

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **333** Session of
2013

INTRODUCED BY PILEGGI, RAFFERTY, ALLOWAY, MENSCH, WHITE, WARD,
BROWNE AND GREENLEAF, FEBRUARY 1, 2013

REFERRED TO JUDICIARY, FEBRUARY 1, 2013

A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the
2 Commonwealth of Pennsylvania, eliminating the Traffic Court
3 of Philadelphia.

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

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

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

10 § 1. Unified judicial system.

11 The judicial power of the Commonwealth shall be vested in a
12 unified judicial system consisting of the Supreme Court, the
13 Superior Court, the Commonwealth Court, courts of common pleas,
14 community courts, municipal [and traffic] courts in the City of
15 Philadelphia, such other courts as may be provided by law and
16 justices of the peace. All courts and justices of the peace and
17 their jurisdiction shall be in this unified judicial system.

18 (2) That the heading and subsection (c) of section 6 of

1 Article V be amended to read:

2 § 6. Community courts; Philadelphia Municipal Court [and
3 Traffic Court].

4 * * *

5 (c) In the City of Philadelphia there shall be a municipal
6 court [and a traffic court]. The number of judges and the
7 jurisdiction [of each] shall be as provided by law. [These
8 courts] This court shall exist so long as a community court has
9 not been established or in the event one has been discontinued
10 under this section.

11 (3) That subsection (d) of section 10 of Article V be
12 amended to read:

13 § 10. Judicial administration.

14 * * *

15 (d) The Chief Justice and president judges of all courts
16 with seven or less judges shall be the justice or judge longest
17 in continuous service on their respective courts; and in the
18 event of his resignation from this position the justice or judge
19 next longest in continuous service shall be the Chief Justice or
20 president judge. The president judges of all other courts shall
21 be selected for five-year terms by the members of their
22 respective courts[, except that the president judge of the
23 traffic court in the City of Philadelphia shall be appointed by
24 the Governor]. A Chief Justice or president judge may resign
25 such position and remain a member of the court. In the event of
26 a tie vote for office of president judge in a court which elects
27 its president judge, the Supreme Court shall appoint as
28 president judge one of the judges receiving the highest number
29 of votes.

30 * * *

1 (4) That subsection (b) of section 12 of Article V be
2 amended to read:

3 § 12. Qualifications of justices, judges and justices of the
4 peace.

5 * * *

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

12 (5) That subsection (a) of section 15 of Article V be
13 amended to read:

14 § 15. Tenure of justices, judges and justices of the peace.

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

21 * * *

22 Section 2. (a) Upon the first passage by the General
23 Assembly of these proposed constitutional amendments, the
24 Secretary of the Commonwealth shall proceed immediately to
25 comply with the advertising requirements of section 1 of Article
26 XI of the Constitution of Pennsylvania and shall transmit the
27 required advertisements to two newspapers in every county in
28 which such newspapers are published in sufficient time after
29 passage of these proposed constitutional amendments.

30 (b) Upon the second passage by the General Assembly of these

1 proposed constitutional amendments, the Secretary of the
2 Commonwealth shall proceed immediately to comply with the
3 advertising requirements of section 1 of Article XI of the
4 Constitution of Pennsylvania and shall transmit the required
5 advertisements to two newspapers in every county in which such
6 newspapers are published in sufficient time after passage of
7 these proposed constitutional amendments. The Secretary of the
8 Commonwealth shall submit the proposed constitutional amendments
9 under section 1 of this resolution to the qualified electors of
10 this Commonwealth as a single ballot question at the first
11 primary, general or municipal election which meets the
12 requirements of and is in conformance with section 1 of Article
13 XI of the Constitution of Pennsylvania and which occurs at least
14 three months after the proposed constitutional amendments are
15 passed by the General Assembly.