

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, JONES AND SALVATORE, JANUARY 31, 1985

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF  
REPRESENTATIVES, AS AMENDED, JUNE 24, 1985

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, INCREASING THE SALARIES  
3 OF DISTRICT JUSTICES AND JUDGES OF THE PHILADELPHIA MUNICIPAL  
4 COURT; AND providing for community public service programs  
5 ordered by district justices. <—

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

8 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED  
9 STATUTES IS AMENDED BY ADDING SECTIONS TO READ: <—

10 § 1517. SALARY.

11 A DISTRICT JUSTICE SHALL RECEIVE AN ANNUAL SALARY PAYABLE BY  
12 THE COMMONWEALTH AND COMPUTED BY ADDING TO \$21,500 THE PRODUCT  
13 OF THE POPULATION OF HIS MAGISTERIAL DISTRICT TIMES \$1 BUT IN NO  
14 EVENT SHALL THE SALARY EXCEED \$33,000. FURTHERMORE, THE ANNUAL  
15 SALARY FOR EACH MAGISTERIAL DISTRICT SHALL BE INCREASED FROM THE  
16 SALARY LEVEL EXISTING PRIOR TO THIS ACT BY NO MORE THAN \$6,000.

17 § 1518. PHILADELPHIA MUNICIPAL COURT.

1     THE PRESIDENT JUDGE OF THE PHILADELPHIA MUNICIPAL COURT SHALL  
2     RECEIVE AN ANNUAL SALARY OF \$64,500. THE ANNUAL SALARY FOR THE  
3     OTHER JUDGES OF THE PHILADELPHIA MUNICIPAL COURT SHALL BE  
4     \$63,000.

5     Section ~~±~~ 2. Title 42 ~~of the Pennsylvania Consolidated~~ <—  
6     ~~Statutes~~ is amended by adding a section to read:

7     § 1517 1519. Community public service program. <—

8     (a) General rule.--A district justice may, upon hearing the  
9     facts of a case, admit to the adjudication alternative  
10    authorized by this section persons charged with misdemeanors of <—  
11    the third degree or summary offenses SUMMARY OFFENSES OR <—  
12    MISDEMEANORS OF THE THIRD DEGREE within the jurisdiction of the  
13    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  
18    lieu of making a disposition, authorize an offender to  
19    participate in a program in which an agency or organization is  
20    willing to assume supervision or placement responsibility for  
21    such offenders. The program in general shall be approved by the  
22    court of common pleas of that district and the district  
23    attorney. This program may include work, counseling, public  
24    service, job training, education or other appropriate community  
25    service or self-improvement. The conditions of the program may  
26    include the imposition of costs and restitution, the imposition  
27    of a reasonable charge relating to the expense of administering  
28    the program and any other conditions agreed to by the offender.

29    (c) Completion of program.--The district justice shall  
30    dismiss the charges and shall relieve the person of the

1 obligation to pay any fine or serve any sentence of  
2 imprisonment, upon the successful completion of the program.

3 (d) Refusal to accept or complete program.--If the person  
4 refuses to accept the conditions required by the district  
5 justice or fails to complete the program without good cause or  
6 violates any condition of the program without good cause, the  
7 district justice shall proceed on the charges as provided by  
8 law.

9 (e) Immunity.--A district justice and any public service or  
10 charitable organization supervising or administering a public  
11 service program under this section shall be immune from any  
12 civil action for damages brought by a person admitted to this  
13 program. Nothing in this section shall be construed to limit or  
14 otherwise affect or preclude liability resulting from gross  
15 negligence or intentional misconduct. Reckless, willful or  
16 wanton misconduct constitutes gross negligence.

17 (f) Definition.--As used in this section the term "district  
18 justice" includes a judge of the Pittsburgh Magistrates Court.

19 Section 2 3. Section 1515(a)(5)(iii) and (6)(i)(C) of Title <—  
20 42 is repealed insofar as it is inconsistent with this act.

21 ~~Section 3. This act shall take effect in 90 days.~~ <—

22 SECTION 4. SECTION 2(E) AND (G) OF THE ACT OF SEPTEMBER 30, <—  
23 1983 (P.L.160, NO.39), KNOWN AS THE PUBLIC OFFICIAL COMPENSATION  
24 LAW, IS REPEALED.

25 SECTION 5. (A) SECTIONS 1 AND 4 SHALL TAKE EFFECT OCTOBER  
26 1, 1985, OR IF ENACTED THEREAFTER, ON THE FIRST DAY OF THE FIRST  
27 MONTH COMMENCING THEREAFTER.

28 (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 90 DAYS.