishment of magisterial districts pursuant to
7 this article and schedule, and unless otherwise provided by law,
8 the police magistrates, including those serving in the traffic
9 court, the housing court and the city court shall continue as at
10 present. Such magistrates shall be part of the unified judicial
11 system and shall be subject to the general supervisory and
12 administrative authority of the Supreme Court. Such magistrates
13 shall be subject to the provisions of this article and schedule
14 regarding educational requirements and prohibited activities of
15 [justices of the peace] magisterial district judges.

16 § 22. Causes, proceedings, books and records.

17 All causes and proceedings pending in any abolished court or
18 office of the [justice of the peace] magisterial district judge
19 shall be determined and concluded by the court to which
20 jurisdiction of the proceedings has been transferred under this
21 schedule and all books, dockets and records of any abolished
22 court or office of the [justice of the peace] magisterial
23 district judge shall become those of the court to which, under
24 this schedule, jurisdiction of the proceedings concerned has
25 been transferred.

26 § 24. Judicial discipline.

27 * * *

28 (b) Of the members initially appointed to the Judicial
29 Conduct Board, the judge appointed by the Supreme Court shall
30 serve a four-year term, and the judge appointed by the Governor

1 shall serve a three-year term. The [justice of the peace]
2 magisterial district judge initially appointed shall serve a
3 two-year term. Of the three non-judge members of the bar of the
4 Supreme Court initially appointed, the first appointed by the
5 Governor shall serve a three-year term, the next appointed by
6 the Governor shall serve a two-year term, and the non-judge
7 member of the bar of the Supreme Court appointed by the Supreme
8 Court shall serve a one-year term. Of the six non-lawyer
9 electors initially appointed, the first appointed by the
10 Governor and the first appointed by the Supreme Court shall
11 serve a four-year term, the next appointed by the Governor and
12 the next appointed by the Supreme Court shall serve a three-year
13 term, and the next appointed by the Governor and the next
14 appointed by the Supreme Court shall serve a two-year term.

15 (c) Of the three judges initially appointed to the Court of
16 Judicial Discipline, the first appointed by the Supreme Court
17 shall serve a four-year term, the next appointed by the Supreme
18 Court shall serve a three-year term, and the judge appointed by
19 the Governor shall serve a two-year term. The [justice of the
20 peace] magisterial district judge initially appointed shall
21 serve a one-year term. Of the non-judge members of the bar
22 initially appointed, the first appointed shall serve a four-year
23 term, and the next appointed shall serve a three-year term. Of
24 the two non-lawyer electors initially appointed, the non-lawyer
25 elector appointed by the Governor shall serve a three-year term,
26 and the non-lawyer elector appointed by the Supreme Court shall
27 serve a two-year term.

28 § 26. Writs of certiorari.

29 Unless and until changed by rule of the Supreme Court, in
30 addition to the right of appeal under section 9 of this article,

1 the judges of the courts of common pleas, within their
2 respective judicial districts, shall have power to issue writs
3 of certiorari to the municipal court in the City of
4 Philadelphia, [justices of the peace] magisterial district
5 judges and inferior courts not of record and to cause their
6 proceedings to be brought before them, and right and justice to
7 be done.

8 Section 2. (a) Upon the first passage by the General
9 Assembly of these proposed constitutional amendments, the
10 Secretary of the Commonwealth shall proceed immediately to
11 comply with the advertising requirements of section 1 of Article
12 XI of the Constitution of Pennsylvania and shall transmit the
13 required advertisements to two newspapers in every county in
14 which such newspapers are published in sufficient time after
15 passage of these proposed constitutional amendments.

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