

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 935

Session of
1975

INTRODUCED BY HILL, ZEMPRELLI, MURPHY, AMMERMAN, EARLY, LEWIS,
HANKINS, HOBBS, DOUGHERTY, JUBELIRER, MESSINGER, SMITH,
DWYER, MURRAY, SWEENEY, LYNCH, FLEMING, MYERS, MANBECK,
REIBMAN, MOORE, SCANLON AND ORLANDO, JULY 9, 1975

REFERRED TO JUDICIARY, JULY 9, 1975

AN ACT

1 Amending Titles 42 (Judiciary and Judicial Procedure), 15
2 (Corporations and Unincorporated Associations), 18 (Crimes
3 and Offenses) and 71 (State Government) of the Pennsylvania
4 Consolidated Statutes, adding revised, codified and compiled
5 provisions relating to judiciary and judicial procedure,
6 including certain judicially enforceable rights, duties,
7 immunities and liabilities.

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14 justice.

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18 another state or who have left the demanding state
19 under compulsion.

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21 at time of commission of crime.

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5 Commonwealth at time of requisition.

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9 Commonwealth.

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12 actions.

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16 Chapter 93. Trial (Reserved)

17 Chapter 95. Post-trial Matters (Reserved)

18 Section 3. Conforming amendment to Title 15.

19 Section 4. Conforming amendment to Title 18.

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21 Section 6. Notice to Insurance Department.

22 Section 7. Existing president judges.

23 Section 8. Pending actions and proceedings.

24 Section 9. Philadelphia Municipal Court.

25 Section 10. Concurrent jurisdiction of Court of Common Pleas of
26 Philadelphia County.

27 Section 11. Local rules.

28 Section 12. Allegheny County appointments.

29 Section 13. Juvenile Court Judges' Commission.

30 Section 14. Continuation of existing judicial boards,

1 commissions and committees.
2 Section 15. Minor Judiciary Education Board.
3 Section 16. Boards of viewers.
4 Section 17. Landlord and tenant officers and writ servers.
5 Section 18. Traffic court writ servers.
6 Section 19. Applicability of minor judiciary education
7 requirements.
8 Section 20. Minor judiciary education expenses.
9 Section 21. Certain judges of Commonwealth Court.
10 Section 22. Existing judges of the Traffic Court of
11 Philadelphia.
12 Section 23. Existing judicial officers.
13 Section 24. Financial matters.
14 Section 25. Effect of act on periods of limitation.
15 Section 26. Repeals and related provisions.
16 Section 27. Effect on certain officers.
17 Section 28. Effective date.
18 Source Notes

19 The General Assembly of the Commonwealth of Pennsylvania
20 hereby enacts as follows:

21 Section 1. Chapter 83 (relating to bases of jurisdiction) of
22 Title 42, act of November 25, 1970 (P.L.707, No.230), known as
23 the Pennsylvania Consolidated Statutes, added November 15, 1972
24 (P.L.1063, No.271), is hereby repealed absolutely.

25 Section 2. Title 42 is amended to read:

26 TITLE 42

27 JUDICIARY AND JUDICIAL PROCEDURE

28 Part

29 I. Preliminary Provisions

30 II. Organization [of Judicial Branch]

1 division of a court, determined or selected as prescribed by
2 general rule or rule of court.

3 "Administrative office." The central office for the
4 administration of the unified judicial system existing under
5 Chapter 19 (relating to Administrative Office of Pennsylvania
6 Courts) or otherwise.

7 "Administrative staff." All individuals employed in the
8 business of a court, including the personnel of the office of
9 the clerk of the court of common pleas, but the term does not
10 include judicial officers or their personal staff. The term
11 includes the clerks or prothonotaries of the Supreme Court, the
12 Superior Court and the Commonwealth Court and their staffs.

13 "Appeal." Any petition or other application to a court for
14 review of subordinate governmental action. The term includes an
15 application for certiorari under section 934 (relating to writs
16 of certiorari) or under any other provision of law.

17 "Appellate court." Includes the Supreme Court, the Superior
18 Court and the Commonwealth Court.

19 "Appointive judicial officers." Arbitrators, auditors,
20 commissioners to take oaths and depositions, custodians,
21 examiners, guardians, masters, receivers, referees, trustees,
22 viewers and other like officers.

23 "Branch." As applied to a court of common pleas in a multi-
24 county judicial district, an administrative unit composed of
25 those members of the staff of the court from a particular county
26 within the judicial district.

27 "Central staff." All individuals employed in the business of
28 the unified judicial system, but the term does not include
29 district justices or their personal staff or personnel of the
30 courts.

1 "Clerk." As applied to a court of common pleas or the
2 Philadelphia Municipal Court, the personnel of the office of the
3 clerk of the court of common pleas, and as applied to any other
4 court, the administrative staff responsible for the receipt of
5 documents transmitted to the court by litigants and the
6 transmission of notice of orders entered by and process issued
7 under the authority of the court.

8 "Clerk of the courts." The term includes the Clerk of
9 Quarter Sessions of Philadelphia.

10 "Commonwealth agency." Any executive agency or independent
11 agency.

12 "Commonwealth Court." The court existing under section 4 of
13 Article V of the Constitution of Pennsylvania and Subchapter C
14 of Chapter 5 (relating to Commonwealth Court of Pennsylvania).

15 "Commonwealth government." The government of the
16 Commonwealth, including the courts and other officers or
17 agencies of the unified judicial system, the General Assembly
18 and its officers and agencies, the Governor, and the
19 departments, boards, commissions, authorities and officers and
20 agencies of the Commonwealth, but the term does not include any
21 political subdivision, municipal or other local authority, or
22 any officer or agency of any such political subdivision or local
23 authority.

24 "Community court." A court existing in a judicial district
25 under section 6(a) of Article V of the Constitution of
26 Pennsylvania and Subchapter A of Chapter 11 (relating to
27 community courts).

28 "County." Includes the City and County of Philadelphia.

29 "County staff." System and related personnel elected by the
30 electorate of a county or subject to appointment and removal by

1 officers, other than judicial officers, so elected. The term
2 does not include judicial officers.

3 "Court." Includes any one or more of the judges of the court
4 who are authorized by general rule or rule of court, or by law
5 or usage, to exercise the powers of the court in the name of the
6 court.

7 "Court Administrator of Pennsylvania." The court
8 administrator appointed by the Supreme Court under section 10(b)
9 of Article V of the Constitution of Pennsylvania and section
10 1901 (relating to Court Administrator of Pennsylvania).

11 "Court of common pleas." The court existing in each judicial
12 district under section 5 of Article V of the Constitution of
13 Pennsylvania and Chapter 9 (relating to organization and
14 jurisdiction of courts of common pleas).

15 "District court administrator." The court administrator
16 responsible for the administration of the courts and district
17 justices of a judicial district.

18 "District justice." A justice of the peace holding office
19 under section 7(a) of Article V of the Constitution of
20 Pennsylvania and Chapter 15 (relating to district justices).

21 "Division." An administrative unit composed of those judges
22 of the court responsible for the transaction of a specific class
23 of the business of the court. In a court having two or more
24 divisions each division of the court is vested with the full
25 jurisdiction of the whole court, but the business of the court
26 may be allocated among the divisions of the court by or pursuant
27 to general rules.

28 "Executive agency." The Governor and the departments,
29 boards, commissions, authorities and other officers and agencies
30 of the Commonwealth government, but the term does not include

1 any court or other officer or agency of the unified judicial
2 system, the General Assembly and its officers and agencies, or
3 any independent agency.

4 "General rule." A rule or order promulgated by or pursuant
5 to the authority of the Supreme Court.

6 "Governing authority." When used with respect to the
7 exercise of any power or the performance of any duty:

8 (1) the Supreme Court; or

9 (2) any agency or unit of the unified judicial system
10 exercising such power or performing such duty pursuant to the
11 authority of the Supreme Court under section 1721 (relating
12 to delegation of powers).

13 "Government agency." Any Commonwealth agency or any
14 political subdivision or municipal or other local authority, or
15 any officer or agency of any such political subdivision or local
16 authority.

17 "Government unit." The General Assembly and its officers and
18 agencies, any government agency or any court or other officer or
19 agency of the unified judicial system.

20 "Independent agency." Boards, commissions, authorities and
21 other agencies and officers of the Commonwealth government which
22 are not subject to the policy supervision and control of the
23 Governor, but the term does not include any court or other
24 officer or agency of the unified judicial system or the General
25 Assembly and its officers and agencies.

26 "Indictable offense." An offense other than a summary
27 offense.

28 "Issuing authority." Any judge or district justice of the
29 minor judiciary, subject to the express limitations on
30 jurisdiction specified in this title.

1 "Judge." Includes a justice of the Supreme Court. Except
2 with respect to the power to select a president or
3 administrative judge, to appoint and remove the administrative
4 staff of the court and to adopt rules of court and other similar
5 matters, the term includes a senior judge.

6 "Judicial and correctional account." The account required to
7 be established upon the books of certain political subdivisions
8 pursuant to section 3541 (relating to judicial and correctional
9 account).

10 "Judicial branch." The judicial branch specified in section
11 10(c) of Article V of the Constitution of Pennsylvania.

12 "Judicial Council." The Judicial Council of Pennsylvania
13 existing under order of the governing authority as implemented
14 by Subchapter B of Chapter 17 (relating to Judicial Council of
15 Pennsylvania) or otherwise.

16 "Judicial department." A term utilized in appropriation
17 statutes to distinguish judicial appropriations from other
18 appropriations.

19 "Judicial district." A district established by section 901
20 (relating to judicial districts) for the election of one or more
21 judges of a court of common pleas.

22 "Judicial officers." Judges, district justices and
23 appointive judicial officers.

24 "Law." The common law and statutory law of the Commonwealth
25 of Pennsylvania, including general rules and the provisions of
26 the Constitution of Pennsylvania.

27 "Litigant." A party or any other person legally concerned
28 with the results of a matter.

29 "Magisterial district." A district established within a
30 judicial district pursuant to Subchapter A of Chapter 15

1 (relating to magisterial districts) for the election of a
2 district justice.

3 "Matter." Action, proceeding or appeal.

4 "Minor judiciary." The community courts, district justices,
5 Philadelphia Municipal Court, Pittsburgh Magistrates Court, and
6 Traffic Court of Philadelphia.

7 "Office of the clerk of the court of common pleas." A term
8 employed in this title to refer generally to the administrative
9 staff of the courts of common pleas and the Philadelphia
10 Municipal Court responsible for the receipt of documents
11 transmitted to the court by litigants and the transmission of
12 notice of orders entered by and process issued under the
13 authority of the court. The business of such staff shall be
14 divided among the personnel of the offices of the prothonotary,
15 the clerk of the courts and the clerk of the orphans' court
16 division in the manner provided by or pursuant to Chapter 27
17 (relating to office of the clerk of the court of common pleas.
18 Except as otherwise provided by statute, the term does not imply
19 the unification of the administration, personnel or operations
20 of any or all of such offices.

21 "Order." Includes judgment, decision, decree, sentence and
22 adjudication.

23 "Participant." Litigants, witnesses and their counsel.

24 "Party." A person who commences or against whom relief is
25 sought in a matter. The term includes counsel for such a person
26 who is represented by counsel.

27 "Personal staff." Private secretaries, law clerks and such
28 other personnel as an individual may be authorized by law to
29 select and remove subject to standards and classifications
30 established by the governing authority.

1 "Personnel of the court." The judges and staff of the court.

2 "Personnel of the system." Judicial officers, personal
3 staff, administrative staff and central staff.

4 "Philadelphia Municipal Court." The municipal court existing
5 under section 6(c) of Article V of the Constitution of
6 Pennsylvania and Subchapter B of Chapter 11 (relating to
7 Philadelphia Municipal Court) so long as a community court has
8 not been established or in the event one has been discontinued
9 in the City and County of Philadelphia.

10 "Pittsburgh Magistrates Court." The court existing under
11 Subchapter C of Chapter 11 (relating to Pittsburgh Magistrates
12 Court).

13 "President judge." The president judge of a court determined
14 or selected as provided or as prescribed by law.

15 "Proceeding." Includes every declaration, petition or other
16 application which may be made to a court under law or usage, and
17 includes every declaration, petition or other application which
18 may be made under special statutory authority, but the term does
19 not include an action or an appeal.

20 "Process." A document evidencing a command of a court.

21 "Prothonotary." The officer exercising the powers and
22 performing the duties specified in Subchapter B of Chapter 27
23 (relating to prothonotaries).

24 "Related staff." All individuals employed at public expense
25 who serve the unified judicial system, but the term does not
26 include personnel of the system.

27 "Rule of court." A rule promulgated by a court regulating
28 practice or procedure before the promulgating court.

29 "Section." An administrative unit of the administrative
30 staff of the court composed of those persons responsible for the

1 support of a class of the business of the court specified by
2 law.

3 "Senior judge." A former or retired judge who, with his
4 consent, is assigned on temporary judicial service pursuant to
5 section 4121(b) (relating to judicial service by senior judges).

6 "Staff of the court." Appointive judicial officers, the
7 administrative staff and personal staff of the court.

8 "State." When used in reference to the different parts of
9 the United States, includes the District of Columbia, the
10 Commonwealth of Puerto Rico, the Virgin Islands, and other
11 organized territories and possessions of the United States.

12 "State Law Library." The Law Library Bureau of the State
13 Library of Pennsylvania.

14 "Superior Court." The court existing under section 3 of
15 Article V of the Constitution of Pennsylvania and Subchapter B
16 of Chapter 5 (relating to Superior Court of Pennsylvania).

17 "Supreme Court." The court existing under section 2 of
18 Article V of the Constitution of Pennsylvania and Subchapter A
19 of Chapter 5 (relating to Supreme Court of Pennsylvania).

20 "System." The unified judicial system.

21 "System and related personnel." Personnel of the system and
22 related staff. The term includes district attorneys, public
23 defenders, sheriffs and other officers serving process or
24 enforcing orders, registers of wills, prothonotaries, clerks of
25 the courts, clerks of the orphans' court division, coroners,
26 jury commissioners, prison and correctional officials, and the
27 personnel of all of the foregoing.

28 "Traffic Court of Philadelphia." The traffic court existing
29 under section 6(c) of Article V of the Constitution of
30 Pennsylvania and Subchapter B of Chapter 13 (relating to Traffic

1 Court of Philadelphia) so long as a community court has not been
2 established or in the event one has been discontinued in the
3 City and County of Philadelphia.

4 "Tribunal." A court or district justice. The term includes a
5 government unit when performing quasi-judicial functions.

6 "Unified judicial system." The unified judicial system
7 existing under section 1 of Article V of the Constitution of
8 Pennsylvania and section 301 (relating to unified judicial
9 system).

10 § 103. Principles of construction.

11 (a) Necessary powers conferred.--The provisions of this
12 title shall be construed so as to vest in the unified judicial
13 system and in the personnel of the system power to do all things
14 that are reasonably necessary for the proper execution and
15 administration of their functions within the scope of their
16 respective jurisdiction.

17 (b) No inference from express grant of powers.--The
18 inclusion in this title of provisions derived from or based on
19 the text of the Constitution of Pennsylvania and the
20 specification in this title of the powers of the unified
21 judicial system is for the avoidance of potential controversy
22 and the convenient codification of the powers of the system from
23 whatever source derived and shall not be construed as a
24 determination by the General Assembly that any of such powers
25 are or are not inherent in the Supreme Court or the other
26 agencies and units of the system under the Constitution of
27 Pennsylvania or otherwise.

28 PART II

29 ORGANIZATION [OF JUDICIAL BRANCH]

30 Subpart

1 A. Courts and District Justices

2 B. Other Structural Provisions

3 SUBPART A

4 COURTS AND DISTRICT JUSTICES

5 Article

6 A. Preliminary Provisions

7 B. Appellate Courts

8 C. Courts of Common Pleas

9 D. Minor Courts

10 E. District Justices

11 ARTICLE A

12 PRELIMINARY PROVISIONS

13 Chapter

14 3. General Structure and Powers

15 CHAPTER 3

16 GENERAL STRUCTURE AND POWERS

17 Subchapter

18 A. Unified Judicial System

19 B. General Provisions Relating to Courts

20 SUBCHAPTER A

21 UNIFIED JUDICIAL SYSTEM

22 Sec.

23 301. Unified judicial system.

24 § 301. Unified judicial system.

25 The judicial power of the Commonwealth shall be vested in a
26 unified judicial system consisting of the:

27 (1) Supreme Court.

28 (2) Superior Court.

29 (3) Commonwealth Court.

30 (4) Courts of common pleas.

- 1 (5) Community courts.
- 2 (6) Philadelphia Municipal Court.
- 3 (7) Pittsburgh Magistrates Court.
- 4 (8) Traffic Court of Philadelphia.
- 5 (9) District justices.

6 All courts and district justices and their jurisdiction shall be
7 in this unified judicial system.

8 SUBCHAPTER B

9 GENERAL PROVISIONS RELATING TO COURTS

10 Sec.

11 321. Court of record.

12 322. Seal.

13 323. Powers.

14 324. Sessions.

15 325. Chief Justice and president judges.

16 326. Quorum.

17 327. Oaths and acknowledgments.

18 § 321. Court of record.

19 Except as otherwise provided in this subpart every court of
20 this Commonwealth shall be a court of record with all the
21 qualities and incidents of a court of record at common law.

22 § 322. Seal.

23 Each court of this Commonwealth shall have a seal engraved
24 with the name of the court and such other inscription as may be
25 specified by general rule or rule of court. A facsimile or
26 preprinted seal may be used for all purposes in lieu of the
27 original seal.

28 § 323. Powers.

29 Every court shall have power to issue, under its judicial
30 seal, every lawful writ and process necessary or suitable for

1 the exercise of its jurisdiction and for the enforcement of any
2 order which it may make and all legal and equitable powers
3 required for or incidental to the exercise of its jurisdiction,
4 and, except as otherwise prescribed by general rules, every
5 court shall have power to make such rules and orders of court as
6 the interest of justice or the business of the court may
7 require.

8 § 324. Sessions.

9 Each court shall be in session as often as its judges shall
10 deem necessary or proper. Except as otherwise prescribed by
11 general rule or rule of court there shall be no terms of court.
12 Each court shall always be open for the transaction of judicial
13 business and the court or any judge shall have the same power in
14 vacation to issue injunctions, grant stays and enter other
15 orders as they have while the court is in session. The continued
16 existence or expiration of a session of a court in no way
17 affects the power of a court to do any act or take any
18 proceeding.

19 § 325. Chief Justice and president judges.

20 (a) General rule.--The Chief Justice of Pennsylvania and the
21 president judges of all courts with seven or less judges shall
22 be the judge longest in continuous service on their respective
23 courts. In the event of his resignation from this position the
24 judge next longest in continuous service shall be the Chief
25 Justice of Pennsylvania or the president judge. Should any two
26 or more judges of the same court assume office at the same time,
27 they shall cast lots forthwith for priority of commission, and
28 certify the results to the Governor who shall issue their
29 commissions accordingly.

30 (b) Courts of eight or more judges.--The president judges of

1 all courts with eight or more judges shall be selected for five-
2 year terms by the members of their respective courts. In the
3 event of a tie vote for the office of president judge, the
4 Supreme Court shall appoint as president judge one of the judges
5 receiving the highest number of votes.

6 (c) Traffic Court of Philadelphia.--Notwithstanding any
7 other provision of this section, the President Judge of the
8 Traffic Court of Philadelphia shall be appointed by the Governor
9 for a five-year term or at the pleasure of the Governor.

10 (d) Resignation and temporary inability.--The Chief Justice
11 of Pennsylvania or a president judge may resign such position
12 and remain a member of the court. If the Chief Justice or a
13 president judge is temporarily unable to perform his duties as
14 such, they shall be performed by the judge designated by or
15 pursuant to general rule.

16 (e) Powers of president judge.--Except as otherwise provided
17 or prescribed by this title, by general rule or by order of the
18 governing authority, the president judge of a court shall:

19 (1) Be the executive and administrative head of the
20 court, supervise the judicial business of the court,
21 promulgate all administrative rules and regulations, make all
22 judicial assignments, and assign and reassign among the
23 personnel of the court available chambers and other physical
24 facilities.

25 (2) Exercise the powers of the court under section
26 2301(a)(2) (relating to appointment of personnel).

27 § 326. Quorum.

28 (a) Supreme Court.--A majority of the Supreme Court shall be
29 a quorum of the court.

30 (b) Other courts.--The quorum requisite to hold a session of

1 any other court shall be specified by general rule or rule of
2 court.

3 (c) Inability to assemble quorum.--Where by reason of
4 vacancy, illness, disqualification or otherwise it is impossible
5 to assemble a quorum of a court at the time and place
6 appropriate therefor, sufficient judges shall be temporarily
7 assigned to the court to permit the court to hold a duly
8 convened session and transact the business of the court.

9 (d) Court en banc.--The composition of a court en banc shall
10 be as specified by general rules.

11 § 327. Oaths and acknowledgments.

12 Each judicial officer, each clerk of court, and such other
13 system and related personnel and jurors as may be designated by
14 or pursuant to general rules may administer oaths and
15 affirmations and take acknowledgments.

16 ARTICLE B

17 APPELLATE COURTS

18 Chapter

19 5. Organization of Appellate Courts

20 7. Jurisdiction of Appellate Courts

21 CHAPTER 5

22 ORGANIZATION OF APPELLATE COURTS

23 Subchapter

24 A. Supreme Court of Pennsylvania

25 B. Superior Court of Pennsylvania

26 C. Commonwealth Court of Pennsylvania

27 SUBCHAPTER A

28 SUPREME COURT OF PENNSYLVANIA

29 Sec.

30 501. Supreme Court.

1 502. General powers of Supreme Court.

2 503. Reassignment of matters.

3 504. Seat of court.

4 § 501. Supreme Court.

5 The Supreme Court of Pennsylvania shall consist of the Chief
6 Justice of Pennsylvania and six associate justices. The court
7 shall be the highest court of this Commonwealth and in it shall
8 be reposed the supreme judicial power of the Commonwealth.

9 § 502. General powers of Supreme Court.

10 The Supreme Court shall have and exercise the powers vested
11 in it by the Constitution of Pennsylvania, including the power
12 generally to minister justice to all persons and to exercise the
13 powers of the court, as fully and amply, to all intents and
14 purposes, as the justices of the Court of King's Bench, Common
15 Pleas and Exchequer, at Westminster, or any of them, could or
16 might do on May 22, 1722. The Supreme Court shall also have and
17 exercise the following powers:

18 (1) All powers necessary or appropriate in aid of its
19 original and appellate jurisdiction which are agreeable to
20 the usages and principles of law.

21 (2) The powers vested in it by statute, including the
22 provisions of this title.

23 § 503. Reassignment of matters.

24 The Supreme Court may by general rule provide for the
25 assignment and reassignment of classes of matters among the
26 several courts of this Commonwealth and the district justices as
27 the needs of justice shall require and all laws shall be
28 suspended to the extent that they are inconsistent with such
29 general rules. Such rules shall be reported to the General
30 Assembly by the Chief Justice at or after the beginning of a

1 regular session thereof but not later than the first day of May.
2 Such rules shall take effect upon the expiration of 90 days
3 after they have been thus reported unless the General Assembly,
4 by the adoption of a concurrent resolution, signifies its
5 legislative intent to the contrary.

6 § 504. Seat of court.

7 The regular sessions of the Supreme Court shall be held in
8 the facility specified in section 3701 (relating to Pennsylvania
9 Judicial Center) and elsewhere as prescribed by general rule or
10 rule of court.

11 SUBCHAPTER B

12 SUPERIOR COURT OF PENNSYLVANIA

13 Sec.

14 541. Superior Court.

15 542. Powers of Superior Court.

16 543. Seat of court.

17 § 541. Superior Court.

18 The Superior Court of Pennsylvania shall consist of seven
19 judges.

20 § 542. Powers of Superior Court.

21 The Superior Court shall have all powers necessary or
22 appropriate in aid of its jurisdiction which are agreeable to
23 the usages and principles of law.

24 § 543. Seat of court.

25 The regular sessions of the Superior Court shall be held at
26 the cities of Harrisburg, Philadelphia and Pittsburgh and
27 elsewhere as prescribed by general rule or rule of court.

28 SUBCHAPTER C

29 COMMONWEALTH COURT OF PENNSYLVANIA

30 Sec.

1 561. Commonwealth Court.

2 562. Powers of Commonwealth Court.

3 563. Seat of court.

4 564. Evidentiary hearings.

5 § 561. Commonwealth Court.

6 The Commonwealth Court of Pennsylvania shall consist of seven
7 judges.

8 § 562. Powers of Commonwealth Court.

9 The Commonwealth Court shall have power to issue, under its
10 judicial seal, every lawful writ and process necessary or
11 suitable for the exercise of its jurisdiction and for the
12 enforcement of any order which it may make, including such writs
13 and process to or to be served or enforced by system and related
14 personnel as the courts of common pleas are authorized by law or
15 usage to issue. The court shall also have all powers of a court
16 of record possessed by the courts of common pleas and all powers
17 necessary or appropriate in aid of its appellate jurisdiction
18 which are agreeable to the usages and principles of law.

19 § 563. Seat of court.

20 (a) Regular sessions.--The regular sessions of the
21 Commonwealth Court shall be held at the seat of government and
22 elsewhere as provided in subsection (b). Each judge shall be
23 provided with suitable chambers and other facilities at the seat
24 of government. The intention of this provision is to render the
25 court and the judges thereof as available, except as provided in
26 subsection (b) or as otherwise provided in this title, at the
27 seat of government for the conduct of routine and emergency
28 judicial business as would be the case if the jurisdiction of
29 the court were exercised by the Court of Common Pleas of Dauphin
30 County.

(b) Other sessions.--Within the limits of available appropriations, special sessions of the court may be held from time to time for the convenience of parties or witnesses, or both, in the interest of justice, in such judicial districts of this Commonwealth as make available without cost to the Commonwealth suitable courtroom and related physical facilities. The court shall also sit in the cities of Philadelphia and Pittsburgh.

§ 564. Evidentiary hearings.

In any matter which requires the taking of testimony, the President Judge of the Commonwealth Court may assign a judge of the court, or another judge temporarily assigned to the court pursuant to section 4121 (relating to temporary assignment of judges), to sit and receive the evidence, and perform such other duties as may be prescribed by rule or order of court.

CHAPTER 7

JURISDICTION OF APPELLATE COURTS

Subchapter

- A. General Provisions
- B. Jurisdiction of Supreme Court
- C. Jurisdiction of Superior Court
- D. Jurisdiction of Commonwealth Court.

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

- 701. Scope of subchapter.
- 702. Interlocutory orders.
- 703. Place and form of filing appeals.
- 704. Waiver of objections to jurisdiction.
- 705. Transfers between intermediate appellate courts.

1 706. Disposition of appeals.

2 707. Lien of judgments.

3 708. Improvident administrative appeals and other matters.

4 § 701. Scope of subchapter.

5 (a) General rule.--The provisions of this subchapter shall
6 apply to all courts of this Commonwealth, including the courts
7 of common pleas when sitting as appellate courts.

8 (b) Reassignment of matters.--Any of the provisions of
9 Subchapter B (relating to jurisdiction of Supreme Court),
10 Subchapter C (relating to jurisdiction of Superior Court) and
11 Subchapter D (relating to jurisdiction of Commonwealth Court)
12 shall be subject to and superseded by any inconsistent
13 provisions of any general rule adopted pursuant to section 503
14 (relating to reassignment of matters).

15 § 702. Interlocutory orders.

16 (a) Appeals authorized by law.--Except as otherwise
17 prescribed by any general rule adopted pursuant to section 503
18 (relating to reassignment of matters) an appeal authorized by
19 law from an interlocutory order in a matter shall be taken to
20 the appellate court having jurisdiction of final orders in such
21 matter.

22 (b) Discretionary allowance of appeals.--When a court or
23 administrative agency, in making an interlocutory order in a
24 matter in which its final order would be within the jurisdiction
25 of an appellate court, shall be of the opinion that such order
26 involves a controlling question of law as to which there is
27 substantial ground for difference of opinion and that an
28 immediate appeal from the order may materially advance the
29 ultimate termination of the matter, it shall so state in such
30 order. The appellate court may thereupon, in its discretion,

1 permit an appeal to be taken from such order. Except as
2 otherwise prescribed by general rule, a petition for permission
3 to appeal under this subsection shall not stay the proceedings
4 before the lower court or administrative agency, unless the
5 lower court or agency or the appellate court or a judge thereof
6 shall so order.

7 § 703. Place and form of filing appeals.

8 Appeals, petitions for permission to appeal and petitions for
9 allowance of appeal shall be filed in such office and in such
10 form as may be prescribed by general rule or rule of court.

11 § 704. Waiver of objections to jurisdiction.

12 The failure of an appellee to file an objection to the
13 jurisdiction of an appellate court on or prior to the hearing of
14 the appeal, or within such earlier time as may be specified by
15 general rule or rule of court, shall, unless the appellate court
16 shall otherwise order, operate to perfect the appellate
17 jurisdiction of such appellate court, notwithstanding any
18 provision of this title, or of any general rule adopted pursuant
19 to section 503 (relating to reassignment of matters), vesting
20 jurisdiction of such appeal in another appellate court.

21 § 705. Transfers between intermediate appellate courts.

22 The Superior Court and the Commonwealth Court shall have
23 power pursuant to general rules, on their own motion or upon
24 petition of any party, to transfer any appeal to the other court
25 for consideration and decision with any matter pending in such
26 other court involving the same or related questions of fact, law
27 or discretion.

28 § 706. Disposition of appeals.

29 An appellate court may affirm, modify, vacate, set aside or
30 reverse any order brought before it for review, and may remand

1 the matter and direct the entry of such appropriate order, or
2 require such further proceedings to be had as may be just under
3 the circumstances.

4 § 707. Lien of judgments.

5 Any judgment or other order of the Supreme Court, the
6 Superior Court or the Commonwealth Court for the payment of
7 money shall not be a lien upon real property in any county until
8 it is entered of record in the office of the clerk of the court
9 of common pleas of the county where the property is situated, or
10 in the office of the clerk of the branch of the court of common
11 pleas embracing such county, in the same manner as a judgment
12 transferred from the court of common pleas of another county.

13 § 708. Improvident administrative appeals and other matters.

14 (a) General rule.--No objection to governmental acts shall
15 be defeated by reason of error in the form of the objection or
16 the office of clerk of court in which the objection is filed.

17 (b) Appeals.--If an appeal is improvidently taken to a court
18 under any provision of law from the acts of a government unit
19 where the proper mode of relief is an action in the nature of
20 equity, mandamus, prohibition, quo warranto or otherwise, this
21 alone shall not be a ground for dismissal, but the papers
22 whereon the appeal was taken shall be regarded and acted on as a
23 complaint or other proper process commenced against the
24 government unit or the persons for the time being conducting its
25 affairs and as if filed at the time the appeal was taken.

26 (c) Other matters.--If a complaint in the nature of equity,
27 mandamus, prohibition, quo warranto or other original process is
28 commenced in any court against a government unit or one or more
29 of the persons for the time being conducting its affairs, as
30 such, objecting to governmental acts by any of them, where the

1 proper mode of relief is an appeal from the action of the
2 government unit, this alone shall not be a ground for dismissal,
3 but the papers whereon the process against the government unit
4 or any of such persons was commenced shall be regarded and acted
5 on as an appeal from such acts of the government unit and as if
6 filed at the time such process was commenced.

7 (d) Place of filing.--Section 5103 (relating to transfer of
8 erroneously filed matters) shall also be applicable to an appeal
9 or other matter which is deemed to be filed or commenced under
10 any provision of this section.

11 SUBCHAPTER B

12 JURISDICTION OF SUPREME COURT

13 Sec.

14 721. Original jurisdiction.

15 722. Direct appeals from courts of common pleas.

16 723. Appeals from the Commonwealth Court.

17 724. Allowance of appeals from Superior and Commonwealth
18 Courts.

19 725. Direct appeals from constitutional and judicial agencies.

20 726. Extraordinary jurisdiction.

21 § 721. Original jurisdiction.

22 The Supreme Court shall have original but not exclusive
23 jurisdiction of all cases of:

24 (1) Habeas corpus.

25 (2) Mandamus or prohibition to courts of inferior
26 jurisdiction.

27 (3) Quo warranto as to any officer of Statewide
28 jurisdiction.

29 § 722. Direct appeals from courts of common pleas.

30 The Supreme Court shall have exclusive jurisdiction of

1 appeals from final orders of the courts of common pleas in the
2 following classes of cases:

3 (1) Felonious homicide.

4 (2) The right to public office.

5 (3) Matters decided in the orphans' court division.

6 (4) Direct criminal contempt in the courts of common
7 pleas and other contempt proceedings in the courts of common
8 pleas relating to orders which are appealable directly to the
9 Supreme Court.

10 (5) Supersession of a district attorney by an Attorney
11 General or by a court.

12 (6) Matters where the right or power of the Commonwealth
13 or any political subdivision to create or issue indebtedness
14 is drawn in direct question.

15 (7) Matters where the court of common pleas has held
16 invalid as repugnant to the Constitution, treaties or laws of
17 the United States, or to the Constitution of this
18 Commonwealth, any treaty or law of the United States or any
19 provision of the Constitution of, or of any statute of, this
20 Commonwealth, or any provision of any home rule charter.

21 § 723. Appeals from the Commonwealth Court.

22 The Supreme Court shall have exclusive jurisdiction of
23 appeals from all final orders of the Commonwealth Court entered
24 in any matter which was originally commenced in said court and
25 which does not constitute an appeal from another court, an
26 administrative agency or a district justice. Any final order of
27 the Commonwealth Court entered in any appeal from a decision of
28 the Board of Finance and Revenue shall be appealable to the
29 Supreme Court, as of right, under this section.

30 § 724. Allowance of appeals from Superior and Commonwealth

1 Courts.

2 (a) General rule.--Final orders of the Superior Court and
3 final orders of the Commonwealth Court not appealable under
4 section 723 (relating to appeals from Commonwealth Court) may be
5 reviewed by the Supreme Court upon allowance of appeal by any
6 two justices of the Supreme Court upon petition of any party to
7 the matter. If the petition shall be granted, the Supreme Court
8 shall have jurisdiction to review the order in the manner
9 provided by section 5105(d)(1) (relating to scope of appeal).

10 (b) Improvident appeals.--If an appeal is improvidently
11 taken to the Supreme Court under section 723 (relating to
12 appeals from Commonwealth Court) in a case where the proper mode
13 of review is by petition for allowance of appeal under this
14 section, this alone shall not be a ground for dismissal, but the
15 papers whereon the appeal was taken shall be regarded and acted
16 on as a petition for allowance of appeal and as if duly filed at
17 the time the appeal was taken.

18 § 725. Direct appeals from constitutional and judicial
19 agencies.

20 The Supreme Court shall have exclusive jurisdiction of
21 appeals from final orders of the following constitutional and
22 judicial agencies:

23 (1) Legislative Reapportionment Commission.

24 (2) Judicial Inquiry and Review Board.

25 (3) The agency vested with the power to determine
26 whether those members of the minor judiciary required to do
27 so have completed a course of training and instruction in the
28 duties of their respective offices and passed an examination.

29 (4) The agency vested with the power to admit persons to
30 the bar and the practice of law.

1 provision of this chapter within the exclusive jurisdiction of
2 the Supreme Court or the Commonwealth Court.

3 SUBCHAPTER D

4 JURISDICTION OF COMMONWEALTH COURT

5 Sec.

6 761. Original jurisdiction.

7 762. Appeals from courts of common pleas.

8 763. Direct appeals from administrative agencies.

9 § 761. Original jurisdiction.

10 (a) General rule.--The Commonwealth Court shall have
11 original jurisdiction of all civil actions or proceedings:

12 (1) Against the Commonwealth or any officer thereof,
13 acting in his official capacity, except:

14 (i) actions or proceedings in the nature of
15 applications for a writ of habeas corpus or post-
16 conviction relief not ancillary to proceedings within the
17 appellate jurisdiction of the court; and

18 (ii) eminent domain proceedings.

19 (2) By the Commonwealth or any officer thereof, acting
20 in his official capacity, except eminent domain proceedings.

21 (3) Original jurisdiction of which is vested in the
22 Commonwealth Court by any statute hereafter enacted.

23 (b) Concurrent and exclusive jurisdiction.--The jurisdiction
24 of the Commonwealth Court under subsection (a) shall be
25 exclusive except as provided in section 721 (relating to
26 original jurisdiction) and except with respect to actions or
27 proceedings by the Commonwealth or any officer thereof, acting
28 in his official capacity, where the jurisdiction of the court
29 shall be concurrent with the several courts of common pleas.

30 (c) No waiver of sovereign immunity.--The provisions of

1 subsection (a)(1) relating to actions or proceedings against the
2 Commonwealth shall not be construed as a waiver by the
3 Commonwealth of immunity to suit.

4 (d) Ancillary matters.--The Commonwealth Court shall have
5 original jurisdiction in actions of mandamus and prohibition to
6 courts of inferior jurisdiction where such actions are ancillary
7 to matters within its appellate jurisdiction, and it, or any
8 judge thereof, shall have full power and authority when and as
9 often as there may be occasion, to issue writs of habeas corpus
10 under like conditions returnable to the said court.

11 § 762. Appeals from courts of common pleas.

12 The Commonwealth Court shall have exclusive jurisdiction of
13 appeals from final orders of the courts of common pleas in any
14 of the following cases, except such classes of appeals as are by
15 section 722 (relating to direct appeals from courts of common
16 pleas) within the exclusive jurisdiction of the Supreme Court:

17 (1) Commonwealth civil cases.--All civil actions or
18 proceedings to which the Commonwealth or any officer thereof,
19 acting in his official capacity, is a party, except actions
20 or proceedings in the nature of applications for a writ of
21 habeas corpus or post-conviction relief not ancillary to
22 proceedings within the appellate jurisdiction of the court.

23 (2) Governmental and Commonwealth regulatory criminal
24 cases.--All criminal actions or proceedings for the violation
25 of any:

26 (i) Rule, regulation or order of any Commonwealth
27 agency.

28 (ii) Regulatory statute administered by any
29 Commonwealth agency subject to the act of June 4, 1945
30 (P.L.1388, No.442), known as the "Administrative Agency

1 Law." The term "regulatory statute" as used in this
2 subparagraph does not include any provision of Title 18
3 (relating to crimes and offenses).

4 (3) Secondary review of certain appeals from
5 Commonwealth agencies.--All appeals from Commonwealth
6 agencies which may be taken initially to the courts of common
7 pleas by reason of one of the exceptions set forth in section
8 763(1) (relating to direct appeals from administrative
9 agencies).

10 (4) Local government civil and criminal matters.--

11 (i) All actions or proceedings arising under any
12 municipality, institution district, public school,
13 planning or zoning code or under which a municipality or
14 other political subdivision or municipality authority may
15 be formed or incorporated or where is drawn in question
16 the application, interpretation or enforcement of any:

17 (A) statute regulating the affairs of political
18 subdivisions, municipality and other local
19 authorities or other public corporations or of the
20 officers, employees or agents thereof, acting in their
21 official capacity; or

22 (B) home rule charter or local ordinance or
23 resolution.

24 (ii) All appeals from government agencies under the
25 act of December 2, 1968 (P.L.1133, No.353), known as the
26 "Local Agency Law," or otherwise.

27 (5) Certain private corporation matters.--

28 (i) All actions or proceedings relating to
29 corporations not-for-profit arising under Title 15
30 (relating to corporations and unincorporated

1 associations) or where is drawn in question the
2 application, interpretation or enforcement of any
3 provision of the Constitution, treaties or laws of the
4 United States, or the Constitution of Pennsylvania or any
5 statute, regulating in any such case the corporate
6 affairs of any corporation not-for-profit subject to
7 Title 15 or the affairs of the members, security holders,
8 directors, officers, employees or agents thereof, as
9 such.

10 (ii) All actions or proceedings otherwise involving
11 the corporate affairs of any corporation not-for-profit
12 subject to Title 15 or the affairs of the members,
13 security holders, directors, officers, or employees or
14 agents thereof, as such.

15 (6) Eminent domain.--All eminent domain proceedings or
16 where is drawn in question the power or right of the
17 acquiring agency to appropriate the condemned property or to
18 use it for the purpose condemned or otherwise.

19 § 763. Direct appeals from administrative agencies.

20 The Commonwealth Court shall have exclusive jurisdiction of
21 appeals from final orders of government agencies in the
22 following cases, except such classes of appeals as are by
23 section 725 (relating to direct appeals from constitutional and
24 judicial agencies) within the exclusive jurisdiction of the
25 Supreme Court:

26 (1) All appeals from Commonwealth agencies under the act
27 of June 4, 1945 (P.L.1388, No.442), known as the
28 "Administrative Agency Law," or otherwise and including
29 appeals from the Pennsylvania Labor Relations Board, the
30 Pennsylvania Public Utility Commission, the Unemployment

1 Compensation Board of Review and from any Commonwealth agency
2 having statewide jurisdiction except matters:

3 (i) Relating to official inspection station
4 certificates of appointment and the privilege of
5 operating motor vehicles or tractors, including the
6 revocation or suspension of such privileges and matters
7 relating thereto.

8 (ii) Authorized by the act of April 12, 1951
9 (P.L.90, No.21), known as the "Liquor Code," to be
10 appealed to the courts of common pleas.

11 (iii) Concerning birth records authorized by statute
12 to be appealed to the courts of common pleas.

13 (iv) Authorized by the act of June 15, 1961
14 (P.L.373, No.207), known as the "Inheritance and Estate
15 Tax Act of 1961," or by any predecessor statute to be
16 appealed to the courts of common pleas.

17 (v) Authorized by the act of June 21, 1939 (P.L.566,
18 No.284), known as "The Pennsylvania Occupational Disease
19 Act," to be appealed to the courts of common pleas.

20 (vi) Authorized by the act of July 23, 1970
21 (P.L.563, No.195), known as the "Public Employe Relations
22 Act," to be appealed to the courts of common pleas.

23 (2) All appeals jurisdiction of which is vested in the
24 Commonwealth Court by any statute hereafter enacted.

25 ARTICLE C

26 COURTS OF COMMON PLEAS

27 Chapter

28 9. Organization and Jurisdiction of Courts of Common Pleas

29 CHAPTER 9

30 ORGANIZATION AND JURISDICTION OF COURTS OF COMMON PLEAS

1 Subchapter

2 A. Judicial Districts

3 B. Organization of Courts of Common Pleas

4 C. Court Divisions

5 D. Jurisdiction of Courts of Common Pleas

6 SUBCHAPTER A

7 JUDICIAL DISTRICTS

8 Sec.

9 901. Judicial districts.

10 § 901. Judicial districts.

11 (a) General rule.--The Commonwealth is divided into 59
12 judicial districts, numbered and composed as follows:

13 First.--City and County of Philadelphia.

14 Second.--County of Lancaster.

15 Third.--County of Northampton.

16 Fourth.--County of Tioga.

17 Fifth.--County of Allegheny.

18 Sixth.--County of Erie.

19 Seventh.--County of Bucks.

20 Eighth.--County of Northumberland

21 Ninth.--County of Cumberland.

22 Tenth.--County of Westmoreland.

23 Eleventh.--County of Luzerne.

24 Twelfth.--County of Dauphin.

25 Thirteenth.--County of Greene.

26 Fourteenth.--County of Fayette.

27 Fifteenth.--County of Chester.

28 Sixteenth.--County of Somerset.

29 Seventeenth.--Counties of Snyder and Union.

30 Eighteenth.--County of Clarion.

1 Nineteenth.--County of York.
2 Twentieth.--County of Huntingdon.
3 Twenty-first.--County of Schuylkill.
4 Twenty-second.--County of Wayne.
5 Twenty-third.--County of Berks.
6 Twenty-fourth.--County of Blair.
7 Twenty-fifth.--County of Clinton.
8 Twenty-sixth.--Counties of Columbia and Montour.
9 Twenty-seventh.--County of Washington.
10 Twenty-eighth.--County of Venango.
11 Twenty-ninth.--County of Lycoming.
12 Thirtieth.--County of Crawford.
13 Thirty-first.--County of Lehigh.
14 Thirty-second.--County of Delaware.
15 Thirty-third.--County of Armstrong.
16 Thirty-fourth.--County of Susquehanna.
17 Thirty-fifth.--County of Mercer.
18 Thirty-sixth.--County of Beaver.
19 Thirty-seventh.--Counties of Forest and Warren.
20 Thirty-eighth.--County of Montgomery.
21 Thirty-ninth.--Counties of Franklin and Fulton.
22 Fortieth.--County of Indiana.
23 Forty-first.--Counties of Juniata and Perry.
24 Forty-second.--County of Bradford.
25 Forty-third.--Counties of Monroe and Pike.
26 Forty-fourth.--Counties of Sullivan and Wyoming.
27 Forty-fifth.--County of Lackawanna.
28 Forty-sixth.--County of Clearfield.
29 Forty-seventh.--County of Cambria.
30 Forty-eighth.--County of McKean.

1 Forty-ninth.--County of Centre.
2 Fiftieth.--County of Butler.
3 Fifty-first.--County of Adams.
4 Fifty-second.--County of Lebanon.
5 Fifty-third.--County of Lawrence.
6 Fifty-fourth.--County of Jefferson.
7 Fifty-fifth.--County of Potter.
8 Fifty-sixth.--County of Carbon.
9 Fifty-seventh.--County of Bedford.
10 Fifty-eighth.--County of Mifflin.
11 Fifty-ninth.--Counties of Cameron and Elk.

12 (b) Change in number or boundaries.--Except as otherwise
13 provided therein, any statute amending subsection (a) so as to
14 change the number or boundaries of the judicial districts of
15 this Commonwealth shall take effect 30 days after the entry of
16 an order of the Supreme Court evidencing the advice and consent
17 of the court to the amendment pursuant to section 11 of Article
18 V of the Constitution of Pennsylvania.

19 SUBCHAPTER B

20 ORGANIZATION OF COURTS OF COMMON PLEAS

21 Sec.

22 911. Courts of common pleas.

23 912. Powers of courts of common pleas.

24 913. Seats of courts.

25 § 911. Courts of common pleas.

26 (a) General rule.--There shall be one court of common pleas
27 for each judicial district of this Commonwealth consisting of
28 the following number of judges:

29	Number of
30 Judicial District	Judges

1	First	81
2	Second	4
3	Third	4
4	Fourth	1
5	Fifth	39
6	Sixth	5
7	Seventh	9
8	Eighth	2
9	Ninth	2
10	Tenth	6
11	Eleventh	7
12	Twelfth	6
13	Thirteenth	1
14	Fourteenth	4
15	Fifteenth	6
16	Sixteenth	2
17	Seventeenth	1
18	Eighteenth	1
19	Nineteenth	5
20	Twentieth	1
21	Twenty-first	5
22	Twenty-second	1
23	Twenty-third	5
24	Twenty-fourth	2
25	Twenty-fifth	1
26	Twenty-sixth	1
27	Twenty-seventh	5
28	Twenty-eighth	1
29	Twenty-ninth	2
30	Thirtieth	2

1	Thirty-first	5
2	Thirty-second	12
3	Thirty-third	1
4	Thirty-fourth	1
5	Thirty-fifth	2
6	Thirty-sixth	5
7	Thirty-seventh	1
8	Thirty-eighth	12
9	Thirty-ninth	2
10	Fortieth	2
11	Forty-first	1
12	Forty-second	1
13	Forty-third	2
14	Forty-fourth	1
15	Forty-fifth	5
16	Forty-sixth	1
17	Forty-seventh	4
18	Forty-eighth	1
19	Forty-ninth	1
20	Fiftieth	2
21	Fifty-first	1
22	Fifty-second	2
23	Fifty-third	2
24	Fifty-fourth	1
25	Fifty-fifth	1
26	Fifty-sixth	1
27	Fifty-seventh	1
28	Fifty-eighth	1
29	Fifty-ninth	1

30 (b) Single county districts.--In single county judicial

1 districts the court of common pleas of the district shall be
2 known as the "Court of Common Pleas of (the respective) County."

3 (c) Multi-county districts.--In multi-county judicial
4 districts the court of common pleas of the district shall be
5 known as the "Court of Common Pleas of the (respective) Judicial
6 District." Except as otherwise provided or prescribed by law,
7 there shall be a separate branch of the court in each county
8 comprising the judicial district.

9 § 912. Powers of courts of common pleas.

10 Every court of common pleas shall have power to issue, under
11 its judicial seal, every lawful writ and process to or to be
12 served or enforced by system and related personnel as such
13 courts have been heretofore authorized by law or usage to issue.
14 Every judge of a court of common pleas shall have all the powers
15 of a judge or district justice of the minor judiciary.

16 § 913. Seats of courts.

17 The regular sessions of each court of common pleas shall be
18 held at the county seat of each county comprising the judicial
19 district and elsewhere as prescribed by general rule or rule of
20 court.

21 SUBCHAPTER C

22 JURISDICTION OF COURTS OF COMMON PLEAS

23 Sec.

24 931. Original jurisdiction and venue.

25 932. Appeals from minor judiciary.

26 933. Appeals from administrative agencies.

27 934. Writs of certiorari.

28 § 931. Original jurisdiction and venue.

29 (a) General rule.--Except where exclusive original
30 jurisdiction of an action or proceeding is by law vested in

1 another court of this Commonwealth, the courts of common pleas
2 shall have unlimited original jurisdiction of all actions and
3 proceedings, including all actions and proceedings heretofore
4 cognizable by law or usage in the courts of common pleas.

5 (b) Concurrent and exclusive jurisdiction.--The jurisdiction
6 of the courts of common pleas under this section shall be
7 exclusive except with respect to actions and proceedings
8 concurrent jurisdiction of which is by law vested in another
9 court of this Commonwealth or in the district justices.

10 (c) Venue and process.--The venue of a court of common pleas
11 concerning matters over which jurisdiction is conferred by this
12 section shall be as prescribed by general rule. The process of
13 the court shall extend beyond the territorial limits of the
14 judicial district to the extent prescribed by general rule.

15 § 932. Appeals from minor judiciary.

16 Except as otherwise prescribed by any general rule adopted
17 pursuant to section 503 (relating to reassignment of matters),
18 each court of common pleas shall have exclusive jurisdiction of
19 appeals from final orders of the minor judiciary established
20 within the judicial district.

21 § 933. Appeals from administrative agencies.

22 (a) General rule.--Except as otherwise prescribed by any
23 general rule adopted pursuant to section 503 (relating to
24 reassignment of matters), each court of common pleas shall have
25 jurisdiction of all appeals from final orders of government
26 agencies in any of the following cases:

27 (1) Commonwealth agencies which may be taken initially
28 to the court of common pleas of the judicial district by
29 reason of one of the exceptions set forth in section 763(1)
30 of this title (relating to direct appeals from administrative

1 agencies).

2 (2) Government agencies, except Commonwealth agencies,
3 under the act of December 2, 1968 (P.L.1133, No.353), known
4 as the "Local Agency Law," or otherwise.

5 (b) Concurrent and exclusive jurisdiction.--Except as
6 otherwise provided or prescribed by law, the jurisdiction of a
7 court of common pleas of a judicial district under this section
8 shall be exclusive as to a government agency which has
9 jurisdiction only within such judicial district, and shall be
10 concurrent with the courts of common pleas of all judicial
11 districts in which the government agency has jurisdiction where
12 such agency has jurisdiction in more than one judicial district.

13 § 934. Writs of certiorari.

14 Unless and until changed by general rule, the judges of the
15 courts of common pleas, within their respective judicial
16 districts, shall have power, in addition to the right of appeal
17 under section 9 of Article V of the Constitution of
18 Pennsylvania, to issue writs of certiorari to the minor
19 judiciary.

20 SUBCHAPTER D

21 COURT DIVISIONS

22 Sec.

23 951. Court divisions.

24 952. Status of court divisions.

25 953. Administrative judges of divisions.

26 § 951. Court divisions.

27 (a) Philadelphia County.--The Court of Common Pleas of
28 Philadelphia County shall have the following divisions:

29 (1) Trial division.

30 (2) Orphans' court division.

1 (3) Family court division.

2 (b) Allegheny County.--The Court of Common Pleas of
3 Allegheny County shall have the following divisions:

4 (1) Civil division.

5 (2) Criminal division.

6 (3) Orphans' court division.

7 (4) Family division.

8 (c) Other separate orphans' court divisions.--The courts of
9 common pleas of Beaver, Berks, Bucks, Cambria, Chester, Dauphin,
10 Delaware, Erie, Fayette, Lackawanna, Lancaster, Lehigh, Luzerne,
11 Montgomery, Schuylkill, Washington, Westmoreland and York
12 counties shall each have a separate orphans' court division.

13 (d) Judicial districts having no separate orphans' court
14 division.--In each judicial district having no separate orphans'
15 court division, there shall be an orphans' court division
16 composed of the court of common pleas of that judicial district.

17 (e) Change in size of divisions.--The number of judges
18 constituting a division may be increased or reduced by order of
19 the governing authority.

20 § 952. Status of court divisions.

21 The divisions of a court of common pleas are administrative
22 units composed of those judges of the court responsible for the
23 transaction of specified classes of the business of the court.
24 In a court of common pleas having two or more divisions each
25 division of the court is vested with the full jurisdiction of
26 the whole court, but the business of the court may be allocated
27 among the divisions of the court by or pursuant to general
28 rules.

29 § 953. Administrative judges of divisions.

30 Except as otherwise prescribed by general rule or by order of

1 the governing authority:

2 (1) Each division of a court of common pleas shall be
3 presided over by an administrative judge.

4 (2) Each such administrative judge shall assist the
5 president judge of the court in supervising and administering
6 the business of the court and, shall be responsible to him.

7 ARTICLE D

8 MINOR COURTS

9 Chapter

10 11. Community and Municipal Courts

11 13. Traffic Courts

12 CHAPTER 11

13 COMMUNITY AND MUNICIPAL COURTS

14 Subchapter

15 A. Community Courts

16 B. Philadelphia Municipal Court

17 C. Pittsburgh Magistrates Court

18 SUBCHAPTER A

19 COMMUNITY COURTS

20 Sec.

21 1101. Community courts.

22 1102. Establishment or discontinuance of community courts.

23 1103. Powers of community courts.

24 1104. Seats of courts.

25 1105. Jurisdiction and venue.

26 1106. Lien of judgments.

27 § 1101. Community courts.

28 (a) General rule.--There shall be one community court for
29 each judicial district of this Commonwealth which has elected to
30 establish and which has not elected to discontinue such a court

1 in the manner provided in this subchapter. The community court
2 shall be a court not of record and shall consist of a number of
3 judges determined by dividing the total population of the
4 judicial district as determined by the last officially reported
5 decennial or special Federal census by 75,000. In any judicial
6 district where the aforesaid division results in a remainder
7 greater than 40,000, the judicial district shall be entitled to
8 an additional community court judge. In no event shall any
9 judicial district have less than two community court judges.

10 (b) Single county districts.--In single county judicial
11 districts the community court of the district shall be known as
12 the "Community Court of (the respective) County."

13 (c) Multi-county districts.--In multi-county judicial
14 districts the community court of the district shall be known as
15 the "Community Court of the (respective) Judicial District."

16 § 1102. Establishment or discontinuance of community courts.

17 (a) General rule.--The question whether a community court
18 shall be established or discontinued in any judicial district
19 shall be placed upon the ballot in a primary election by
20 petition which shall be in the form prescribed by the officer of
21 the Commonwealth who under law shall have supervision over
22 elections. The petition shall be filed with that officer and
23 shall be signed by a number of electors equal to 5% of the total
24 votes cast for all candidates for the office occupied by a
25 single official for which the highest number of votes was cast
26 in that judicial district at the last preceding general or
27 municipal election. The manner of signing such petitions, the
28 time of circulating them, the affidavits of the persons
29 circulating them and all other details not contained in this
30 subsection shall be governed by the act of June 3, 1937

1 (P.L.1333, No.320), known as the "Pennsylvania Election Code."
2 The question shall not be placed upon the ballot in a judicial
3 district more than once in any five-year period. The affirmative
4 vote of a majority of the electors of the judicial district
5 voting thereon shall be sufficient to establish or discontinue a
6 community court for the judicial district.

7 (b) Establishment.--The community court of a judicial
8 district shall be established on the first Monday of January
9 following the municipal election at which the first judges of
10 the court shall be elected. A court when established shall, in
11 accordance with and subject to Article V of the Constitution of
12 Pennsylvania, supplant all district justices or the municipal
13 court and the traffic court, as the case may be, within the
14 judicial district, except that in the fifth judicial district a
15 community court shall not supplant the Pittsburgh Magistrates
16 Court. Upon the expiration of the term of any district justice
17 or judge of the municipal or traffic court, as the case may be,
18 or the abolition of his office in the manner and at such time as
19 is provided by statute, in a judicial district in which a
20 community court has been established, the matters then pending
21 and the books, dockets and records thereof shall be transferred
22 to the community court which shall determine and conclude such
23 matters as if it had assumed jurisdiction in the first instance.

24 (c) Discontinuance.--Where the electors of a judicial
25 district have at a primary approved the discontinuance of an
26 existing community court within their judicial district such
27 community court and the office of the judges serving thereon
28 shall then be abolished in the manner and at such time as is
29 provided by section 3322 (relating to discontinuance of
30 community courts). Thereafter, the office of district justice or

1 judge of the municipal or traffic court, as the case may be,
2 shall be established to replace and supplant such community
3 court on the first Monday of January of the even-numbered year
4 next following the odd-numbered year specified in section
5 1503(b) (relating to discontinuance of community court) and the
6 number and boundaries of magisterial districts, if any, of each
7 class within such judicial district shall be established in the
8 manner provided by section 1503(b).

9 § 1103. Powers of community courts.

10 Every judge of a community court shall have all the powers of
11 a judge of the municipal court or traffic court, or of a
12 district justice, as the case may be.

13 § 1104. Seats of courts.

14 The regular sessions of each community court shall be held at
15 such location within the judicial district as may be approved by
16 the president judge of the court of common pleas of the judicial
17 district in compliance with general rules.

18 § 1105. Jurisdiction and venue.

19 (a) General rule.--Except as otherwise prescribed by any
20 general rule adopted pursuant to section 503 (relating to
21 reassignment of matters) each community court shall have the
22 jurisdiction which under law was exercised by the municipal
23 court or traffic court or by district justices, as the case may
24 be, within the judicial district.

25 (b) Venue and process.--The venue of a community court
26 concerning matters over which jurisdiction is conferred by
27 subsection (a) shall be as prescribed by general rule. The
28 process of the court shall extend beyond the territorial limits
29 of the judicial district to the extent prescribed by general
30 rule.

1 § 1106. Lien of judgments.

2 A judgment of a community court shall not operate as a lien
3 on real property until a transcript of the record showing a
4 final judgment in the community court has been filed in the
5 manner prescribed by general rules in the office of the clerk of
6 the court of common pleas of the county where the property is
7 situated, or in the office of the clerk of the branch of the
8 court of common pleas embracing such county. After such entry
9 the judgment shall, from the date of such entry, be a lien upon
10 real property to the same extent that judgment recovered in the
11 court of common pleas is a lien. No such transcript shall be
12 filed until after 30 days after the entry of final judgment by
13 the community court. No execution against real estate shall
14 issue out of the community court.

15 SUBCHAPTER B

16 PHILADELPHIA MUNICIPAL COURT

17 Sec.

18 1121. Philadelphia Municipal Court.

19 1122. Seat of court.

20 1123. Jurisdiction and venue.

21 1124. Lien of judgments.

22 § 1121. Philadelphia Municipal Court.

23 The Philadelphia Municipal Court shall consist of 22 judges.

24 § 1122. Seat of court.

25 The regular sessions of the Philadelphia Municipal Court
26 shall be held at such locations within the first judicial
27 district as may be approved by the president judge of the court
28 in compliance with general rules.

29 § 1123. Jurisdiction and venue.

30 (a) General rule.--Except as otherwise prescribed by any

1 general rule adopted pursuant to section 503 (relating to
2 reassignment of matters) the Philadelphia Municipal Court shall
3 have jurisdiction of all of the following matters:

4 (1) Summary offenses, except those within the
5 jurisdiction of the Traffic Court of Philadelphia.

6 (2) Criminal offenses for which no prison term may be
7 imposed or which are punishable by imprisonment for a term of
8 not more than five years, including indictable offenses under
9 the motor vehicle laws. In cases under this paragraph the
10 defendant shall have no right of trial by jury in the
11 municipal court, but shall have the right of appeal for trial
12 de novo, including the right of trial by jury, to the court
13 of common pleas. The judges of the municipal court exercising
14 jurisdiction under this paragraph shall have the same
15 jurisdiction in probation and parole arising out of sentences
16 imposed by them as judges of the court of common pleas.

17 (3) Matters arising under the act of April 6, 1951
18 (P.L.69, No.20), known as "The Landlord and Tenant Act of
19 1951."

20 (4) Civil actions wherein the sum demanded does not
21 exceed \$500, exclusive of interest and costs, in the
22 following classes of actions:

23 (i) In assumpsit.

24 (ii) In trespass, including all forms of trespass
25 and trespass on the case.

26 (iii) For fines and penalties by any government
27 agency.

28 A plaintiff may waive a portion of his claim of more than
29 \$500 so as to bring the matter within the jurisdiction of the
30 municipal court but such waiver shall be revoked

1 automatically if the defendant appeals the final order of the
2 municipal court. In cases under this paragraph the defendant
3 shall have no right of trial by jury in the municipal court,
4 but shall have the right to appeal for trial de novo,
5 including the right of trial by jury, to the court of common
6 pleas, it being the purpose of this paragraph to establish an
7 expeditious small claims procedure whereby it shall not be
8 necessary for the litigants to obtain counsel. Judgments by
9 confession shall not be entered in the municipal court.

10 (5) As commissioners to preside at arraignments, fix and
11 accept bail, issue warrants and perform duties of a similar
12 nature, including the jurisdiction of a committing magistrate
13 in all criminal proceedings.

14 (b) Concurrent and exclusive jurisdiction.--The jurisdiction
15 of the municipal court under this section shall be concurrent
16 with the Court of Common Pleas of Philadelphia County except
17 with respect to matters specified in subsection (a)(2), as to
18 which the jurisdiction of the municipal court shall be exclusive
19 except as otherwise prescribed by any general rule adopted
20 pursuant to section 503.

21 (c) Venue and process.--The venue of the municipal court
22 concerning matters over which jurisdiction is conferred by this
23 section shall be as prescribed by general rule. The process of
24 the court shall extend beyond the territorial limits of the City
25 and County of Philadelphia to the extent prescribed by general
26 rule.

27 § 1124. Lien of judgments.

28 Judgment recovered in the Philadelphia Municipal Court shall
29 be a lien upon property in the same manner and to the same
30 extent that judgment recovered in the Court of Common Pleas of

1 Philadelphia County is a lien. All such judgments shall be
2 indexed in the judgment index or indices of Philadelphia County
3 in the same manner as judgments of the court of common pleas are
4 indexed.

5 SUBCHAPTER C

6 PITTSBURGH MAGISTRATES COURT

7 Sec.

8 1141. Pittsburgh Magistrates Court.

9 1142. Seat of court.

10 1143. Jurisdiction and venue.

11 § 1141. Pittsburgh Magistrates Court.

12 The Pittsburgh Magistrates Court shall be a court not of
13 record and shall consist of such a number of judges, not less
14 than five nor more than eight, as shall be specified by
15 ordinance of the City of Pittsburgh. The magistrates court shall
16 be the police magistrates authorized to be continued in
17 existence by section 21, Schedule to Article V of the
18 Constitution of Pennsylvania adopted April 23, 1968. Judges of
19 the Pittsburgh Magistrates Court shall be deemed district
20 justices for the purposes of Chapter 33 (relating to discipline,
21 removal and retirement of judicial officers).

22 § 1142. Seat of court.

23 The regular sessions of the Pittsburgh Magistrates Court
24 shall be held at such locations within the City of Pittsburgh as
25 may be designated by ordinance of the City of Pittsburgh.

26 § 1143. Jurisdiction and venue.

27 (a) General rule.--Except as otherwise prescribed by any
28 general rule adopted pursuant to section 503 (relating to
29 reassignment of matters) the Pittsburgh Magistrates Court shall
30 have jurisdiction of all of the following matters:

1 (1) Criminal complaints accusing any person of the
2 commission of any felony or misdemeanor, where such felony or
3 misdemeanor has been committed within the corporate limits of
4 the City of Pittsburgh, and to issue warrants for the arrest
5 of such person so accused, administer oaths and hold
6 preliminary hearings in all such cases, and commit to jail,
7 or bind over for trial or discharge such accused person, as
8 the evidence produced at such hearing may warrant. The court
9 shall have power to admit to bail as prescribed by general
10 rules.

11 (2) Arrests upon view, or upon complaint made and
12 warrant issued, by the police of the City of Pittsburgh, of
13 all persons who may be found engaged in or be charged with
14 drunkenness, disorderly conduct, selling liquor contrary to
15 law, maintaining a disorderly house or bawdy house, lewd,
16 indecent or lascivious behavior on the streets or elsewhere,
17 gambling, creating riots or disturbances, vagrants, beggars,
18 prostitutes, disturbers of the public peace, known or reputed
19 pickpockets, burglars, thieves, watch stuffers, cheating,
20 swindling, persons who abuse their families, and suspicious
21 persons who can give no reasonable account of themselves, or
22 violating any of the laws or ordinances of such city.

23 (3) Civil claims for the recovery of fines and penalties
24 imposed by any and all ordinances of the City of Pittsburgh,
25 or by any and all ordinances and regulations relating to
26 housing and health administered and enforced by a county
27 health department where a violation takes place in such city,
28 and all cases of summary conviction arising under the laws
29 and ordinances of or applicable to such city and under the
30 laws, ordinances, rules and regulations relating to housing

1 and health administered and enforced by a county department
2 of health where a violation takes place in such city, with
3 full power to hear the said cases, administer oaths or
4 affirmations therein, decide the same, enforce the penalty,
5 collect the fine or commit to prison as the case may be
6 according to the provisions of the law and ordinances
7 applicable thereto.

8 (4) Matters within the jurisdiction of the court when
9 sitting as the Traffic Court of Pittsburgh.

10 (b) Venue and process.--The venue of the Pittsburgh
11 Magistrates Court concerning matters over which jurisdiction is
12 conferred by subsection (a) shall be as prescribed by general
13 rule. The process of the court shall extend beyond the
14 territorial limits of the City of Pittsburgh to the extent
15 prescribed by general rule.

16 CHAPTER 13

17 TRAFFIC COURTS

18 Subchapter

19 A. General Provisions

20 B. Traffic Court of Philadelphia

21 C. Traffic Court of Pittsburgh

22 SUBCHAPTER A

23 GENERAL PROVISIONS

24 Sec.

25 1301. Seats of traffic courts.

26 1302. Jurisdiction and venue.

27 1303. Signatures and dockets.

28 § 1301. Seats of traffic courts.

29 The regular sessions of a traffic court shall be held at such
30 locations within the political subdivision for which the court

1 is established as may be approved in compliance with general
2 rules by the president judge of the court of common pleas of the
3 judicial district embracing such political subdivision.

4 § 1302. Jurisdiction and venue.

5 (a) General rule.--Except as otherwise prescribed by any
6 general rule adopted pursuant to section 503 (relating to
7 reassignment of matters), each traffic court shall have
8 jurisdiction of all prosecutions for summary offenses arising
9 under:

10 (1) The act of April 29, 1959 (P.L.58, No.32), known as
11 "The Vehicle Code."

12 (2) Any ordinance of any political subdivision enacted
13 pursuant to "The Vehicle Code."

14 (b) Concurrent and exclusive jurisdiction.--The jurisdiction
15 of a traffic court under this section shall be exclusive of the
16 courts of common pleas and district justices, except that such
17 jurisdiction shall be concurrent with the district justices
18 whenever the traffic court is closed.

19 (c) Venue and process.--The venue of a traffic court
20 concerning matters over which jurisdiction is conferred by this
21 section shall be as prescribed by general rule. The process of
22 the court shall extend beyond the territorial limits of the
23 political subdivision for which it is established to the extent
24 prescribed by general rule.

25 § 1303. Signatures and dockets.

26 Facsimile signatures of the traffic court judges may be used
27 for all purposes in lieu of the original signatures, except on
28 affidavits for warrants of arrest and on the docket of the
29 traffic court. Traffic court dockets shall contain a record of
30 the disposition of every case and where a fine and costs are

1 imposed shall record the amount of said fine and the amount of
2 costs. The docket shall in all cases, where a summons has been
3 issued, as to each case, be signed by the judge making the
4 disposition or in his name by the clerk of the traffic court.

5 SUBCHAPTER B

6 TRAFFIC COURT OF PHILADELPHIA

7 Sec.

8 1321. Traffic Court of Philadelphia.

9 § 1321. Traffic Court of Philadelphia.

10 The Traffic Court of Philadelphia shall be a court not of
11 record and shall consist of six judges. The court is established
12 for the City and County of Philadelphia.

13 SUBCHAPTER C

14 TRAFFIC COURT OF PITTSBURGH

15 Sec.

16 1331. Traffic Court of Pittsburgh.

17 1332. Operations of traffic court.

18 § 1331. Traffic Court of Pittsburgh.

19 The Traffic Court of Pittsburgh shall be a court not of
20 record and shall be held by such of the judges of the Pittsburgh
21 Magistrates Court as shall be assigned thereto by the Mayor of
22 the City of Pittsburgh, one of whom shall be designated by the
23 mayor as the presiding magistrate of the traffic court. The
24 court is established for the City of Pittsburgh.

25 § 1332. Operations of traffic court.

26 The presiding magistrate shall preside over and supervise the
27 work of the Traffic Court of Pittsburgh. In the absence of the
28 presiding magistrate designated by the mayor, the judge then
29 temporarily presiding shall have such supervision. The traffic
30 court shall be open for the transaction of business at such

times as shall be designated by ordinance of the City of
Pittsburgh or prescribed by general rule.

ARTICLE E

DISTRICT JUSTICES

Chapter

15. District Justices

CHAPTER 15

DISTRICT JUSTICES

Subchapter

A. Magisterial Districts

B. District Justices

SUBCHAPTER A

MAGISTERIAL DISTRICTS

Sec.

1501. Definitions.

1502. Classification of districts.

1503. Reestablishment of districts.

§ 1501. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Court." The Supreme Court or the court of common pleas of each judicial district under the direction of the Supreme Court.

"Political subdivision." Any municipality or township except the City and County of Philadelphia.

"Population." The number of persons residing within a political subdivision or part thereof as determined by the then current Federal decennial or Federal special census.

"Population density." The number of persons residing within a political subdivision or part thereof as determined by

1 dividing such number by the land area expressed in square miles
2 as determined in the official publication by the Bureau of
3 Statistics of the Department of Commerce.

4 § 1502. Classification of districts.

5 (a) Second class counties.--The classes of magisterial
6 districts in judicial districts coextensive with counties of the
7 second class shall be determined as follows:

8 (1) Magisterial districts of the first class shall have
9 a population density of more than 5,000 persons per square
10 mile and a population of not less than 65,000 persons.

11 (2) Magisterial districts of the second class shall have
12 a population density of more than 500 persons per square mile
13 and a population of between 22,500 and 65,000 persons.

14 (3) Magisterial districts of the third class shall have
15 a population density of more than 200 persons per square mile
16 and a population of between 12,000 and 22,500 persons.

17 (4) Magisterial districts of the fourth class shall have
18 a population density of more than 70 persons per square mile
19 and a population of between 7,500 and 12,000 persons.

20 (5) Magisterial districts of the fifth class shall have
21 a population density of less than 70 persons per square mile
22 and a population of between 4,000 and 7,500 persons.

23 (b) Other counties.--The classes of magisterial districts in
24 judicial districts not coextensive with counties of the first
25 class or counties of the second class shall be determined as
26 follows:

27 (1) Magisterial districts of the first class shall have
28 a population density of more than 1,000 persons per square
29 mile and a population of not less than 15,000 persons.

30 (2) Magisterial districts of the second class shall have

1 a population density of more than 400 persons per square mile
2 and a population of not less than 4,000 persons.

3 (3) Magisterial districts of the third class shall have
4 a population density of less than 400 persons per square mile
5 and a population of not less than 4,000 persons.

6 (4) Magisterial districts of the fourth class shall have
7 a population density of less than 400 persons per square mile
8 and a population of between 2,000 and 4,000 persons. The
9 number of magisterial districts of the fourth class within a
10 judicial district shall not be increased.

11 § 1503. Reestablishment of districts.

12 (a) General rule.--In each year following that in which the
13 Federal decennial census is officially reported as required by
14 Federal law the court shall reestablish the number, boundaries
15 and classes of magisterial districts within each judicial
16 district except:

17 (1) The first judicial district.

18 (2) Any judicial district where a community court has
19 been established and not discontinued.

20 The number, boundaries and class of magisterial districts within
21 each judicial district shall be revised from time to time as
22 required for the efficient administration of justice within each
23 magisterial district.

24 (b) Discontinuance of community court.--The court upon the
25 discontinuance of a community court shall establish the number,
26 boundaries and classes of magisterial districts within the
27 judicial district embracing such discontinued community court.
28 Such action shall be completed prior to the first Monday of
29 January of the odd-numbered year next following the primary
30 election at which the discontinuance of the community court is

1 approved.

2 (c) Standards for establishment of magisterial districts.--

3 In the case of a political subdivision containing within its
4 boundaries two or more magisterial districts, the court shall
5 divide the political subdivision into magisterial districts as
6 nearly equal as possible in population and area, and the court
7 may presume that the population density of each part of a
8 political subdivision is the same population density as for the
9 whole political subdivision. The court in establishing the
10 number and boundaries of magisterial districts shall not
11 subdivide political subdivisions unless either:

12 (1) the political subdivision contains two or more
13 noncontiguous parts; or

14 (2) the political subdivision contains within its
15 boundaries two or more magisterial districts, in which case
16 wards or other election districts of the political
17 subdivision shall not be subdivided.

18 SUBCHAPTER B

19 DISTRICT JUSTICES

20 Sec.

21 1511. District justices.

22 1512. Seal.

23 1513. Powers of district justices.

24 1514. Offices.

25 1515. Jurisdiction and venue.

26 1516. Lien of judgment.

27 § 1511. District justices.

28 There shall be one district justice in each magisterial
29 district.

30 § 1512. Seal.

1 Each magisterial district shall have a seal, which shall be
2 in the custody of the district justice elected or appointed for
3 such district. The official acts of the district justice shall
4 be authenticated therewith. There shall be engraved on the seal
5 such inscription as may be specified by general rule.

6 § 1513. Powers of district justices.

7 Every district justice shall have power to issue every lawful
8 process to or to be served or enforced by system and related
9 personnel and to make such lawful orders as his official
10 business may require. A district justice may take affidavits and
11 acknowledgments outside his magisterial district but within this
12 Commonwealth.

13 § 1514. Offices.

14 Offices of district justices shall be established in
15 compliance with standards prescribed by general rule.

16 § 1515. Jurisdiction and venue.

17 (a) Jurisdiction.--Except as otherwise prescribed by general
18 rule adopted pursuant to section 503 (relating to reassignment
19 of matters) district justices shall, under procedures prescribed
20 by general rule, have jurisdiction of all of the following
21 matters:

22 (1) Summary offenses, except those within the
23 jurisdiction of an established and open traffic court.

24 (2) Matters arising under the act of April 6, 1951
25 (P.L.69, No.20), known as "The Landlord and Tenant Act of
26 1951," which are stated therein to be within the jurisdiction
27 of a justice of the peace.

28 (3) Civil claims wherein the sum demanded does not
29 exceed \$1,000, exclusive of interest and costs, in the
30 following classes of actions:

1 (i) In assumpsit, except cases of real contract
2 where the title to real estate may be in question.

3 (ii) In trespass, including all forms of trespass
4 and trespass on the case.

5 (iii) For fines and penalties by any government
6 agency.

7 A plaintiff may waive a portion of his claim of more than
8 \$1,000 so as to bring the matter within the jurisdiction of a
9 district justice. Such waiver shall remain effective except
10 upon appeal by either party or when the judgment is set aside
11 upon certiorari.

12 (4) As commissioners to preside at arraignments, fix and
13 accept bail, issue warrants and perform duties of a similar
14 nature, including the jurisdiction of a committing magistrate
15 in all criminal proceedings.

16 (5) Matters jurisdiction of which is vested in district
17 justices by any statute.

18 (b) Venue and process.--The venue of a district justice
19 concerning matters over which jurisdiction is conferred by
20 subsection (a) of this section shall be as prescribed by general
21 rule. The process of the district justice shall extend beyond
22 the territorial limits of the magisterial district to the extent
23 prescribed by general rule.

24 § 1516. Lien of judgment.

25 A judgment of a district justice shall not operate as a lien
26 on real property until a transcript of the record showing a
27 final judgment of a district justice has been filed in the
28 manner prescribed by general rules in the office of the clerk of
29 the court of common pleas of the county where the property is
30 situated, or in the office of the clerk of the branch of the

1 court of common pleas embracing such county. After such entry
2 the judgment shall, from the date of such entry, be a lien upon
3 real property to the same extent that judgment recovered in the
4 court of common pleas is a lien. No such transcript shall be
5 filed until after 30 days after the entry of final judgment by
6 the district justice. No execution against real estate shall be
7 issued by a district justice.

8 SUBPART B

9 OTHER STRUCTURAL PROVISIONS

10 Chapter

- 11 17. Governance of the System
- 12 19. Administrative Office of Pennsylvania Courts
- 13 21. Judicial Boards and Commissions
- 14 23. System and Related Personnel
- 15 25. Representation of Litigants
- 16 27. Office of the Clerk of the Court of Common Pleas

17 CHAPTER 17

18 GOVERNANCE OF THE SYSTEM

19 Subchapter

- 20 A. General Provisions
- 21 B. Judicial Council of Pennsylvania
- 22 C. Specific Powers of the Governing Authority of the System

23 SUBCHAPTER A

24 GENERAL PROVISIONS

25 Sec.

26 1701. General supervisory and administrative authority of
27 the Supreme Court.

28 1702. Rule making procedures.

29 § 1701. General supervisory and administrative authority
30 of the Supreme Court.

1 The Supreme Court shall exercise general supervisory and
2 administrative authority over the unified judicial system and in
3 aid thereof shall have the powers specified in Subchapter C
4 (relating to specific powers of the governing authority of the
5 system).

6 § 1702. Rule making procedures.

7 (a) General rule.--Subject to the provisions of subsection
8 (b), the Supreme Court and all agencies or units of the unified
9 judicial system exercising the power to adopt general rules or
10 other orders in the nature of regulations pursuant to the
11 authority of the Supreme Court under section 1721 (relating to
12 delegation of powers) shall be an agency within the meaning of
13 the act of July 31, 1968 (P.L.769, No.240), known as the
14 "Commonwealth Documents Law," and shall be subject to all of the
15 provisions of such act except section 205 (relating to approval
16 as to legality). No such general rule or order adopted by the
17 Supreme Court or by such an agency or unit shall take effect
18 prior to publication in the Pennsylvania Bulletin, unless the
19 government unit adopting the general rule or order for good
20 cause finds (and incorporates the finding and a brief statement
21 of the reasons therefor in the order adopting the general rule
22 or order or change therein) that the deferral of the effective
23 date of the general rule or order or change therein beyond the
24 date specified in the order is impracticable or contrary to the
25 public interest.

26 (b) Scope.--The provisions of subsection (a) shall apply
27 only to a rule or order adopted pursuant to the following
28 provisions of this title or which is otherwise based in whole or
29 in part upon authority conferred by any provision of this title
30 or by other statutory authority:

1 Section 503 (relating to reassignment of matters).
2 Section 1722(b) (relating to enforcement and effect of
3 orders and process).
4 Section 1722(c) (relating to time limitations).
5 Section 1724 (relating to rules of evidence).
6 Section 1728 (relating to establishment of fees and
7 charges).
8 Section 1729 (relating to establishment of taxable
9 costs).
10 Section 1731 (relating to recognition of related
11 organizations).

12 The provisions of subsection (a) of this section shall also
13 apply to other rules and orders to the extent prescribed by
14 general rule.

15 SUBCHAPTER B

16 JUDICIAL COUNCIL OF PENNSYLVANIA

17 Sec.

18 1711. Judicial Council of Pennsylvania.

19 1712. Organization.

20 1713. Staff.

21 1714. Powers and duties.

22 § 1711. Judicial Council of Pennsylvania.

23 (a) General rule.--A Judicial Council of Pennsylvania
24 created by the Supreme Court shall consist of the persons
25 designated by or pursuant to general rule.

26 (b) Seal.--The Judicial Council shall have a seal engraved
27 with its name and such other inscription as may be specified by
28 general rule. A facsimile or preprinted seal may be used for all
29 purposes in lieu of the original seal.

30 § 1712. Organization.

1 The organization and proceedings of the Judicial Council
2 shall be governed by general rule.

3 § 1713. Staff.

4 The Judicial Council shall have such staff as may be
5 prescribed by general rule. The office of the staff shall be in
6 the facility specified in section 3701 (relating to Pennsylvania
7 Judicial Center).

8 § 1714. Powers and duties.

9 Subject to any inconsistent general rules, the Judicial
10 Council shall exercise the powers and perform the duties vested
11 in and imposed upon the council by law.

12 SUBCHAPTER C

13 SPECIFIC POWERS OF THE GOVERNING

14 AUTHORITY OF THE SYSTEM

15 Sec.

16 1721. Delegation of powers.

17 1722. Adoption of administrative and procedural rules.

18 1723. Review of rules of court.

19 1724. Rules of evidence.

20 1725. Recommendations to the General Assembly and other bodies.

21 1726. General supervisory and administrative authority.

22 1727. Personnel of the system.

23 1728. Establishment of fees and charges.

24 1729. Establishment of taxable costs.

25 1730. Budget and financial matters.

26 1731. Recognition of related organizations.

27 1732. Conferences and institutes.

28 1733. Boards, councils, commissions and committees.

29 § 1721. Delegation of powers.

30 The Supreme Court may from time to time delegate to a

1 judicial council existing under order of the Supreme Court as
2 implemented by Subchapter B (relating to Judicial Council of
3 Pennsylvania) or otherwise or to any other agency or unit of the
4 unified judicial system such of the supervisory and
5 administrative powers of the court, including the powers
6 specified in this subchapter, as may be specified by general
7 rule.

8 § 1722. Adoption of administrative and procedural rules.

9 (a) General rule.--The governing authority shall have the
10 power to prescribe and modify general rules governing:

11 (1) Practice, procedure and the conduct of all courts,
12 district justices and all officers serving process or
13 enforcing orders of any court or district justice and for
14 admission to the bar and to practice law, and the
15 administration of all courts and the supervision of all
16 officers of the judicial branch, if such rules are consistent
17 with the Constitution of Pennsylvania and neither abridge,
18 enlarge nor modify the substantive rights of any litigant,
19 nor suspend nor alter any statute of limitation or repose.
20 All statutes shall be suspended to the extent that they are
21 inconsistent with rules prescribed under this paragraph.

22 (2) The prescription of canons of ethics applicable to
23 judges and the prescription of rules or canons applicable to
24 the activities of all other personnel of the system.

25 (3) Procedure under section 18 of Article V of the
26 Constitution of Pennsylvania and Subchapter C of Chapter 33
27 (relating to discipline and removal by Judicial Inquiry and
28 Review Board).

29 (4) Procedure for the suspension, removal, discipline
30 and compulsory retirement of district justices.

1 (5) Any matter which is authorized by statute to be
2 governed by general rules.
3 A governing authority other than the Supreme Court shall not
4 have power to prescribe general rules for assignment or
5 reassignment of classes of matters among the several courts and
6 district justices under section 503 (relating to reassignment of
7 matters) or otherwise.

8 (b) Enforcement and effect of orders and process.--To the
9 extent, if any, that such powers shall not be conferred by the
10 provisions of subsection (a)(1) and (5), the governing authority
11 shall have power to prescribe and modify general rules,
12 consistent with this title and any other applicable unrepealed
13 statute, governing:

14 (1) The effect of judgments and other orders of, and the
15 right to and effect of attachments and other process issuing
16 out of, a tribunal, and the manner of the enforcement of any
17 thereof, including the time during which and the property
18 with respect to which they shall be a lien, the relative
19 priority of liens and other claims, stays of execution which
20 may or shall be granted, satisfaction of judgments and
21 dissolution of attachments, and all other matters relating to
22 judgments and other orders and attachments and other process
23 which have been regulated heretofore by statute.

24 (2) The powers and duties of system and related
25 personnel relating to the custody of and the judicial sale or
26 other disposition of property of judgment debtors and other
27 property within the jurisdiction of a tribunal. Any system or
28 related personnel who shall comply with the provisions of
29 such rules shall be free from all liability to any person
30 with respect to action in pursuance of such rules.

(c) Time limitations.--The governing authority shall have power to prescribe and modify general rules:

(1) On any subject covered by subchapter D of Chapter 55 (relating to appeals).

(2) Specifying the time within which a matter must be commenced under section 708 (relating to improvident administrative appeals and other matters) or otherwise objecting to acts of a government unit.

The provisions of subchapter D (relating to appeals) of Chapter 55 (relating to limitation of time) and all other statutes relating to time for taking appeals shall be suspended to the extent that they are inconsistent with rules prescribed under this subsection. The intention of this subsection is to authorize the governing authority to develop and maintain uniformity in time periods for taking appeals within the scope of this subsection by eliminating statutory time limitations which are inconsistent with the general pattern of similar time limitations for taking appeals fixed by statute.

§ 1723. Review of rules of court.

The governing authority shall be responsible for a continuous review of rules of all courts, including local rules of the courts of common pleas, and shall have power to approve or disapprove all rules of court. The governing authority shall incorporate the substance of existing rules of court into general rules to the maximum extent possible in order to facilitate the work of judges and district justices who may be temporarily assigned from another court or district.

§ 1724. Rules of evidence.

The governing authority may prescribe and modify rules of evidence which shall be binding upon all courts and district

1 justices if such rules are consistent with the Constitution of
2 Pennsylvania.

3 § 1725. Recommendations to the General Assembly and other
4 bodies.

5 The governing authority shall be responsible for a continuous
6 review of the operations and efficiency of the unified judicial
7 system of this Commonwealth and offices related to and serving
8 the system, and shall make such recommendations with respect
9 thereto to the General Assembly and other bodies having
10 jurisdiction as it shall find to be necessary or desirable for
11 the prompt, fair and efficient administration of justice.

12 § 1726. General supervisory and administrative authority.

13 The governing authority shall exercise general supervisory
14 and administrative authority over all courts and district
15 justices, including the authority to:

16 (1) Define by general rule or by order the relative
17 administrative powers, duties and responsibilities of all
18 personnel of the system concerned with its administration,
19 including:

20 (i) The Court Administrator of Pennsylvania.

21 (ii) District court administrators.

22 (iii) President judges.

23 (iv) Administrative judges of divisions.

24 (v) Administrative staff.

25 (vi) Central staff.

26 The governing authority under this paragraph may specify who
27 shall exercise the power of appointment or removal of the
28 personnel of the system except county staff and personal
29 staff.

30 (2) Prescribe uniform procedures, forms and reports for

1 clerical functions to be performed by system and related
2 personnel and to establish record retention schedules.

3 (3) Take, or to provide for the taking of, such other
4 administrative action agreeable to the provisions of the
5 Constitution of Pennsylvania or of this title as may be
6 necessary or desirable for the prompt, fair and efficient
7 administration of justice.

8 § 1727. Personnel of the system.

9 (a) General rule.--Except as provided in subsection (b), the
10 governing authority shall exercise general supervisory and
11 administrative authority over the personnel of the system,
12 including the power to:

13 (1) Standardize the qualifications for employment, and
14 all titles, salaries and wages of appointed personnel of the
15 system. In establishing such standards the governing
16 authority may:

17 (i) Take into consideration the location of the work
18 and the conditions under which the service is rendered.

19 (ii) Establish different standards for different
20 kinds, grades and classes of similar work or service.

21 (iii) Adopt by reference in whole or in part the
22 then current regulations of the Executive Board
23 promulgated under section 709(a) of the act of April 9,
24 1929 (P.L.177, No.175), known as "The Administrative Code
25 of 1929," and the related personnel rules (4 Pa. Code Ch.
26 23).

27 (iv) Adopt by reference in whole or in part the then
28 current regulations of the Civil Service Commission
29 promulgated under the act of August 5, 1941 (P.L.752,
30 No.286), known as the "Civil Service Act."

1 (2) Approve or disapprove the establishment of sections,
2 bureaus, offices and other administrative units within the
3 system, to investigate duplication of work of the several
4 administrative units within the system and offices employing
5 related personnel and the efficiency of the organization and
6 administration thereof, and to adopt measures for the better
7 coordination of the work of system and related personnel.

8 (3) Approve or disapprove the number and grade of
9 authorized positions within the personnel of the system,
10 except such positions the compensation of which is fixed by
11 statute.

12 (4) Approve or disapprove, in like manner as the
13 Executive Board, the payment of extra compensation to
14 personnel of the system who are employed at fixed
15 compensation.

16 (5) Determine, from time to time, the hours when the
17 office of the clerk and the administrative and central
18 offices of the system shall open and close.

19 (6) Approve or disapprove extensions of leaves of
20 absence, with pay, for personnel of the system.

21 (7) Promulgate rules and regulations defining the
22 expenses for which the personnel of the system and members of
23 advisory committees may be reimbursed.

24 (8) Approve or disapprove recommendations for the
25 bonding of the personnel of the system, to fix the amounts of
26 the bonds of all such personnel required to give such bond,
27 and to require any bond to be executed by a surety.

28 (9) Approve or disapprove the establishment of offices
29 by any administrative unit within the personnel of the system
30 at any place other than the facilities specified in section

3701 (relating to Pennsylvania Judicial Center) and section
3721 (relating to county judicial center).

(10) Regulate the employment of and the charges made by
official court reporters for transcript and similar services.

(11) Fix the fees or salary of members of the Judicial
Council who are not judicial officers.

(12) Take cognizance of all such other matters as would
fall within the jurisdiction of the Executive Board if the
system were an administrative department under "The
Administrative Code of 1929."

(b) Exception.--Nothing in subsection (a) shall apply to
county staff or shall affect the existing powers of the salary
boards of the several counties of this Commonwealth.

§ 1728. Establishment of fees and charges.

(a) General rule.--The governing authority shall fix by
general rule the filing fees for the commencement of any matter
before any court or district justice and the fees which system
and related personnel shall be entitled to collect for services
performed and the fees and expenses to be received by jurors and
witnesses. No person shall demand or receive any fee or charge
for any service within the scope of his office or employment
except as fixed or authorized by the governing authority
pursuant to this section. In fixing fees the governing authority
shall be guided by the following considerations:

(1) The unified judicial system is established for the
good order of society and the correction of injustice, and no
person should have right and justice denied or delayed by
reason of poverty.

(2) The number and type of fees should be minimized to
the end that the schedule of fees may be simple and

1 understandable to the public and amenable to modern
2 accounting systems and controls.

3 (3) Except as otherwise provided by statute, that
4 portion of the yield of the fees payable to the counties
5 should be equivalent to the net revenues receivable by the
6 counties under the prior provisions of law.

7 (4) The fees payable to witnesses and jurors should be
8 fair and reasonable and adequate to encourage persons to
9 appear and serve as such.

10 (5) The expenses of a criminal prosecution should be
11 debited to the judicial and correctional account of the
12 county in which the offense is alleged to have been
13 committed.

14 (6) The expenses of a prosecution for violation of any
15 ordinance of a city, borough, incorporated town or township
16 of the first class and the expenses of any resulting
17 confinement should be paid by the city, borough, incorporated
18 town or township of the first class which enacted the
19 ordinance.

20 (b) Definition.--As used in this section "witness" includes
21 a person called to testify before any tribunal or other
22 government unit.

23 § 1729. Establishment of taxable costs.

24 The governing authority shall prescribe by general rule the
25 standards governing the imposition and taxation of costs,
26 including the items which constitute taxable costs, the
27 litigants who shall bear such costs, and the discretion vested
28 in the courts to modify the amount and responsibility for costs
29 in specific matters. All system and related personnel shall be
30 bound by such general rules. In prescribing such general rules,

1 the governing authority shall be guided by the following
2 considerations, among others:

3 (1) Attorney's fees should be an item of taxable costs
4 only if and to the extent authorized by section 2503
5 (relating to right of participants to receive counsel fees).

6 (2) The prevailing party should recover his costs from
7 the unsuccessful litigant except where the:

8 (i) Costs relate to the existence, possession or
9 disposition of a fund and the costs should be borne by
10 the fund.

11 (ii) Question involved is a public question or where
12 the applicable law is uncertain and the purpose of the
13 litigants is primarily to clarify the law.

14 (iii) Application of the rule would work substantial
15 injustice.

16 (3) The imposition of actual costs or a multiple thereof
17 may be used as a penalty for violation of general rules or
18 rules of court.

19 § 1730. Budget and financial matters.

20 The governing authority shall have power to:

21 (1) Review the tentative budget request of the system
22 prepared by the Administrative Office pursuant to section
23 3522 (relating to preparation of tentative budget request),
24 to make such modifications therein as in its judgment are
25 necessary or desirable, and to approve a final budget request
26 of the system pursuant to Subchapter B of Chapter 35
27 (relating to Judicial Department budget and finance).

28 (2) Approve or disapprove requests for the purchase from
29 funds appropriated to the system of goods or services by
30 personnel of the system, including the rental of space, and

requests for the construction or modification of Commonwealth facilities to be utilized by the system.

§ 1731. Recognition of related organizations.

(a) General rule.--The governing authority shall have power on application to identify the several conferences or associations which are the most broadly representative of each of the following groups:

(1) Judges of the courts of common pleas, community courts and Philadelphia Municipal Court.

(2) District justices.

(3) Members of the bar of the Supreme Court.

(4) Such other conferences or associations of system and related personnel as may be recognized by the governing authority.

If the governing authority shall approve the organic law of the conference or association insofar as it relates to matters affecting the system, the governing authority may by general rule designate the applicant as the recognized conference or association of such group for the purposes of this title and any other provision of law.

(b) Changes in recognition.--The governing authority may transfer recognition from one conference or association of a group to another such conference or association whenever the governing authority shall find that the circumstances warrant such change and shall revoke the designation of any conference or association if it shall find that such conference or association would not be designated a recognized conference or association if then making application therefor.

(c) Expenses.--The governing authority may authorize the payment of the expenses of personnel of the system incident to

1 participation in the work of a recognized conference or
2 association and may make grants for the support of the work
3 thereof.

4 § 1732. Conferences and institutes.

5 The governing authority shall have power by general rule or
6 by order to provide for the organization and convening on a
7 regular or special basis of a Judicial Conference of
8 Pennsylvania, institutes and joint councils on sentencing, and
9 such other informational and educational conferences and
10 institutes as the governing authority may find to be necessary
11 or desirable for the prompt, fair and efficient administration
12 of justice, and to require the attendance of such system and
13 related personnel as shall be designated by or pursuant to such
14 general rules or orders. The governing authority may cooperate
15 with other states and the Federal Government in the convening,
16 organization and maintenance of conferences and institutes
17 authorized by this section.

18 § 1733. Boards, councils, commissions and committees.

19 The governing authority shall have power by general rules or
20 by order to establish and discontinue boards, councils,
21 commissions, committees or other bodies composed of personnel of
22 the system and other persons to consider, report or take action
23 on any subject specified in such general rules or order
24 affecting the organization or operation of the unified judicial
25 system and the offices related to and serving the system.

26 CHAPTER 19

27 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

28 Sec.

29 1901. Court Administrator of Pennsylvania.

30 1902. Administrative Office of Pennsylvania Courts.

1 1903. Staff.

2 1904. General functions of Administrative Office.

3 1905. Cooperation with Administrative Office.

4 § 1901. Court Administrator of Pennsylvania.

5 (a) General rule.--The Supreme Court shall appoint and may
6 remove a Court Administrator of Pennsylvania. The Court
7 Administrator shall be responsible for the prompt and proper
8 disposition of the business of all courts and district justices.

9 (b) Seal.--The Court Administrator shall have a seal with
10 the words "Court Administrator of Pennsylvania" and such other
11 inscription as may be specified by general rule. A facsimile or
12 preprinted seal may be used for all purposes in lieu of the
13 original seal.

14 § 1902. Administrative Office of Pennsylvania Courts.

15 (a) General rule.--There shall be an Administrative Office
16 of Pennsylvania Courts, which shall be the office of the Court
17 Administrator of Pennsylvania and shall be maintained in the
18 facility specified in section 3701 (relating to Pennsylvania
19 Judicial Center). It shall be supervised by the Court
20 Administrator of Pennsylvania who shall, either personally, by
21 deputy, by other duly authorized personnel of the system, or by
22 duly authorized agent, exercise the powers and perform the
23 duties by law vested in and imposed upon the Administrative
24 Office.

25 (b) Seal.--The Administrative Office shall have a seal
26 engraved with its name and such other inscription as may be
27 specified by general rule. A facsimile or preprinted seal may be
28 used for all purposes in lieu of the original seal.

29 § 1903. Staff.

30 (a) Deputy and district administrators and other

1 personnel.--The Supreme Court may appoint and remove such deputy
2 court administrators of Pennsylvania and such district court
3 administrators and other personnel of the system as may be
4 necessary and proper for the prompt and proper disposition of
5 the business of all courts and district justices.

6 (b) Appointments by Court Administrator.--Subject to any
7 inconsistent orders of the governing authority, the Court
8 Administrator of Pennsylvania may appoint and remove such deputy
9 court administrators of Pennsylvania, district court
10 administrators and other central staff and administrative staff
11 as are authorized by the governing authority pursuant to section
12 1727 (relating to personnel of the system) to be appointed by
13 him.

14 § 1904. General functions of Administrative Office.

15 Subject to any inconsistent general rules, the Administrative
16 Office shall exercise the powers and perform the duties vested
17 in and imposed upon the Administrative Office by law.

18 § 1905. Cooperation with Administrative Office.

19 All system and related personnel shall comply with all
20 standing or special requests or directives made by the
21 Administrative Office for information and statistical data
22 relative to the work of the system and of offices related to and
23 serving the system and relative to the expenditure of public
24 moneys for their maintenance and operation. The governing
25 authority may prescribe by general rule or by order for the
26 enforcement of this section.

27 CHAPTER 21

28 JUDICIAL BOARDS AND COMMISSIONS

29 Subchapter

30 A. Judicial Inquiry and Review Board

1 B. Judicial Qualifications Commission (Reserved)

2 C. Jury Selection Commissions

3 D. Minor Judiciary Education Board

4 E. Boards of Viewers

5 SUBCHAPTER A

6 JUDICIAL INQUIRY AND REVIEW BOARD

7 Sec.

8 2101. Judicial Inquiry and Review Board.

9 2102. Composition of board.

10 2103. Organization.

11 2104. Staff.

12 2105. Powers and duties.

13 § 2101. Judicial Inquiry and Review Board.

14 (a) General rule.--The Judicial Inquiry and Review Board
15 shall consist of nine persons selected as provided in this
16 subchapter.

17 (b) Seal.--The Judicial Inquiry and Review Board shall have
18 a seal engraved with its name and such other inscription as may
19 be specified by general rule. A facsimile or preprinted seal may
20 be used for all purposes in lieu of the original seal.

21 § 2102. Composition of board.

22 (a) General rule.--The Judicial Inquiry and Review Board
23 shall consist of:

24 (1) Two judges of the Superior Court selected by the
25 Supreme Court.

26 (2) Three judges of the courts of common pleas selected
27 by the Supreme Court, no two or more of such judges shall be
28 from the same judicial district.

29 (3) Two nonjudge members of the bar of the Supreme Court
30 selected by the Governor.

1 (4) Two nonlawyer electors selected by the Governor.

2 (b) Terms of office.--The members of the board shall serve
3 for terms of four years, except that a member, rather than his
4 successor, shall continue to participate in any hearing in
5 progress at the end of his term. A vacancy on the board shall be
6 filled by the respective appointing authority for the balance of
7 the term. The respective appointing authority may remove a
8 member only for cause. No member shall serve more than four
9 consecutive years, but he may be reappointed after a lapse of
10 one year.

11 (c) Restriction on political activity.--A member of the
12 board may not hold office in a political party or a political
13 organization.

14 (d) Compensation.--Members selected by the Governor shall
15 receive such fees or salary as shall be fixed by the governing
16 authority.

17 § 2103. Organization.

18 Annually the Judicial Inquiry and Review Board shall elect a
19 chairman and other officers of the board, who shall hold office
20 at the pleasure of the board. The board shall act only with the
21 concurrence of a majority of its members.

22 § 2104. Staff.

23 The Judicial Inquiry and Review Board, or the chairman of the
24 board, as may be prescribed by general rule, shall appoint and
25 may remove an executive director and such administrative staff
26 of the board as may be authorized by the governing authority.

27 § 2105. Powers and duties.

28 The Judicial Inquiry and Review Board shall exercise the
29 powers and perform the duties vested in and imposed upon the
30 board by section 18 of Article V of the Constitution of

1 Pennsylvania and Subchapter C of Chapter 33 (relating to
2 discipline and removal by Judicial Inquiry and Review Board) and
3 any other powers and duties vested in and imposed upon the board
4 by law.

5 SUBCHAPTER B

6 JUDICIAL QUALIFICATIONS COMMISSION

7 (Reserved)

8 SUBCHAPTER C

9 JURY SELECTION COMMISSIONS

10 Sec.

11 2121. Jury selection commissions.

12 2122. Composition of jury selection commissions.

13 2123. Staff.

14 2124. Powers and duties.

15 § 2121. Jury selection commissions.

16 (a) General rule.--The jury selection commission in each
17 county of this Commonwealth shall consist of three or more
18 persons selected as provided in this subchapter or as provided
19 by home rule charter.

20 (b) Home rule charter counties.--The provisions of this
21 subchapter shall be subject to any inconsistent provisions of
22 any home rule charter.

23 § 2122. Composition of jury selection commissions.

24 (a) General rule.--Except in the first judicial district,
25 the jury selection commission shall consist of two jury
26 commissioners elected as provided in this section and a judge of
27 the court of common pleas of the judicial district embracing the
28 county designated from time to time by the president judge of
29 such court. The judge so designated shall be the chairman of the
30 commission.

1 (b) Election of commissioners.--The jury commissioners shall
2 be elected as provided in this subsection and, to the extent not
3 inconsistent with this subsection, as provided by the act of
4 July 28, 1953 (P.L.723, No.230), known as the "Second Class
5 County Code" and the act of August 9, 1955 (P.L.323, No.130),
6 known as "The County Code," as the case may be, and the act of
7 June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania
8 Election Code." Any jury commissioner shall be eligible for
9 reelection for any number of terms. The two persons elected as
10 jury commissioners shall not be of the same political party. The
11 candidate for the office who receives the highest number of
12 votes shall be one of the jury commissioners, and the other
13 shall be that candidate not being of the same political party as
14 the first who receives the next highest number of votes.

15 (c) Filling of vacancy.--In case of the inability of a jury
16 commissioner, by sickness, death, or other unavoidable cause, to
17 discharge the duties of his office, or in case of neglect or
18 refusal to serve, the president judge of the court of common
19 pleas of the judicial district shall appoint a suitable person
20 to perform the duties of the office during the period of
21 inability.

22 (d) Philadelphia.--In the first judicial district the jury
23 selection commission shall consist of the sheriff and two or
24 more judges of the Court of Common Pleas of Philadelphia County
25 designated by the President Judge of such court.

26 (e) Quorum.--A jury selection commission may act by any two
27 of its members.

28 § 2123. Staff.

29 The jury selection commission shall appoint and may remove a
30 clerk and such administrative staff of the commission as may be

1 authorized pursuant to law.

2 § 2124. Powers and duties.

3 Each jury selection commission shall exercise the powers and
4 perform the duties vested in and imposed upon such commissions
5 by Subchapter B of Chapter 45 (relating to selection and custody
6 of jurors) and any other powers and duties vested in and imposed
7 upon such commissions by law.

8 SUBCHAPTER D

9 MINOR JUDICIARY EDUCATION BOARD

10 Sec.

11 2131. Minor Judiciary Education Board.

12 2132. Composition of board.

13 2133. Organization.

14 2134. Staff.

15 2135. Powers and duties.

16 § 2131. Minor Judiciary Education Board.

17 (a) General rule.--The Minor Judiciary Education Board shall
18 consist of seven members selected as provided in this
19 subchapter.

20 (b) Seal.--The Minor Judiciary Education Board shall have a
21 seal engraved with its name and such other inscription as may be
22 specified by general rule. A facsimile or preprinted seal may be
23 used for all purposes in lieu of the original seal.

24 § 2132. Composition of board.

25 (a) General rule.--The Minor Judiciary Education Board shall
26 consist of the following appointed by the Governor with the
27 consent of two-thirds of the members elected to the Senate:

28 (1) Three persons who shall be judges of the Pittsburgh
29 Magistrates Court or the Traffic Court of Philadelphia or
30 district justices.

1 The boards of viewers in each county of this Commonwealth
2 shall consist of three or more persons selected as provided in
3 this subchapter.

4 § 2142. Composition of boards.

5 (a) General rule.--The court of common pleas of the judicial
6 district embracing the county shall appoint to the board of
7 viewers of the county such a number of persons as shall be
8 necessary for the proper performance of the duties imposed upon
9 the board. At least one-third of the members of the board of
10 viewers shall be attorneys-at-law and each member shall be a
11 resident of the county unless the court is unable to complete
12 the membership of the board from residents of the county, in
13 which event the court may appoint residents of adjacent
14 counties. In the City and County of Philadelphia the board of
15 viewers may be appointed from among the Board of Revision of
16 Taxes. Additional qualifications for membership on boards of
17 viewers may be established by general rule or rule of court.

18 (b) Terms of office.--The members of boards of viewers shall
19 serve for a term of not less than three nor more than six years,
20 as stated in the appointment, whether such appointment is for an
21 original or partly expired term. All appointments shall be
22 subject to the power of the court of common pleas to remove
23 members of the board without cause and to appoint successors.

24 § 2143. Staff.

25 Each board of viewers shall be provided with such staff as
26 may be necessary.

27 § 2144. Powers and duties.

28 Each board of viewers shall exercise the powers and perform
29 the duties vested in and imposed upon such boards by law.

30

CHAPTER 23

1 SYSTEM AND RELATED PERSONNEL

2 Sec.

3 2301. Appointment of personnel.

4 2302. Maintenance of adequate county staff.

5 2303. Powers of system and related personnel.

6 § 2301. Appointment of personnel.

7 (a) General rule.--Subject to any inconsistent general rules
8 or other inconsistent provisions of law each:

9 (1) Judge and district justice may appoint and fix the
10 duties of necessary personal staff.

11 (2) Court may appoint and fix the compensation and
12 duties of necessary administrative staff and fix the
13 compensation of personal staff.

14 (3) Other agency or unit of the unified judicial system
15 may appoint and fix the compensation and duties of necessary
16 central staff and personal staff.

17 (b) Oath of office.--Each member of a judicial board or
18 commission and each other person who is appointed to an office
19 shall, before entering upon the duties of his office, take and
20 subscribe the oath or affirmation specified in section 3151
21 (relating to oath of office).

22 (c) County staff unaffected.--The provisions of subsection
23 (a) are intended solely to codify and consolidate former
24 statutory provisions on the same subject and nothing in such
25 subsection shall be construed to limit, modify or deny the
26 existing powers or prerogatives of county staff or other
27 officers, other than judges, elected by the electorate of a
28 county, to appoint and to fix the reasonable compensation of
29 such classes of personnel as such county officers have
30 heretofore been authorized to do by law.

1 § 2302. Maintenance of adequate county staff.

2 Whenever necessary, it shall be the duty of county officers
3 to appoint or detail such county staff as shall enable the
4 judges of the courts embracing the county to properly transact
5 the business before their respective courts.

6 § 2303. Powers of system and related personnel.

7 System and related personnel shall have such powers,
8 including the power to issue subpoenas, as may be provided or
9 prescribed by law or order of court.

10 CHAPTER 25

11 REPRESENTATION OF LITIGANTS

12 Subchapter

13 A. General Provisions

14 B. Attorneys and Counsellors

15 SUBCHAPTER A

16 GENERAL PROVISIONS

17 Sec.

18 2501. Appearance in person or by counsel.

19 2502. Certain persons not to appear as counsel.

20 2503. Right of participants to receive counsel fees.

21 § 2501. Appearance in person or by counsel.

22 (a) Civil matters.--In all civil matters before any tribunal
23 every litigant shall have a right to be heard, by himself and
24 his counsel, or by either of them.

25 (b) Criminal matters.--In all criminal prosecutions the
26 accused has a right to be heard by himself and his counsel.

27 § 2502. Certain persons not to appear as counsel.

28 (a) General rule.--No attorney-at-law who is a member of the
29 staff of a court shall appear as counsel in such court and no
30 attorney-at-law shall appear in any court or in any matter in

1 violation of any general rule relating to the practice of law or
2 the conduct of courts, district justices and officers serving
3 process or enforcing orders of courts.

4 (b) Law clerks.--Except as otherwise prescribed by general
5 rules, a law clerk serving on the personal staff of a judge of a
6 court of common pleas may appear in such court as an attorney-
7 at-law before other judges of such court notwithstanding the
8 provisions of subsection (a).

9 § 2503. Right of participants to receive counsel fees.

10 The following participants shall be entitled to a reasonable
11 counsel fee as part of the taxable costs of the matter:

12 (1) The holder of bonds of a private corporation who
13 successfully recovers due and unpaid interest, the liability
14 for the payment of which was denied by the corporation.

15 (2) A garnishee who enters an appearance in a matter
16 which is discontinued prior to answer filed.

17 (3) A garnishee who is found to have in his possession
18 or control no indebtedness due to or other property of the
19 debtor except such, if any, as has been admitted by answer
20 filed.

21 (4) A possessor of property claimed by two or more other
22 persons, if the possessor interpleads the rival claimants,
23 disclaims all interest in the property and disposes of the
24 property as the court may direct.

25 (5) The prevailing party in an interpleader proceeding
26 in connection with execution upon a judgment.

27 (6) Any participant who is awarded counsel fees pursuant
28 to Rule 1035 or Rule 4019 of the Pennsylvania Rules of Civil
29 Procedure or any similar general rule relating to sanctions
30 in depositions and discovery.

1 (7) Any participant who is awarded counsel fees out of a
2 fund within the jurisdiction of the court pursuant to Rule
3 1574 of the Pennsylvania Rules of Civil Procedure or any
4 other general rule relating to an award of counsel fees from
5 a fund within the jurisdiction of the court.

6 (8) Any other participant in such circumstances as may
7 be specified by statute.

8 SUBCHAPTER B

9 ATTORNEYS AND COUNSELLORS

10 Sec.

11 2521. Office of attorney-at-law.

12 2522. Oath of office.

13 2523. Persons specially admitted by local rules.

14 2524. Penalty for unauthorized practice of law.

15 2525. Unauthorized solicitation prohibited.

16 § 2521. Office of attorney-at-law.

17 Persons admitted to the bar of the courts of this
18 Commonwealth and to practice law pursuant to general rules shall
19 thereby hold the office of attorney-at-law.

20 § 2522. Oath of office.

21 Before entering upon the duties of his office, each attorney-
22 at-law shall take and subscribe the following oath or
23 affirmation before a person authorized to administer oaths:

24 "I do solemnly swear (or affirm) that I will support,
25 obey and defend the Constitution of the United States and the
26 Constitution of this Commonwealth and that I will discharge
27 the duties of my office with fidelity, as well to the court
28 as to the client, that I will use no falsehood, nor delay the
29 cause of any person for lucre or malice."

30 Any person refusing to take the oath or affirmation shall

1 forfeit his office.

2 § 2523. Persons specially admitted by local rules.

3 Any person specially admitted to practice law on or before
4 April 23, 1968 may continue to practice in the court of common
5 pleas or in that division of the court of common pleas and the
6 Philadelphia Municipal Court which substantially includes the
7 practice for which such person was previously specially
8 admitted.

9 § 2524. Penalty for unauthorized practice of law.

10 Any person who within this Commonwealth shall practice law,
11 or who shall hold himself out to the public as being entitled to
12 practice law, or use or advertise the title of lawyer, attorney-
13 at-law, attorney and counsellor-at-law, counsellor, or the
14 equivalent in any language, in such a manner as to convey the
15 impression that he is a practitioner of the law of any
16 jurisdiction, without being an attorney-at-law or a corporation
17 complying with the act of July 9, 1970 (P.L.461, No.160), known
18 as the "Professional Corporation Law," is guilty of a
19 misdemeanor of the third degree.

20 § 2525. Unauthorized solicitation prohibited.

21 (a) Offense defined.--Any person not an attorney-at-law who
22 shall solicit or procure through solicitation a retainer, power
23 of attorney or any agreement, written or oral, authorizing an
24 attorney-at-law to perform or render legal services, or who
25 shall solicit any person in this Commonwealth to institute any
26 action or proceeding for damages in which the compensation of
27 any attorney-at-law for instituting or prosecuting such suit,
28 shall directly or indirectly, depend upon the amount of the
29 recovery therein, is guilty of a misdemeanor of the third
30 degree.

(b) Exception.--Subsection (a) shall not prohibit any bona fide labor organization from giving legal advice to its members in matters arising out of their employment or prohibit any person from engaging in any associational activity which is protected under the Constitution of the United States.

CHAPTER 27

OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS

Subchapter

A. General Provisions

B. Prothonotaries

C. Clerks of the Courts

D. Clerks of Orphans' Court Divisions

SUBCHAPTER A

GENERAL PROVISIONS

Sec.

2701. Scope and purpose of chapter.

2702. Place of filing of documents.

2703. Notice of transfer of functions and duties.

2704. Responsibility for entry, maintenance and certification of data.

§ 2701. Scope and purpose of chapter.

(a) Purpose.--The purpose of this chapter is to facilitate the prompt, fair and efficient administration of justice by specifying the respective powers and duties of prothonotaries, clerks of the courts and clerks of orphans' court divisions.

(b) Effect of other provisions of law.--The provisions of this chapter shall be subject to any inconsistent statute, home rule charter or optional plan of government, and to any inconsistent general rule or rule of court heretofore or hereafter adopted pursuant to and subject to the limitations of

1 constitutional authority.

2 § 2702. Place of filing of documents.

3 Where jurisdiction of any matter is by law vested in a court
4 of common pleas or in the Philadelphia Municipal Court, all
5 applications for relief or other documents relating to the
6 matter shall be filed in or transferred to the office of the
7 clerk of the court of common pleas and handled by the
8 appropriate office specified by or pursuant to this chapter.

9 § 2703. Notice of transfer of functions and duties.

10 Whenever pursuant to this chapter an officer files a waiver
11 of any functions and duties ordinarily incident to his office,
12 the order of court appointing another officer or other person to
13 perform such functions and duties entered pursuant to this
14 chapter shall not be valid for any purpose until filed in the
15 Administration Office. The Administration Office shall cause all
16 such orders to be published in the Pennsylvania Code.

17 § 2704. Responsibility for entry, maintenance and certification
18 of data.

19 The prothonotary, clerk of the courts and clerks of orphans'
20 court divisions shall be responsible for the accurate and timely
21 creation, maintenance and certification of the record of matters
22 pending before or determined by the courts of common pleas and
23 the Philadelphia Municipal Court, including data and reports
24 relating thereto.

25 SUBCHAPTER B

26 PROTHONOTARIES

27 Sec.

28 2731. Prothonotary.

29 2732. Selection of prothonotary.

30 2733. Seal.

1 2734. Office of the prothonotary.

2 2735. Staff.

3 2736. Matters or documents filed in the office of the
4 prothonotary.

5 2737. Powers and duties of the office of the prothonotary.

6 2738. Criminal, probate, estates and fiduciary matters.

7 § 2731. Prothonotary.

8 (a) General rule.--In each county of this Commonwealth there
9 shall be one prothonotary for the court of common pleas, who
10 shall be known as the "Prothonotary of (the respective) County."

11 (b) Multi-county judicial districts.--In multi-county
12 judicial districts the prothonotary shall be the prothonotary of
13 the branch of the court of common pleas established for the
14 county.

15 (c) Philadelphia.--In the first judicial district there
16 shall be one prothonotary for the Court of Common Pleas of
17 Philadelphia County and the Philadelphia Municipal Court, who
18 shall be known as the "Prothonotary of Philadelphia."

19 § 2732. Selection of prothonotary.

20 (a) General rule.--The prothonotary of each county shall be
21 selected, and may be removed, in the manner provided by the act
22 of July 28, 1953 (P.L.723, No.230), known as the "Second Class
23 County Code," or the act of August 9, 1955 (P.L.323, No.130),
24 known as "The County Code," as the case may be.

25 (b) Philadelphia.--The Prothonotary of Philadelphia shall be
26 appointed by the Court of Common Pleas of Philadelphia County.

27 § 2733. Seal.

28 The prothonotary shall have custody of a counterpart of the
29 seal of the court or courts for which he is the prothonotary.

30 § 2734. Office of the prothonotary.

1 (a) General rule.--There shall be an office of the
2 prothonotary in each county of this Commonwealth, which shall be
3 the office of the prothonotary of the county. It shall be
4 supervised by the prothonotary of the county who shall, either
5 personally, by deputy or by other duly authorized employees of
6 the office, exercise the powers, and perform the duties by law
7 imposed upon the prothonotary or the office of the prothonotary.

8 (b) Facilities and services.--The office of the prothonotary
9 shall be provided with all necessary accommodations, goods and
10 services pursuant to section 3722 (relating to general
11 facilities and services furnished by county).

12 § 2735. Staff.

13 (a) General rule.--The prothonotary may appoint and remove
14 such deputies and other administrative staff of the office of
15 the prothonotary as may be necessary.

16 (b) Solicitor.--The prothonotary may appoint and remove a
17 solicitor, who shall be a member of the bar of the Supreme
18 Court. The solicitor shall advise upon all legal matters that
19 may be submitted by the prothonotary to him, and shall conduct
20 any litigation when required to do so by the prothonotary.

21 (c) Compensation and duties.--The prothonotary may fix the
22 compensation and duties of the staff of the office of the
23 prothonotary. Where the compensation of the staff of the office
24 of the prothonotary is fixed by a county salary board, the
25 prothonotary shall be a member of the salary board for such
26 purpose.

27 § 2736. Matters or documents filed in the office of the
28 prothonotary.

29 All matters or documents required or authorized to be filed
30 in the office of the clerk of the court of common pleas shall be

1 filed in the office of the prothonotary except:

2 (1) Matters or documents specified in section 2756
3 (relating to matters or documents filed in the office of the
4 clerk of the courts).

5 (2) Matters or documents specified in section 2776
6 (relating to matters or documents filed in the office of the
7 clerk of the orphans' court division).

8 § 2737. Powers and duties of the office of the prothonotary.

9 The office of the prothonotary shall have the power and duty
10 to:

11 (1) Administer oaths and affirmations and take
12 acknowledgments pursuant to section 327 (relating to oaths
13 and acknowledgments), but shall not be compelled to do so in
14 any matters not pertaining to the proper business of the
15 office.

16 (2) Affix and attest the seal of the court or courts to
17 all the process thereof and to the certifications and
18 exemplifications of all documents and records pertaining to
19 the office of the prothonotary and the business of the court
20 or courts of which it is the prothonotary.

21 (3) Enter all civil judgments.

22 (4) Enter all satisfactions of civil judgments.

23 (5) Exercise the authority of the prothonotary as an
24 officer of the court.

25 (6) Exercise such other powers and perform such other
26 duties as may now or hereafter be imposed upon the office by
27 law, home rule charter, order or rule of court, or ordinance
28 of a county governed by a home rule charter or optional plan
29 of government.

30 § 2738. Criminal, probate, estates and fiduciary matters.

1 (a) General rule.--The personnel of the office of the
2 prothonotary shall exercise the powers and perform the duties
3 imposed upon the office of the clerk of the court of common
4 pleas by:

5 (1) Subchapter C (relating to clerks of the courts)
6 where no separate clerk of the courts is authorized for the
7 county.

8 (2) Subchapter D (relating to clerks of the orphans'
9 court division) where no separate clerk of the orphans' court
10 division is authorized for the county.

11 (b) Criminal matters.--Except as provided in subsection
12 (a)(1), the office of the prothonotary shall not exercise the
13 powers and perform the duties of the office of the clerk of the
14 courts.

15 (c) Probate, estates and fiduciary matters.--Except as
16 provided in subsection (a)(2), the office of the prothonotary
17 shall not exercise the powers and perform the duties of the
18 office of the clerk of the orphans' court division.

19 SUBCHAPTER C

20 CLERKS OF THE COURTS

21 Sec.

22 2751. Clerk of the courts.

23 2752. Selection of clerk of the courts.

24 2753. Seal

25 2754. Office of the clerk of the courts.

26 2755. Staff.

27 2756. Matters or documents filed in the office of the clerk of
28 the courts.

29 2757. Powers and duties of the office of the clerk of the
30 courts.

1 § 2751. Clerk of the courts.

2 (a) General rule.--In each county of this Commonwealth there
3 shall be a clerk of the courts for the court of common pleas who
4 shall be known as the "Clerk of the Courts of (the respective)
5 County."

6 (b) Multi-county judicial districts.--In multi-county
7 judicial districts the clerk of the courts shall be the clerk of
8 the court of the branch of the court of common pleas established
9 for the county.

10 (c) Philadelphia.--In the first judicial district there
11 shall be a clerk of the courts for the Court of Common Pleas of
12 Philadelphia County and the Philadelphia Municipal Court, who
13 shall be known as the "Clerk of Quarter Sessions of
14 Philadelphia."

15 § 2752. Selection of clerk of the courts.

16 (a) General rule.--The clerk of the courts of each county
17 shall be selected, and may be removed, in the manner provided by
18 the act of July 28, 1953 (P.L.723, No.280), known as the "Second
19 Class County Code" or the act of August 9, 1955 (P.L.323,
20 No.130), known as "The County Code," as the case may be. The
21 office shall be combined with another county office when so
22 provided by statute.

23 (b) Philadelphia.--The Clerk of Quarter Sessions of
24 Philadelphia shall be selected, and may be removed, in the
25 manner provided by statute or home rule charter.

26 § 2753. Seal.

27 The clerk of the courts shall have custody of a counterpart
28 of the seal of the court or courts for which he is the clerk of
29 the courts.

30 § 2754. Office of the clerk of the courts.

1 (a) General rule.--There shall be an office of the clerk of
2 the courts in each county of this Commonwealth, which shall be
3 the office of the clerk of the courts of the county. It shall be
4 supervised by the clerk of the courts of the county who shall,
5 either personally, by deputy, or by other duly authorized
6 employees of the office, exercise the powers and perform the
7 duties by law imposed upon the clerk of the courts or by the
8 office of the clerk of the courts.

9 (b) Facilities and services.--The office of the clerk of the
10 courts shall be provided with all necessary accommodations,
11 goods and services pursuant to section 3722 (relating to general
12 facilities and services furnished by county).

13 § 2755. Staff.

14 (a) General rule.--The clerk of the courts may appoint and
15 remove such deputies and other administrative staff of the
16 office of the clerk of the courts as may be necessary.

17 (b) Solicitor.--The clerk of the courts may appoint and
18 remove a solicitor, who shall be a member of the bar of the
19 Supreme Court. The solicitor shall advise upon all legal matters
20 that may be submitted by the clerk of the courts to him, and
21 shall conduct any litigation when required to do so by the clerk
22 of the courts.

23 (c) Compensation and duties.--The clerk of the courts, may
24 fix the compensation and duties of the staff of the office of
25 the clerk of the courts. Where the compensation of the staff of
26 the office of the clerk of the courts is fixed by a county
27 salary board, the clerk of the courts shall be a member of the
28 salary board for such purpose.

29 § 2756. Matters or documents filed in the office of the clerk
30 of the courts.

1 (a) General rule.--All applications for relief or other
2 documents relating to the following matters shall be filed in or
3 transferred to the office of the clerk of the courts:

4 (1) Criminal matters including all related motions and
5 filings.

6 (2) Road, liquor, municipal and other miscellaneous
7 civil matters formerly within the jurisdiction of the Courts
8 of Oyer and Terminer, General Jail Delivery, and Quarter
9 Sessions of the Peace.

10 (3) Other matters to the extent provided by law or the
11 local ordinance or resolution creating or recognizing the
12 cause of action.

13 (b) Exceptions.--

14 (1) Subsection (a)(2) and (3) shall not be applicable in
15 the fifth judicial district.

16 (2) The clerk of the courts of any county may file in
17 the office of the prothonotary of the county and in the
18 Administrative Office a written waiver of all or any part of
19 subsection (a)(2) and (3), whereupon the provisions so waived
20 shall not be applicable in the county.

21 § 2757. Powers and duties of the office of the clerk of the
22 courts.

23 The office of the clerk of the courts shall have the power
24 and duty to:

25 (1) Administer oaths and affirmations and take
26 acknowledgments pursuant to section 327 (relating to oaths
27 and acknowledgments), but shall not be compelled to do so in
28 any matter not pertaining to the proper business of the
29 office.

30 (2) Affix and attest the seal of the court or courts to

1 all the process thereof and to the certifications and
2 exemplifications of all documents and records pertaining to
3 the office of the clerk of the courts and the business of the
4 court or courts of which it is the clerk of the courts.

5 (3) Enter all criminal judgments.

6 (4) Exercise the authority of the clerk of the courts as
7 an officer of the court.

8 (5) Exercise such other powers and perform such other
9 duties as may now or hereafter be imposed upon the office by
10 law, home rule charter, order or rule of court, or ordinance
11 of a county governed by a home rule charter or optional plan
12 of government.

13 SUBCHAPTER D

14 CLERKS OF ORPHANS' COURT DIVISIONS

15 Sec.

16 2771. Clerk of the orphans' court division.

17 2772. Selection of clerk of the orphans' court division.

18 2773. Seal.

19 2774. Office of the clerk of the orphans' court division.

20 2775. Staff.

21 2776. Matters or documents filed in the office of the clerk of
22 the orphans' court division.

23 2777. Powers and duties of the office of the clerk of the
24 orphans' court division.

25 § 2771. Clerk of the orphans' court division.

26 (a) General rule.--In each county of this Commonwealth there
27 shall be one clerk of the orphans' court division, who shall be
28 known as the "Clerk of the Orphans' Court Division of the Court
29 of Common Pleas of (the respective) County."

30 (b) Multi-county judicial districts.--In multi-county

1 judicial districts the clerk of the orphans' court division
2 shall be the clerk of the orphans' court division of the branch
3 of the court of common pleas established for the county.

4 § 2772. Selection of clerk of the orphans' court division.

5 (a) General rule.--The clerk of the orphans' court division
6 of each county shall be selected, and may be removed, in the
7 manner provided by the act of July 28, 1953 (P.L.723, No.230),
8 known as the "Second Class County Code," or the act of August 9,
9 1955 (P.L.323, No.130), known as "The County Code," as the case
10 may be. The office shall be combined with another county office
11 when so provided by statute.

12 (b) Philadelphia.--The Register of Wills of Philadelphia
13 shall serve ex officio as Clerk of the Orphans' Court Division
14 of the Court of Common Pleas of Philadelphia County.

15 § 2773. Seal.

16 The clerk of the orphans' court division shall have custody
17 of a counterpart of the seal of the court for which he is the
18 clerk of the orphans' court division.

19 § 2774. Office of the clerk of the orphans' court division.

20 (a) General rule.--There shall be an office of the clerk of
21 the orphans' court division in each county of this Commonwealth,
22 which shall be the office of the clerk of the orphans' court
23 division of the county. It shall be supervised by the clerk of
24 the orphans' court division of the county who shall, either
25 personally, by deputy, or by other duly authorized employees of
26 the office, exercise the powers, and perform the duties by law
27 imposed upon the clerk of the orphans' court division or the
28 office of the clerk of the orphans' court division.

29 (b) Facilities and services.--The office of the clerk of the
30 orphans' court division shall be provided with all necessary

1 accommodations, goods and services pursuant to section 3722
2 (relating to general facilities and services furnished by
3 county).

4 § 2775. Staff.

5 (a) General rule.--The clerk of the orphans' court division
6 may appoint and remove such deputies and other administrative
7 staff of the office as may be necessary.

8 (b) Solicitor.--The clerk of the orphans' court division may
9 appoint and remove a solicitor, who shall be a member of the bar
10 of the Supreme Court. The solicitor shall advise upon all legal
11 matters that may be submitted by the clerk of the orphans' court
12 division to him, and shall conduct any litigation when required
13 to do so by the clerk of the orphans' court division.

14 (c) Compensation and duties.--The clerk of the orphans'
15 court division, except as otherwise provided by statute or home
16 rule charter or optional plan of government, may fix the
17 compensation and duties of the staff of the office of the clerk
18 of the orphans' court division. Where the compensation of the
19 staff of the office of the clerk of the orphans' court division
20 is fixed by a county salary board, the clerk of the orphans'
21 court division shall be a member of the salary board for such
22 purpose.

23 § 2776. Matters or documents filed in the office of the clerk
24 of the orphans' court division.

25 All matters to be heard or determined in the orphans' court
26 division of a court of common pleas shall be filed in or
27 transferred to the office of the clerk of the orphans' court
28 division.

29 § 2777. Powers and duties of the office of the clerk of the
30 orphans' court division.

1 The office of the clerk of the orphans' court division shall
2 have the power and duty to:

3 (1) Administer oaths and affirmations and take
4 acknowledgments pursuant to section 327 (relating to oaths
5 and acknowledgments), but shall not be compelled to do so in
6 any matter not pertaining to the proper business of the
7 office.

8 (2) Affix and attest the seal of the court to all the
9 process thereof and to the certifications and
10 exemplifications of all documents and records pertaining to
11 the office of the clerk of the orphans' court division and
12 the business of the division.

13 (3) Enter all orders of the court determined in the
14 division.

15 (4) Enter all satisfactions of judgments entered in the
16 office.

17 (5) Exercise the authority of the clerk of the orphans'
18 court division as an officer of the court.

19 (6) Exercise such other powers and perform such other
20 duties as may now or hereafter be imposed upon the office by
21 law, home rule charter, order or rule of court, or ordinance
22 of a county governed by a home rule charter, or optional plan
23 of government.

24 PART III

25 SELECTION, RETENTION AND REMOVAL OF JUDICIAL OFFICERS

26 Chapter

27 31. Selection and Retention of Judicial Officers

28 33. Discipline, Removal and Retirement of Judicial Officers

29 CHAPTER 31

30 SELECTION AND RETENTION OF JUDICIAL OFFICERS

1 Subchapter

2 A. Qualifications Generally

3 B. Qualifications of Certain Minor Judiciary

4 C. Selection of Judicial Officers

5 D. Tenure and Compensation

6 SUBCHAPTER A

7 QUALIFICATIONS GENERALLY

8 Sec.

9 3101. Qualifications of judicial officers generally.

10 § 3101. Qualifications of judicial officers generally.

11 (a) Judges and district justices.--Judges and district
12 justices shall be citizens of this Commonwealth. Judges, except
13 judges of the Pittsburgh Magistrates Court and the Traffic Court
14 of Philadelphia, shall be members of the bar of the Supreme
15 Court. Judges of the Supreme, Superior and Commonwealth Courts,
16 for a period of one year preceding their election or appointment
17 and during their continuance in office, shall reside within this
18 Commonwealth. Other judges and district justices, for a period
19 of one year preceding their election or appointment and during
20 their continuance in office, shall reside within their
21 respective districts, except when temporarily assigned to
22 another district pursuant to law.

23 (b) Appointive judicial officers.--Appointive judicial
24 officers shall have such qualifications as may be provided or
25 prescribed by law.

26 SUBCHAPTER B

27 QUALIFICATIONS OF CERTAIN MINOR JUDICIARY

28 Sec.

29 3111. Definitions.

30 3112. Course of instruction and examination required.

1 3113. Content of course of instruction and examination.

2 3114. Admission of interested persons.

3 3115. Certification of successful completion of course.

4 3116. Effect of failure to obtain certificate.

5 3117. Expenses.

6 3118. Rules and regulations.

7 § 3111. Definitions.

8 The following words and phrases when used in this subchapter
9 shall have, unless the context clearly indicates otherwise, the
10 meanings given to them in this section:

11 "Board." The board existing under Subchapter D of Chapter 21
12 (relating to Minor Judiciary Education Board).

13 "Department." The Department of Education.

14 "Judge." A judge of the Pittsburgh Magistrates Court or the
15 Traffic Court of Philadelphia.

16 § 3112. Course of instruction and examination required.

17 District justices and judges who are not members of the bar
18 of the Supreme Court shall complete a course of training and
19 instruction in the duties of their respective offices and pass
20 an examination prior to assuming office.

21 § 3113. Content of course of instruction and examination.

22 (a) General rule.--The board shall prescribe and approve the
23 subject matter and the examination for the course of training
24 and instruction required by this subchapter. The department
25 shall serve as the administrative staff of the board and in such
26 capacity shall, subject to the direction of the board,
27 administer the course of training and instruction and conduct
28 the examination. The department shall conduct the course and
29 examination at such times, at such places and in such manner as
30 the regulations of the board may prescribe. The board shall make

1 the course of instruction available at such times so as to
2 insure that any district justice or judge elected or appointed
3 may qualify to assume office as soon as possible.

4 (b) Content of course.--The course of training and
5 instruction shall not exceed four weeks in duration and shall
6 consist of a minimum of 40 hours of class instruction in civil
7 and criminal law, including evidence and procedure, in the case
8 of all such officials except judges of the Traffic Court of
9 Philadelphia, in which case it shall consist of a minimum of 20
10 hours of class instruction in summary proceedings and laws
11 relating to motor vehicles. Where it is economically unfeasible
12 to conduct a class, the department shall provide equivalent
13 instruction by correspondence.

14 § 3114. Admission of interested persons.

15 In addition to those required by this subchapter to complete
16 the course of training and instruction and successfully pass an
17 examination prior to assuming office, any interested person may
18 apply to the department to be enrolled in the course of
19 instruction and take the examination. Any such interested person
20 who successfully completes the course and passes the
21 examination, and who subsequently is elected or appointed to the
22 office of district justice or judge may secure a certificate
23 from the department as provided in section 3115 (relating to
24 certification of successful completion of course) without again
25 taking the course of training and instruction and passing the
26 examination required by this subchapter.

27 § 3115. Certification of successful completion of course.

28 Upon the successful completion of the course of training and
29 instruction and examination, the department shall issue to a
30 person elected or appointed as a district justice or judge a

1 certificate in the form prescribed by the board, certifying that
2 such person is qualified to perform his duties as required by
3 the Constitution of Pennsylvania. Such certificate shall be
4 filed in the office of the clerk of the court of common pleas of
5 the judicial district embracing the district to be served by the
6 district justice or judge.

7 § 3116. Effect of failure to obtain certificate.

8 In the event that any district justice or judge fails to file
9 the certificate provided for by section 3115 (relating to
10 certification of successful completion of course) in the manner
11 therein provided within nine months after his election or
12 appointment, his office shall become vacant, and such vacancy
13 shall be filled as provided in this chapter.

14 § 3117. Expenses.

15 (a) District justices and judges.--The course of training
16 and instruction required of district justices and judges by this
17 subchapter shall be provided at the expense of the Commonwealth.
18 Any person elected or appointed to the office of district
19 justice or judge shall receive such per diem and expenses for
20 each day of actual attendance at class instruction as shall be
21 fixed by the governing authority. Until such person has
22 successfully completed the course of training and instruction
23 and passed the examination, he shall not receive any salary from
24 the Commonwealth.

25 (b) Other persons.--Any other person who, within two years
26 of the date of his successful completion of the examination, is
27 elected or appointed to the office of district justice or judge,
28 shall be reimbursed for his expenses as though he had been
29 eligible to receive such expenses at the time he was enrolled in
30 the course of training and instruction.

1 § 3118. Rules and regulations.

2 The department shall have the power to promulgate, with the
3 approval of the board, such rules and regulations as are
4 necessary to carry out its duties under this subchapter.

5 SUBCHAPTER C

6 SELECTION OF JUDICIAL OFFICERS

7 Sec.

8 3131. Selection of judicial officers for regular terms.

9 3132. Vacancies in office.

10 3133. Commonwealth Court judges.

11 3134. Community Court judges.

12 3135. Increase in number of judges.

13 § 3131. Selection of judicial officers for regular terms.

14 (a) Judges and district justices generally.--Except as
15 provided in subsection (d) judges and district justices shall be
16 elected for a regular term of office at the municipal election
17 next preceding the commencement of their respective regular
18 terms of office by the electors of this Commonwealth or the
19 respective districts in which they are to serve.

20 (b) Retention election.--Any of the following:

21 (1) a person elected to the Philadelphia Municipal Court
22 pursuant to this section, or corresponding provisions of
23 prior law, who becomes a judge of the Community Court of
24 Philadelphia County pursuant to section 3321(b)(1) (relating
25 to establishment of community courts);

26 (2) a person elected to the Community Court of
27 Philadelphia County pursuant to this section who becomes a
28 judge of the Philadelphia Municipal Court pursuant to section
29 3322(b) (relating to discontinuance of community courts); or

30 (3) a person appointed to the Commonwealth Court

1 pursuant to the former provisions of section 3(a) of the act
2 of January 6, 1970 (P.L.434, No.185), known as "The
3 Commonwealth Court Act";
4 may file a declaration for candidacy for retention election with
5 the Secretary of the Commonwealth on or before the first Monday
6 of January of the year preceding the year in which his term of
7 office expires. If no declaration is filed, a vacancy shall
8 exist upon the expiration of the term of office of such judge,
9 to be filled by election under subsection (c). If a judge files
10 a declaration, his name shall be submitted to the electors
11 without party designation, as a separate judicial question or in
12 a separate column or line on voting machines, at the municipal
13 election immediately preceding the expiration of the term of
14 office of the judge, to determine only the question whether he
15 shall be retained in office. If a majority is against retention,
16 a vacancy shall exist upon the expiration of his term of office,
17 to be filled by appointment under section 3132(a) (relating to
18 vacancies in office). If a majority favors retention, the judge
19 shall serve for a regular term of office provided for in section
20 3152 (relating to tenure of judicial officers), unless sooner
21 removed or retired. At the expiration of such regular term such
22 judge shall be eligible for retention as provided in section
23 3153 (relating to retention elections), subject only to the
24 retirement provisions of this part. Section 3133 (relating to
25 Commonwealth Court judges) shall not be applicable to an
26 election conducted pursuant to this subsection.

27 (c) Other elections.--Except as provided in subsection (b)
28 judges and district justices shall be elected as provided in the
29 act of June 3, 1937 (P.L.1333, No.320), known as the
30 "Pennsylvania Election Code."

(d) Pittsburgh Magistrates Court.--The judges of the Pittsburgh Magistrates Court shall be appointed by the Mayor of the City of Pittsburgh with the advice and consent of the Council of the City of Pittsburgh. All of such judges shall not be of the same political party.

(e) Appointive judicial officers.--Subject to any inconsistent general rules or other inconsistent provisions of law, appointive judicial officers shall be appointed and their duties shall be fixed by the court in which they are to serve.

§ 3132. Vacancies in office.

(a) General rule.--Except as provided in subsection (b), a vacancy in the office of judge or district justice shall be filled by appointment by the Governor. If the vacancy occurs during the session of the Senate, the appointment shall be with the advice and consent of two-thirds of the members elected to the Senate, except in the case of district justices which shall be by a majority. If the vacancy occurs during sine die adjournment of the Senate such appointment shall not require the advice and consent of the Senate. The person so appointed shall serve for an initial term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs.

(b) Pittsburgh Magistrates Court.--A vacancy in the office of judge of the Pittsburgh Magistrates Court shall be filled as provided in section 3131(d) (relating to Pittsburgh Magistrates Court).

(c) Retention vacancies.--The provisions of subsection (a) shall not apply either in the case of a vacancy to be filled by retention election as provided in section 3131(b) (relating to retention election) or section 3153 (relating to retention

1 elections) or in case of a vacancy created by failure of a judge
2 to file a declaration for retention election as provided in
3 section 3131(b) or section 3153.

4 (d) Vacancies following initial term.--In case of a vacancy
5 occurring at the expiration of an appointive term under
6 subsection (a), the vacancy shall be filled by election as
7 provided in section 3131 (relating to selection of judicial
8 officers for regular terms).

9 § 3133. Commonwealth Court judges.

10 Whenever two or more judges of the Commonwealth Court are to
11 be elected pursuant to section 3131(c) (relating to selection of
12 judicial officers for regular terms) at the same election, each
13 qualified elector shall vote for no more than:

14 (1) one-half of the number of judges to be elected, if
15 the total number to be elected is even; or

16 (2) the smallest number constituting a majority of the
17 total number of judges to be elected, if the total number to
18 be elected is odd.

19 The persons having the highest number of votes, up to the total
20 number of judges to be elected, shall be elected.

21 § 3134. Community Court judges.

22 If the electors approve the establishment of a community
23 court at the primary election in a municipal election year, the
24 first judges of the court shall be elected at that municipal
25 election. The nominees for election shall be determined in the
26 same manner as is then provided for by law in the case of
27 substitution of nominees where a nominee for a judge of the
28 court of common pleas has died subsequent to a primary election.
29 If the electors approve the establishment of a community court
30 at the primary election in a general election year, the first

1 judges of the court shall be nominated at the primary election
2 preceding the next following municipal election and shall be
3 elected at such municipal election.

4 § 3135. Increase in number of judges.

5 Whenever the number of judges of a court is increased by
6 statute, unless otherwise expressly provided by statute, the
7 additional judicial positions thereby created shall be deemed to
8 be vacancies occurring on the effective date of the statute, and
9 shall be filled in the manner and for the initial term provided
10 in this chapter for other vacancies on such court.

11 SUBCHAPTER D

12 TENURE AND COMPENSATION

13 Sec.

14 3151. Oath of office.

15 3152. Tenure of judicial officers.

16 3153. Retention elections.

17 3154. Compensation of judicial officers.

18 § 3151. Oath of office.

19 Each judicial officer shall, before entering on the duties of
20 his office, take and subscribe the following oath or affirmation
21 before a person authorized to administer oaths:

22 "I do solemnly swear (or affirm) that I will support,
23 obey and defend the Constitution of the United States and the
24 Constitution of this Commonwealth and that I will discharge
25 the duties of my office with fidelity."

26 Any person refusing to take the oath or affirmation shall
27 forfeit his office. A judicial officer shall be sworn upon his
28 appointment or election, and after each retention election, and
29 thereafter need not be sworn in any matter referred to him.

30 § 3152. Tenure of judicial officers.

(a) Judges and district justices.--The regular term of office of judges and district justices shall be as follows:

(1) Judges of the Philadelphia Municipal Court and the Traffic Court of Philadelphia--Six years.

(2) Judges of the Pittsburgh Magistrates Court--For the term of the mayor appointing them, but subject to removal by him, and until a successor shall be appointed and confirmed.

(3) All other judges--Ten years.

(4) District justices--Six years.

(b) Effect of changes.--The tenure of any judge shall not be affected by changes in judicial districts or by reduction in the number of judges. Where a multi-county judicial district is divided by statute into two or more districts or where a county is transferred by statute from one judicial district to another, a judge shall continue to be or shall become a judge of that judicial district which embraces the county of his residence at the effective date of the change.

(c) Appointive judicial officers.--Except as otherwise provided as prescribed by law, appointive judicial officers shall hold office at the pleasure of the appointing authority.

§ 3153. Retention elections.

General rule.--A judge elected under section 3131 (relating to selection of judicial officers for regular terms) or retained under this section may file a declaration of candidacy for retention election with the Secretary of the Commonwealth on or before the first Monday of January of the year preceding the year in which his term of office expires. If no declaration is filed, a vacancy shall exist upon the expiration of the term of office of such judge, to be filled by election under section 3131(c).

1 (b) Judicial ballot.--If a judge files a declaration, his
2 name shall be submitted to the electors without party
3 designation, as a separate judicial question or in a separate
4 column or line on voting machines, at the municipal election
5 immediately preceding the expiration of the term of office of
6 the judge, to determine only the question whether he shall be
7 retained in office.

8 (c) Results of election.--If a majority is against
9 retention, a vacancy shall exist upon the expiration of his term
10 of office, to be filled by appointment under section 3132(a)
11 (relating to vacancies in office). If a majority favors
12 retention, the judge shall serve for the regular term of office
13 provided for in section 3152 (relating to tenure of judicial
14 officers), unless sooner removed or retired. At the expiration
15 of each term a judge shall be eligible for retention as provided
16 in this section, subject only to the retirement provisions of
17 this part.

18 § 3154. Compensation of judicial officers.

19 (a) Judges and district justices.--Judges and district
20 justices shall be compensated in the amount fixed by or pursuant
21 to statute out of funds appropriated to the unified judicial
22 system. Their compensation shall not be diminished during their
23 terms of office, unless by law applying generally to all
24 salaried officers of the Commonwealth.

25 (b) Appointive judicial officers.--Except as otherwise
26 expressly provided by statute:

27 (1) The compensation of appointive judicial officers
28 whose compensation has heretofore by law been fixed by the
29 county salary board, by the county staff or by other
30 officers, other than judges, elected by the electorate of a

1 county, shall continue to be fixed in the same manner and by
2 the same authority.

3 (2) The compensation of all other appointive judicial
4 officers shall, except as otherwise provided by the governing
5 authority, be fixed by the appointing authority.

6 CHAPTER 33

7 DISCIPLINE, REMOVAL AND RETIREMENT OF JUDICIAL OFFICERS

8 Subchapter

9 A. Standards of Conduct

10 B. Establishment and Discontinuance of Courts

11 C. Discipline and Removal by Judicial Inquiry and Review 12 Board

13 D. Retirement

14 SUBCHAPTER A

15 STANDARDS OF CONDUCT

16 Sec.

17 3301. Constitutional restrictions.

18 3302. Additional restrictions.

19 3303. Additional compensation prohibited.

20 3304. Acting as collection agent or paid arbitrator prohibited.

21 3305. Automatic removal upon conviction or disbarment.

22 3306. Automatic removal upon nonjudicial candidacy.

23 3307. Automatic suspension of judicial officer under
24 impeachment.

25 § 3301. Constitutional restrictions.

26 Judges shall devote full time to their judicial duties, and
27 shall not engage in the practice of law, hold office in a
28 political party or political organization, or hold an office or
29 position of profit in the government of the United States, the
30 Commonwealth or any municipal corporation or political

1 subdivision thereof, except in the armed service of the United
2 States or the Commonwealth.

3 § 3302. Additional restrictions.

4 Judges shall not engage in any activity prohibited by this
5 subchapter or any other provision of law and shall not violate
6 any canon of ethics prescribed by general rule. District
7 justices and appointive judicial officers shall be governed by
8 rules or canons prescribed by general rule.

9 § 3303. Additional compensation prohibited.

10 No judicial officer shall be paid or accept for the
11 performance of any judicial duty or for any service connected
12 with his office, any fee, emolument or perquisite other than the
13 salary and expenses provided or prescribed by law.

14 § 3304. Acting as collection agent or paid arbitrator
15 prohibited.

16 (a) Collection agent.--No judge or district justice shall
17 act as agent for a person in the collection of a claim or
18 judgment for money.

19 (b) Arbitrator.--No judge or district justice shall receive
20 any fee or emolument for performing the duties of an arbitrator.

21 § 3305. Automatic removal upon conviction or disbarment.

22 A judge or district justice convicted of misbehavior in
23 office by a court, disbarred as a member of the bar of the
24 Supreme Court or removed under Subchapter C (relating to
25 discipline and removal by Judicial Inquiry and Review Board)
26 shall forfeit automatically his judicial office and thereafter
27 be ineligible for judicial office.

28 § 3306. Automatic removal upon nonjudicial candidacy.

29 A judge who shall file for nomination for or election to any
30 public office other than a judicial office shall forfeit

1 automatically his judicial office.

2 § 3307. Automatic suspension of judicial officer under
3 impeachment.

4 No judge or district justice against whom impeachment
5 proceedings are pending in the Senate shall exercise any of the
6 duties of his office until he shall have been acquitted.

7 SUBCHAPTER B

8 ESTABLISHMENT AND DISCONTINUANCE OF COURTS

9 Sec.

10 3321. Establishment of community courts.

11 3322. Discontinuance of community courts.

12 § 3321. Establishment of community courts.

13 (a) General rule.--In a judicial district which establishes
14 a community court, a person serving as a district justice at
15 such time:

16 (1) may complete his term exercising the jurisdiction
17 provided or prescribed by law and with the compensation
18 provided by or pursuant to statute; and

19 (2) upon completion of his term, his office is abolished
20 and no judicial function of the kind theretofore exercised by
21 a district justice shall thereafter be exercised other than
22 by the community court.

23 (b) Philadelphia.--If a community court is established in
24 the City and County of Philadelphia:

25 (1) The judges of the Philadelphia Municipal Court shall
26 become judges of the Community Court of Philadelphia County
27 and their tenure shall not be otherwise affected.

28 (2) The office of judge of the Traffic Court of
29 Philadelphia is abolished effective upon the establishment of
30 the community court.

(3) No jurisdiction of the kind theretofore exercised exclusively by the municipal and traffic courts shall thereafter be exercised other than by the community court.

§ 3322. Discontinuance of community courts.

(a) General rule.--In a judicial district which discontinues a community court, a person serving as a judge of the community court at such time:

(1) may complete his term exercising the jurisdiction provided or prescribed by law and with the compensation provided by or pursuant to statute; and

(2) upon completion of his term, his office is abolished and no judicial function of the kind theretofore exercised by the community court shall thereafter be exercised other than by the court of common pleas and the district justices of the judicial district.

(b) Philadelphia.--If the Community Court of Philadelphia County is discontinued the judges of that court shall become judges of the Philadelphia Municipal Court and their tenure shall not be otherwise affected.

SUBCHAPTER C

DISCIPLINE AND REMOVAL BY

JUDICIAL INQUIRY AND REVIEW BOARD

Sec.

3331. Power of discipline or removal.

3332. Investigation and hearing.

3333. Recommendation to and action by Supreme Court.

3334. Proceedings confidential.

§ 3331. Power of discipline or removal.

(a) Judges.--Under the procedure provided in this subchapter, any judge may be suspended, removed from office or

1 otherwise disciplined for violation of Subchapter A (relating to
2 standards of conduct), misconduct in office, neglect of duty,
3 failure to perform his duties, or conduct which prejudices the
4 proper administration of justice or brings the judicial office
5 into disrepute and may be retired for disability seriously
6 interfering with the performance of his duties.

7 (b) District justices.--The suspension, removal, discipline
8 and compulsory retirement of district justices shall be governed
9 by general rule.

10 § 3332. Investigation and hearing.

11 (a) Investigation.--The Judicial Inquiry and Review Board
12 shall keep informed as to matters relating to grounds for
13 suspension, removal, discipline, or compulsory retirement of
14 judges. It shall receive complaints or reports, formal or
15 informal, from any source pertaining to such matters, and shall
16 make such preliminary investigations as it deems necessary.

17 (b) Hearing.--The board, after such investigation, may order
18 a hearing concerning the suspension, removal, discipline or
19 compulsory retirement of a judge. The orders of the board for
20 attendance of or testimony by witnesses or for the production of
21 documents at any hearing or investigation shall be enforceable
22 by contempt proceedings.

23 (c) Privilege.--The filing of papers with and the giving of
24 testimony before the board shall be privileged.

25 § 3333. Recommendation to and action by Supreme Court.

26 (a) Recommendation by board.--If, after hearing, the
27 Judicial Inquiry and Review Board finds good cause therefor, it
28 shall recommend to the Supreme Court the suspension, removal,
29 discipline or compulsory retirement of the judge.

30 (b) Action by Supreme Court.--The Supreme Court shall review

1 the record of the proceedings of the board on the law and facts
2 and may permit the introduction of additional evidence. It shall
3 order suspension, removal, discipline or compulsory retirement,
4 or wholly reject the recommendation, as it finds just and
5 proper. Upon an order for compulsory retirement, the judge shall
6 be retired with the same rights and privileges as if he were
7 retired under Subchapter D of this chapter (relating to
8 retirement).

9 (c) Effect of order.--Upon an order for suspension or
10 removal, the judge shall be suspended or removed from office,
11 and his salary shall cease from the date of such order.

12 § 3334. Proceedings confidential.

13 All papers filed with and proceedings before the Judicial
14 Inquiry and Review Board shall be confidential but upon being
15 filed by the board in the Supreme Court, the record shall lose
16 its confidential character.

17 SUBCHAPTER D

18 RETIREMENT

19 Sec.

20 3351. Automatic retirement on age.

21 3352. Pension rights.

22 § 3351. Automatic retirement on age.

23 Judges and district justices shall be retired upon attaining
24 the age of 70 years.

25 § 3352. Pension rights.

26 (a) General rule.--Former and retired judges and district
27 justices shall receive such compensation as shall be provided by
28 or pursuant to statute. No compensation shall be paid to any
29 judge or district justice who is suspended or removed from
30 office under Subchapter C (relating to discipline and removal by

1 Judicial Inquiry and Review Board) or under Article VI of the
2 Constitution of Pennsylvania.

3 (b) Definition.--As used in this section "former" means a
4 judge or district justice serving by appointment or election who
5 vacates his office upon the expiration of his term or who
6 resigns his office.

7 PART IV

8 FINANCIAL MATTERS

9 Chapter

10 35. Budget and Finance

11 37. Facilities and Supplies

12 CHAPTER 35

13 BUDGET AND FINANCE

14 Subchapter

15 A. General Provisions

16 B. Judicial Department Budget and Finance

17 C. County Finance

18 D. Money Paid into Court

19 SUBCHAPTER A

20 GENERAL PROVISIONS

21 Sec.

22 3501. Definitions.

23 3502. Financial regulations.

24 3503. Penalties.

25 § 3501. Definitions.

26 Subject to additional definitions contained in subsequent
27 provisions of this part which are applicable to specific
28 provisions of this part, the following words and phrases, when
29 used in this part shall have, unless the context clearly
30 indicates otherwise, the meanings given to them in this section:

1 "Appropriated through the budget of the judicial department
2 to a political subdivision." Implies an appropriation direct
3 from the General Fund to the treasury of a political subdivision
4 under circumstances where, except as provided by section 3726
5 (relating to manner of expenditure of local funds), the manner
6 of the expenditure of the appropriation is within the control of
7 officers of the political subdivision and the judges of the
8 courts established for or embracing such political subdivision.

9 "Appropriated to the unified judicial system." Implies an
10 appropriation to the judicial department other than one
11 appropriated through the budget of the judicial department to a
12 political subdivision.

13 "Budget respondent." The courts, district justices, other
14 agencies or units of the unified judicial system, the Director
15 of Finance of the City of Philadelphia, the county controllers
16 or county auditors of other counties of this Commonwealth, the
17 Treasurer of the City of Pittsburgh, and any other government
18 unit from which the Administrative Office is authorized to
19 obtain information relating to the budget of the Judicial
20 Department.

21 "Judicial and correctional functions." All of the following
22 functions:

23 (1) Organization and operation of courts and district
24 justices and all offices of system and related personnel.

25 (2) Organization and operation of penal, correctional
26 and probation facilities and services.

27 The term does not include any function relating to the detection
28 of crime, the apprehension of persons suspected of criminal
29 conduct (except in connection with the enforcement of bench
30 warrants, injunctions or other judicial orders in specific

1 matters), the maintenance of public peace or other police
2 functions.

3 § 3502. Financial regulations.

4 (a) General rule.--The governing authority may promulgate
5 regulations relating to forms and accounting methods to be
6 utilized in connection with funds appropriated to the unified
7 judicial system and all fees, costs, grants, moneys paid into
8 court and all other unappropriated funds handled by system and
9 related personnel other than county staff, defining for such
10 accounting purposes terms not otherwise defined in this title,
11 specifying the time and manner of making remittances and
12 disbursements of moneys by system and related personnel other
13 than county staff, and fixing bonding requirements of system and
14 related personnel other than county staff.

15 (b) County staff.--The Department of Community Affairs, with
16 the approval of the governing authority, may promulgate
17 regulations relating to forms and accounting methods to be
18 utilized in connection with the judicial and correctional
19 accounts to be maintained pursuant to this part, defining for
20 accounting purposes terms not otherwise defined, used in this
21 part in connection with judicial and correctional accounts,
22 specifying the time and manner of making remittances and
23 disbursements of moneys under this part by county staff and
24 fixing bonding requirements of county staff handling moneys
25 which are subject to this part.

26 § 3503. Penalties.

27 Any person who fails to remit any fines, penalties,
28 forfeitures, fees, cash or other moneys received by him within
29 the time and in the manner specified by regulations promulgated
30 pursuant to section 3502 (relating to financial regulations) or

1 any person who wilfully violates any such regulations is guilty
2 of a misdemeanor of the third degree.

3 SUBCHAPTER B

4 JUDICIAL DEPARTMENT BUDGET AND FINANCE

5 Sec.

6 3521. Development of budget information.

7 3522. Preparation of tentative budget request.

8 3523. Adoption of final budget request.

9 3524. Form of Judicial Department appropriation.

10 3525. List of employees to be furnished.

11 3526. Release of funds.

12 3527. Estimates of current expenditures by Administrative
13 Office.

14 3528. Fiscal period.

15 3529. Audits of affairs of unified judicial system.

16 3530. Preparation of requisitions.

17 § 3521. Development of budget information.

18 (a) General rule.--The Administrative Office shall annually
19 obtain and prepare information for the preparation of a budget
20 for the Judicial Department within such time as to comply with
21 the requirements of section 601 of the act of April 9, 1929
22 (P.L.177, No.175), known as "The Administrative Code of 1929."
23 The Administrative Office shall distribute to the courts,
24 district justices, other agencies or units of the unified
25 judicial system, the Director of Finance of the City and County
26 of Philadelphia, the county controllers and county auditors of
27 other counties of this Commonwealth, and the Treasurer of the
28 City of Pittsburgh the proper blanks necessary for the
29 preparation of the budget estimates, with a request that such
30 blanks be returned with the information desired, not later than

1 a date specified by the Administrative Office. Such blanks shall
2 be in such form as shall be prescribed by the Administrative
3 Office to procure, as to judicial and correctional functions,
4 any or all information pertaining to the revenues and
5 expenditures for the preceding fiscal years, and for the current
6 fiscal year, the previous appropriations made by the General
7 Assembly, the expenditures therefrom, encumbrances thereon, the
8 amount unencumbered and unexpended, an itemized estimate of the
9 revenues and expenditures of the current fiscal year, and for
10 the succeeding year, and an estimate of the revenues and amounts
11 needed for judicial and correctional functions. Such blanks
12 shall also request the budget respondent to accompany them with
13 a statement in writing, giving the facts, and an explanation of
14 and reasons for the estimates of receipts and expenditures for
15 the succeeding year contained upon the blanks returned.

16 (b) Duty to respond.--It shall be the duty of each budget
17 respondent to comply, not later than the date specified by the
18 Administrative Office, with any and all requests made by the
19 Administrative Office in connection with the budget.

20 (c) Additional information.--The Administrative Office may,
21 under the direction of the governing authority, make further
22 inquiries and investigations as to the financial needs,
23 expenditures, estimates, or revenues, of any recipient of funds
24 appropriated to the unified judicial system or through the
25 budget of the Judicial Department to a political subdivision.
26 § 3522. Preparation of tentative budget request.

27 (a) General rule.--The Administrative Office shall collate
28 and examine all information received pursuant to section 3521
29 (relating to development of budget information), shall consult
30 with the governing authority and the Budget Secretary, and shall

1 prepare and submit to the governing authority for review and
2 approval a tentative budget request for the Judicial Department
3 covering all funds appropriated to the unified judicial system
4 or through the budget of the Judicial Department to a political
5 subdivision for the support of judicial and correctional
6 functions.

7 (b) Revision of information.--The tentative budget request
8 submitted by the Administrative Office may increase or decrease
9 any amount submitted pursuant to section 3521. In such case the
10 amount of such increase or decrease and the reasons therefor
11 shall be specified in detail in a written report of the
12 Administrative Office which shall be presented to the governing
13 authority with the tentative budget and which shall be furnished
14 to each affected budget respondent.

15 § 3523. Adoption of final budget request.

16 (a) General rule.--The governing authority shall review the
17 tentative budget request submitted by the Administrative Office
18 pursuant to section 3522 (relating to preparation of tentative
19 budget request). After giving opportunity for hearing to each
20 budget respondent whose estimate submitted pursuant to section
21 3521 (relating to development of budget information) would be
22 altered by the final budget request of the Judicial Department,
23 the governing authority shall make such modifications in the
24 tentative budget request of the Judicial Department as in its
25 judgment are necessary or desirable, and shall adopt a final
26 budget request of the Judicial Department for transmission to
27 the Budget Secretary.

28 (b) Transmission to Budget Secretary.--Following adoption of
29 a final budget request by the governing authority, the
30 Administrative Office shall transmit such request to the Budget

1 Secretary within the time and in the manner required by section
2 601 of the act of April 9, 1929 (P.L.177, No.175), known as "The
3 Administrative Code of 1929."

4 § 3524. Form of Judicial Department appropriation.

5 The budget request of the Judicial Department shall be
6 prepared in a manner comparable to the request of an
7 administrative department. The appropriations as finally enacted
8 shall not be so detailed as to limit unreasonably the ability of
9 the governing authority to reprogram funds during a fiscal year
10 to meet unanticipated expenses or developments.

11 § 3525. List of employees to be furnished.

12 (a) General rule.--The Administrative Office shall, on June
13 15 of each year, transmit to the Department of the Auditor
14 General, the Treasury Department, and the Budget Secretary a
15 complete list, as of June 1 preceding, of the names of all
16 persons, except day-laborers, entitled to receive compensation
17 directly from the Commonwealth from funds appropriated to the
18 unified judicial system. Such list shall show the position
19 occupied by each such person, the date of birth and voting
20 residence of such person, the salary at which or other basis
21 upon which such person is entitled to be paid, the date when
22 such person entered the service of the Commonwealth, whether
23 such person has been continuously employed by the Commonwealth
24 since that date and all periods of service and positions held as
25 an employee of the Commonwealth, or such part of such
26 information as the Governor may prescribe.

27 (b) Interim changes.--Each month thereafter, the
28 Administrative Office shall certify to the Department of the
29 Auditor General, the Treasury Department, and the Budget
30 Secretary any changes in the annual list of employees last

1 transmitted to them which shall have occurred during the
2 preceding month.

3 (c) Public information.--The information received by the
4 Department of the Auditor General, the Treasury Department, and
5 the Budget Secretary under this section shall be public
6 information.

7 § 3526. Release of funds.

8 (a) General rule.--Each recipient of funds appropriated to
9 the unified judicial system shall, from time to time, as
10 requested by the Administrative Office, prepare and submit to
11 the Administrative Office, for approval or disapproval by the
12 governing authority, an estimate of the amount of money required
13 for each activity or function to be carried on by such recipient
14 during the ensuing month, quarter, or such other period as the
15 governing authority shall prescribe. If such estimate does not
16 meet with the approval of the governing authority, it shall be
17 revised in accordance with the directions of the governing
18 authority and resubmitted for approval.

19 (b) Observance of approved estimate.--After the approval of
20 any such estimate, it shall be unlawful for the recipient of
21 funds appropriated to the unified judicial system to expend any
22 appropriation or part thereof, except in accordance with such
23 estimate, unless the estimate is revised with the approval of
24 the governing authority.

25 (c) Penalty.--If any recipient to which subsections (a) and
26 (b) apply shall fail or refuse to submit to the Administrative
27 Office estimates of expenditures as required by this section,
28 the governing authority may order the Administrative Office to
29 withhold disbursement of any funds appropriated to the unified
30 judicial system for such recipient, and thereupon the

1 Administrative Office shall withhold disbursement of any such
2 funds until further order of the governing authority.

3 § 3527. Estimates of current expenditures by Administrative
4 Office.

5 The Administrative Office shall, from time to time, as
6 requested by the Governor, prepare and submit to the Governor
7 estimates of the amounts of money required for each activity or
8 function to be carried on by the unified judicial system during
9 the ensuing month, quarter, or such other period as the Governor
10 shall prescribe.

11 § 3528. Fiscal period.

12 All books and accounts kept by the Administrative Office and
13 other personnel of the system shall be kept as of the fiscal
14 year or period established by section 608 of the act of April 9,
15 1929 (P.L.177, No.175), known as "The Administrative Code of
16 1929."

17 § 3529. Audits of affairs of unified judicial system.

18 (a) General rule.--It shall be the duty of the judicial
19 auditing agency to retain a certified public accountant to make
20 all audits of transactions after their occurrence which may be
21 necessary in connection with the administration of the financial
22 affairs of the unified judicial system or of any judicial or
23 correctional functions of a political subdivision funded in
24 whole or in part through the budget of the Judicial Department.
25 At least one such audit shall be made each year and special
26 audits may be made whenever they appear necessary in the
27 judgment of the judicial auditing agency.

28 (b) Governmental audits.--Where the transactions specified
29 in subsection (a) are audited by the Department of the Auditor
30 General or by an official of a political subdivision charged

1 with auditing responsibility, the judicial auditing agency shall
2 accept a report thereof in lieu of the audit required by
3 subsection (a) unless in the judgment of the judicial auditing
4 agency the circumstances warrant an additional audit by a
5 certified public accountant retained by the auditing agency.

6 (c) Scope.--Subsections (a) and (b) shall apply to fees,
7 costs, grants, moneys paid into court and all other
8 unappropriated funds handled by system and related personnel and
9 to all funds appropriated to the Judicial Department.

10 (d) Definition.--As used in this section the term "judicial
11 auditing agency" means a body established or designated by the
12 governing authority as the judicial auditing agency for the
13 purposes of this section. The judicial auditing agency shall
14 include:

15 (1) A judge of the Superior Court selected by the
16 Superior Court.

17 (2) A judge of the Commonwealth Court selected by the
18 Commonwealth Court.

19 (3) The President Judge of the Court of Common Pleas of
20 Philadelphia County.

21 (4) The Administrative Judge of the Orphans' Court
22 Division of the Court of Common Pleas of Allegheny County.

23 § 3530. Preparation of requisitions.

24 The Administrative Office shall prepare, or cause to be
25 prepared by an officer of the interested government unit
26 designated by the Administrative Office, requisitions for moneys
27 appropriated to the unified judicial system or appropriated
28 through the budget of the Judicial Department to a political
29 subdivision, and shall present such requisitions to the Treasury
30 Department pursuant to section 1501 of the act of April 9, 1929

1 (P.L.343, No.176), known as "The Fiscal Code."

2 SUBCHAPTER C

3 COUNTY FINANCE

4 Sec.

5 3541. Judicial and correctional account.

6 3542. Credits to account.

7 3543. Debits to account.

8 3544. (Reserved).

9 3545. (Reserved).

10 3546. Relief from liability for loss of property if expenses
11 not paid.

12 § 3541. Judicial and correctional account.

13 The Treasurer of the City and County of Philadelphia, the
14 treasurer of each other county of this Commonwealth, and the
15 Treasurer of the City of Pittsburgh shall establish and maintain
16 on the books of their respective political subdivisions an
17 account to be known as the judicial and correctional account.
18 The account shall exist for accounting purposes only and nothing
19 in this part shall require the actual segregation of the moneys
20 of the account from the general funds of the political
21 subdivision.

22 § 3542. Credits to account.

23 (a) General rule.--There shall be paid to the respective
24 political subdivisions required by this subchapter to maintain a
25 judicial and correctional account and credited to such account
26 all:

27 (1) Contributions and payments by the Federal Government
28 for the maintenance of judicial and correctional functions of
29 the political subdivision.

30 (2) Appropriations by the General Assembly through the

1 budget of the Judicial Department or otherwise for the
2 maintenance of judicial and correctional functions of the
3 political subdivision.

4 (3) Fees established under section 1728 (relating to
5 establishment of fees and charges) to which a government
6 agency is entitled and which by law have heretofore been paid
7 or credited to such political subdivision.

8 (4) Costs which the political subdivision is entitled to
9 receive pursuant to general rules prescribed under section
10 1729 (relating to establishment of taxable costs).

11 (5) Fines and forfeitures as follows:

12 (i) All fines forfeited, recognizances and other
13 forfeitures imposed, lost or forfeited in the Pittsburgh
14 Magistrates Court or the Pittsburgh Traffic Court shall
15 be paid to the City of Pittsburgh and credited to its
16 judicial and correctional account.

17 (ii) All fines forfeited, recognizances and other
18 forfeitures imposed, lost or forfeited for violation of
19 any ordinance of any political subdivision, or which
20 under 18 Pa.C.S. § 1101(b) (relating to disposition of
21 fines) or under the act of April 29, 1959 (P.L.58,
22 No.32), known as "The Vehicle Code," are to be paid to
23 any specified political subdivision, shall be paid to
24 such political subdivision and, if such political
25 subdivision is required by this subchapter to maintain a
26 judicial and correctional account, shall be credited to
27 such account.

28 (iii) All other fines forfeited, recognizances and
29 other forfeitures imposed, lost or forfeited in the
30 courts of common pleas, community court or Philadelphia

1 Municipal Court established for a judicial district
2 embracing a county or in a magisterial district within
3 the county, shall be paid to such county and credited to
4 its judicial and correctional account.

5 (6) Amounts required by statute to be paid to a
6 political subdivision for credit to its judicial and
7 correctional account.

8 (7) Amounts arising from the activities of the unified
9 judicial system or the judicial branch required by statute to
10 be paid to the political subdivision.

11 (8) Income and receipts with respect to the organization
12 and operation of penal, correctional and probation facilities
13 and services maintained by the political subdivision.

14 (b) Allocation in multi-county districts.--In judicial
15 districts embracing two or more counties the fines, forfeitures,
16 fees and costs collected with respect to the court of common
17 pleas or community court of the judicial district shall be paid
18 over to each county according to an allocation based on
19 population in the ratio which the population of each of the
20 several counties comprising the judicial district bears to the
21 total population of the judicial district as last officially
22 certified.

23 (c) Fines in the nature of private compensation.--The
24 provisions of subsection (a) shall not affect the disposition of
25 fines authorized by law to effect restitution for the support of
26 legal dependents, or otherwise for purposes not augmenting the
27 public revenues.

28 § 3543. Debits to account.

29 (a) General rule.--There shall be paid by the respective
30 political subdivisions required by this subchapter to maintain a

1 judicial and correctional account and debited to such account:

2 (1) Salaries, fees and expenses of system and related
3 personnel which by statute are required to be paid by the
4 political subdivision.

5 (2) Salaries, fees and expenses of jurors, witnesses and
6 all other persons paid under authority of law by the
7 political subdivision for the maintenance of judicial and
8 correctional functions.

9 (3) Any amounts required by statute to be paid from any
10 of the sources of income specified in section 3542 (relating
11 to credits to account).

12 (b) Accommodations.--Expenses under this section include the
13 cost of leased accommodations and the fair rental value of
14 accommodations provided in facilities owned by the political
15 subdivision.

16 (c) Allocation in multi-county districts.--In judicial
17 districts embracing two or more counties, the expenses of the
18 court of common pleas and the community court of the judicial
19 district, and the salary, fees and expenses of the staff of such
20 courts, except county staff, shall be paid by each county
21 according to an allocation based on population in the ratio
22 which the population of each of the several counties comprising
23 the judicial district bears to the total population of the
24 judicial district as last officially certified.

25 § 3544. (Reserved).

26 § 3545. (Reserved).

27 § 3546. Relief from liability for loss of property if expenses
28 not paid.

29 Any officer enforcing orders of a tribunal shall be relieved
30 from any liability for the loss, destruction, removal of or

1 damage to any personal property, or for any injury to any real
2 property, levied upon, seized or taken into possession by virtue
3 of any process if the person lodging such process with him shall
4 refuse to advance or secure upon demand the reasonable fees and
5 expenses incident to the seizure, safe keeping and proper
6 protection of such property.

7 SUBCHAPTER D

8 MONEY PAID INTO COURT

9 Sec.

10 3561. Money paid into court.

11 § 3561. Money paid into court.

12 All money paid into court shall be held in the custody of
13 such officer, shall be invested in such manner, and shall be
14 withdrawn from deposit, as shall be provided by general rules.

15 CHAPTER 37

16 FACILITIES AND SUPPLIES

17 Subchapter

18 A. Statewide Facilities and Services

19 B. District and County Facilities and Services

20 SUBCHAPTER A

21 STATEWIDE FACILITIES AND SERVICES

22 Sec.

23 3701. Pennsylvania Judicial Center.

24 3702. General facilities and services furnished by
25 Administrative Office.

26 3703. Local chamber facilities.

27 3704. Local facilities for holding sessions of Statewide
28 courts.

29 § 3701. Pennsylvania Judicial Center.

30 (a) General rule.--There shall be maintained by the

1 Administrative Office acting through the Department of Property
2 and Supplies at such location within this Commonwealth as may be
3 specified by the Supreme Court, a facility known as the
4 Pennsylvania Judicial Center. The facility shall provide
5 accommodations and supporting central facilities and services
6 for the following functions, agencies and units of or related to
7 the unified judicial system:

8 (1) One or more court rooms for the holding of sessions
9 of the appellate courts of this Commonwealth including
10 related conference facilities.

11 (2) Chamber facilities for justices of the Supreme Court
12 and their personal staffs.

13 (3) Chamber facilities for those judges of the Superior
14 and Commonwealth Courts who regularly sit at the location of
15 the facility and their personal staffs.

16 (4) Any staff of the Judicial Council.

17 (5) The Administrative Office of Pennsylvania Courts.

18 (6) A law library.

19 (7) The administrative staffs of the appellate courts of
20 this Commonwealth.

21 (8) The office of the Judicial Inquiry and Review Board.

22 (9) The office of the Minor Judiciary Education Board.

23 (10) The office of the agency vested with the power to
24 admit persons to the bar and the practice of law.

25 (11) The office of the agency vested with the power to
26 discipline or remove from office attorneys-at-law.

27 (12) The offices of related organizations (except the
28 recognized conference or association of members of the bar of
29 the Supreme Court) recognized pursuant to section 1731 of
30 this title (relating to recognition of related

1 organizations).

2 (13) Such other functions, agencies and units of the
3 system as may be designated by order of the governing
4 authority.

5 (b) New construction limited.--No funds appropriated to the
6 Judicial Department or to any other government unit from the
7 General Fund and no proceeds of indebtedness incurred shall be
8 used for the construction of any building to provide
9 accommodations for the Pennsylvania Judicial Center unless the
10 appropriation act containing such funds or a capital budget act
11 shall expressly mention the Pennsylvania Judicial Center and the
12 proposed location of the building and shall expressly state that
13 funds are appropriated for, or that indebtedness may be incurred
14 for, such purpose. Nothing in this subsection shall prohibit the
15 use of funds for the rental of accommodations for the
16 Pennsylvania Judicial Center.

17 § 3702. General facilities and services furnished by
18 Administrative Office.

19 The Administrative Office, either directly or where
20 appropriate through the Department of Property and Supplies,
21 shall furnish all personnel of the system entitled thereto with
22 all necessary accommodations, goods and services which are not
23 furnished by another government unit.

24 § 3703. Local chamber facilities.

25 (a) General rule.--Each county shall furnish for each judge
26 of the appellate courts of this Commonwealth who resides therein
27 chamber facilities in conformity with general rules for such
28 judge and his personal staff:

29 (1) in the county judicial center of such county; or

30 (2) if no such accommodations are available in the

1 county judicial center, like accommodations in such building
2 as may be selected by the county with the approval of the
3 judge concerned.

4 (b) Exception.--Subsection (a) shall not apply to any county
5 in which the Pennsylvania Judicial Center may be located.

6 § 3704. Local facilities for holding sessions of Statewide
7 courts.

8 (a) General rule.--The City and County of Philadelphia and
9 the County of Allegheny shall furnish the personnel of the
10 appellate courts of this Commonwealth with such accommodations
11 and facilities as may be required by order of the governing
12 authority.

13 (b) Exception.--Subsection (a) shall not apply to any county
14 in which the Pennsylvania Judicial Center may be located.

15 SUBCHAPTER B

16 DISTRICT AND COUNTY FACILITIES AND SERVICES

17 Sec.

18 3721. County judicial center.

19 3722. General facilities and services furnished by county.

20 3723. Other facilities and services furnished by Administrative
21 Office.

22 3724. County law libraries.

23 3725. Standards of local facilities and services.

24 3726. Manner of expenditure of local funds.

25 § 3721. County judicial center.

26 There shall be maintained at the county seat of each county a
27 facility known as the county judicial center. The facility shall
28 provide accommodations and supporting facilities and services
29 for the following functions, agencies and units of or related to
30 the unified judicial system in conformity with general rules:

1 (1) One or more courtrooms for the holding of sessions
2 of the court of common pleas of the district, including
3 related conference and other facilities.

4 (2) Chamber facilities for judges of the court of common
5 pleas and their personal staff.

6 (3) The office of the clerk of the court of common pleas
7 of the district and the administrative staff of the court,
8 including the offices of the prothonotary, clerk of the
9 courts and clerk of the orphans' court division.

10 (4) The district court administrator.

11 (5) The county law library.

12 (6) The offices of jury commissioners, register of
13 wills, sheriff, district attorney and public defender.

14 (7) The offices of the bar association of the county.

15 (8) In the City and County of Philadelphia, courtrooms,
16 related conference and other facilities and chamber
17 facilities for the minor judiciary.

18 (9) Such other functions, agencies and units of or
19 related to the unified judicial system as may be designated
20 by the governing authority.

21 § 3722. General facilities and services furnished by county.

22 Except as otherwise provided by statute, each county shall
23 continue to furnish to the court of common pleas and community
24 court embracing the county, to the minor judiciary established
25 for the county and to all personnel of the system, including
26 central staff entitled thereto, located within the county, all
27 necessary accommodations, goods and services which by law have
28 heretofore been furnished by the county.

29 § 3723. Other facilities and services furnished by

30 Administrative Office.

1 The Administrative Office, either directly or where
2 appropriate through the Department of Property and Supplies,
3 shall furnish all personnel of the system entitled thereto
4 located within a county, with all necessary accommodations,
5 goods and services which are not by section 3722 (relating to
6 general facilities and services to be furnished by county) or
7 any other provision of statute required to be furnished by
8 another government unit.

9 § 3724. County law libraries.

10 (a) Transfer to Commonwealth system.--Upon the application
11 of any county law library, including a library maintained by a
12 bar association or independent library corporation, or both,
13 accompanied by the written consent of the court of common pleas
14 of the judicial district embracing the county, and the approval
15 thereof by the State Law Library, the law library of the county
16 shall be transferred to and shall become a branch of the State
17 Law Library. A law library operated under the act of July 28,
18 1953 (P.L.723, No.230), known as the "Second Class County Code,"
19 or the act of August 9, 1955 (P.L.323, No.130), known as "The
20 County Code," shall not be transferred to the State Law Library
21 system without the written consent of the board of commissioners
22 of the county. Such branches of the State Law Library shall be
23 operated in conformity with general rules or orders adopted by
24 the State Law Library with the approval of the governing
25 authority.

26 (b) Operation of other libraries.--County law libraries,
27 including libraries maintained by bar associations or
28 independent library corporations, or both, which are not
29 transferred pursuant to subsection (a), shall receive from the
30 county such necessary funds, accommodations, goods and services,

1 as shall be specified by general rules or orders adopted by the
2 governing authority after consideration of the recommendations
3 from time to time of the State Law Library. All such county law
4 libraries shall be operated in conformity with general rules or
5 rules of the court of common pleas of the judicial district
6 embracing the county.

7 (c) Judicial Department supplementary funding.--The
8 governing authority may make grants for the support of county
9 law libraries from funds appropriated to the unified judicial
10 system.

11 § 3725. Standards of local facilities and services.

12 All accommodations, goods and services furnished to personnel
13 of the system by a county or any other government agency shall
14 be furnished in conformity with general rules.

15 § 3726. Manner of expenditure of local funds.

16 Notwithstanding any other provision of this title, unless and
17 until otherwise provided by statute hereafter enacted or by
18 express order of the Supreme Court pursuant to and subject to
19 the limitations of constitutional authority, the manner of the
20 expenditure of moneys credited to the judicial and correctional
21 account of a political subdivision, including moneys
22 appropriated through the budget of the Judicial Department to a
23 political subdivision, shall be within the control of officers
24 of the political subdivision and the courts established for or
25 embracing such political subdivision.

26 PART V

27 ADMINISTRATION OF JUSTICE GENERALLY

28 Chapter

29 41. Administration of Justice

30 43. Dockets, Indices and Other Records

1 45. Juries and Jurors

2 CHAPTER 41

3 ADMINISTRATION OF JUSTICE

4 Subchapter

5 A. General Provisions

6 B. Temporary Assignment of Judges and District Justices

7 C. Contempt of Court

8 SUBCHAPTER A

9 GENERAL PROVISIONS

10 Sec.

11 4101. Coordination of activities.

12 4102. Cooperative duties.

13 § 4101. Coordination of activities.

14 The several courts and district justices, all other system
15 and related personnel, executive agencies and political
16 subdivisions shall devise a practical and working basis for
17 cooperation and coordination of activities, facilitating the
18 performance of their respective duties and eliminating
19 duplicating and overlapping of functions, and shall, so far as
20 practical, cooperate with each other in the use of employees,
21 land, buildings, quarters, facilities, services and equipment.
22 Any agency or unit of the unified judicial system may empower or
23 require an employee of any other government unit, subject to the
24 consent of such other government unit, to perform any duty which
25 might be required by such agency or unit of the system of its
26 own employees, and any other government unit may empower or
27 require an employee of any agency or unit of the system, subject
28 to the consent of such agency or unit of the system, to perform
29 any duty which might be required by such other government unit
30 of its own employees.

1 § 4102. Cooperative duties.

2 (a) General rule.--Whenever in this title power is vested in
3 any agency or unit of the unified judicial system, or in any
4 other government unit, to inspect, examine, secure data or
5 information, or to procure assistance from any other government
6 unit, a duty is hereby imposed upon the government unit upon
7 which demand is made, to render such power effective.

8 (b) Exception.--The provisions of subsection (a) shall not
9 be construed to supersede any law which renders confidential any
10 class of data or information relating to juvenile, adoption,
11 domestic relations or other matters.

12 SUBCHAPTER B

13 TEMPORARY ASSIGNMENT OF JUDGES AND DISTRICT JUSTICES

14 Sec.

15 4121. Assignment of judges.

16 4122. Assignment of district justices.

17 4123. Assignment procedure.

18 § 4121. Assignment of judges.

19 (a) General rule.--Subject to general rules any judge may be
20 temporarily assigned to another court and may there hear and
21 determine any matter with like effect as if duly commissioned to
22 sit in such other court.

23 (b) Senior judges.--A former or retired judge who shall not
24 have been defeated for re-election may, with his consent, be
25 assigned on temporary judicial service pursuant to subsection
26 (a).

27 (c) Exception.--Only a judge who is a member of the bar of
28 the Supreme Court shall be temporarily assigned to a court to
29 which only members of the bar of the Supreme Court may be
30 appointed or elected pursuant to section 3101 (relating to

1 qualifications of judges and district justices). A judge of the
2 Pittsburgh Magistrates Court or the Traffic Court of
3 Philadelphia may be temporarily assigned to a magisterial
4 district with the same effect as an assignment pursuant to
5 section 4122 (relating to assignment of district justices).

6 § 4122. Assignment of district justices.

7 Subject to general rules any district justice may be
8 temporarily assigned to any other magisterial district or the
9 Pittsburgh Magistrates Court or the Traffic Court of
10 Philadelphia, and may there hear and determine any matter with
11 like effect as if duly commissioned to sit in such other
12 district or in such court.

13 § 4123. Assignment procedure.

14 The procedure for effecting temporary assignments of judges
15 and district justices, the kind, amount and method of payment
16 for travel, lodgings and subsistence, and all other matters
17 related to such temporary assignments, shall be governed by
18 general rules.

19 SUBCHAPTER C

20 CONTEMPT OF COURT

21 Sec.

22 4131. Classification of penal contempts.

23 4132. Punishment for contempt.

24 4133. Imprisonment for failure to pay fine.

25 4134. Publication out of court.

26 4135. Criminal contempt.

27 § 4131. Classification of penal contempts.

28 The power of the several courts of this Commonwealth to issue
29 attachments and to inflict summary punishments for contempts of
30 court shall be restricted to the following cases:

1 (1) The official misconduct of the officers of such
2 courts respectively.

3 (2) Disobedience or neglect by officers, parties, jurors
4 or witnesses of or to the lawful process of the court.

5 (3) The misbehavior of any person in the presence of the
6 court, thereby obstructing the administration of justice.

7 § 4132. Punishment for contempt.

8 The punishment of imprisonment for contempt as provided in
9 section 4131 (relating to classification of penal contempts)
10 shall extend only to such contempts as shall be committed in
11 open court, and all other contempts shall be punished by fine
12 only.

13 § 4133. Imprisonment for failure to pay fine.

14 The court may order the sheriff or other proper officer of
15 any county to take into custody and commit to jail any person
16 fined for a contempt, until such fine shall be paid or
17 discharged. If such person shall be unable to pay such fine, he
18 may be committed to prison by the court for not exceeding three
19 months.

20 § 4134. Publication out of court.

21 (a) General rule.--No publication out of court respecting
22 the conduct of judges, district justices, other system or
23 related personnel, jurors or participants in connection with any
24 matter pending before any tribunal shall be construed as a
25 contempt of court on the part of the author, publisher or other
26 person connected with such publication.

27 (b) Civil and criminal liability not affected.--If any
28 publication specified in subsection (a) shall improperly tend to
29 bias the minds of the public, or of the tribunal, other system
30 or related personnel, jurors or participants in connection with

1 any matter pending before any tribunal, any person who may be
2 aggrieved thereby may proceed against the persons responsible
3 for the publication by appropriate civil or criminal action or
4 proceeding as in other cases of wrongful publication.

5 § 4135. Criminal contempt.

6 (a) General rule.--In all cases where a person shall be
7 charged with indirect criminal contempt for violation of a
8 restraining order or injunction issued by a court or judge, the
9 accused shall enjoy:

10 (1) The rights as to admission to bail that are accorded
11 to persons accused of crime.

12 (2) The right to be notified of the accusation and a
13 reasonable time to make a defense, provided the alleged
14 contempt is not committed in the immediate view or presence
15 of the court.

16 (3) (i) Upon demand, the right to a speedy and public
17 trial by an impartial jury of the judicial district
18 wherein the contempt shall have been committed.

19 (ii) The requirement of subparagraph (i) shall not
20 be construed to apply to contempts committed in the
21 presence of the court or so near thereto as to interfere
22 directly with the administration of justice, or to apply
23 to the misbehavior, misconduct, or disobedience of any
24 officer of the court in respect to the writs, orders, or
25 process of the court.

26 (4) The right to file with the court a demand for the
27 retirement of the judge sitting in the proceeding, if the
28 contempt arises from an attack upon the character or conduct
29 of such judge, and if the attack occurred otherwise than in
30 open court. Upon the filing of any such demand, the judge

shall thereupon proceed no further but another judge shall be designated by the court. The demand shall be filed prior to the hearing in the contempt proceeding.

(b) Punishment.--Punishment for a contempt specified in subsection (a) may be by fine not exceeding \$100 or by imprisonment not exceeding 15 days in the jail of the county where the court is sitting, or both, in the discretion of the court. Where a person is committed to jail for the nonpayment of such a fine, he shall be discharged at the expiration of 15 days, but where he is also committed for a definite time, the 15 days shall be computed from the expiration of the definite time.

CHAPTER 43

DOCKETS, INDICES AND OTHER RECORDS

Subchapter

A. Establishment, Maintenance and Effect of Judicial Records

B. Disposition of Obsolete Records

SUBCHAPTER A

ESTABLISHMENT, MAINTENANCE AND EFFECT OF JUDICIAL RECORDS

Sec.

4301. Establishment and maintenance of judicial records.

4302. Effect of records as notice.

4303. Effect of judgment as lien.

4304. Notice of Federal pending actions (Reserved).

4305. Federal judgments.

4306. Enforcement of foreign judgments.

§ 4301. Establishment and maintenance of judicial records.

(a) General rule.--All system and related personnel shall establish and maintain such records as shall be required by law.

(b) Supervision by Administrative Office.--All system and

1 related personnel engaged in clerical functions shall establish
2 and maintain all dockets, indices and other records and make and
3 file such entries and reports, at such times, in such manner and
4 pursuant to such procedures and standards as may be prescribed
5 by the Administrative Office of Pennsylvania Courts with the
6 approval of the governing authority. All such procedures and
7 standards shall be uniform to the maximum extent practicable so
8 as to facilitate the temporary assignment of personnel of the
9 system, other than county staff, within the unified judicial
10 system.

11 § 4302. Effect of records as notice.

12 (a) Real property.--Except as otherwise provided by law,
13 every document affecting title to or any other interest in real
14 property situated in any county which is filed in the office of
15 the clerk of the court of common pleas of the county, or in the
16 office of the clerk of the branch of the court of common pleas
17 embracing such county in the manner required by the laws,
18 procedures or standards in effect at the date of such filing
19 shall be constructive notice to all persons of the filing and
20 full contents of such document.

21 (b) Other documents.--Documents relating to the pendency of
22 a matter before any court and any other documents filed in the
23 office of the clerk of any court or other office within or
24 related to and serving the unified judicial system shall be
25 constructive notice to such persons, of such information and for
26 such duration as may be provided or prescribed by law.

27 § 4303. Effect of judgment as lien.

28 (a) General rule.--Any judgment or other order of a court of
29 common pleas for the payment of money shall be a lien upon real
30 property situated in a county on the conditions, to the extent

1 and with the priority provided or prescribed by law when it is
2 entered of record in the office of the clerk of the court of
3 common pleas of the county, or in the office of the clerk of the
4 branch of the court of common pleas embracing such county. Any
5 other order of a court of common pleas shall be a lien upon real
6 and personal property situated within any county embraced within
7 the judicial district on the conditions, to the extent and with
8 the priority provided or prescribed by law.

9 (b) Transfer of domestic judgments.--An order of any court
10 of this Commonwealth which is a lien on property situated within
11 any judicial district of this Commonwealth pursuant to
12 subsection (a) shall be a lien upon property situated within any
13 other judicial district to the same extent as if resulting from
14 an order of the court of common pleas of such other judicial
15 district upon compliance with such transfer and filing
16 procedures as may be prescribed by general rule. Such rules
17 shall require filing a document within the transferee judicial
18 district identifying the judgment and the extent of the lien
19 thereof.

20 § 4304. Notice of Federal pending actions. (Reserved)

21 § 4305. Federal judgments.

22 (a) General rule.--Except as provided in subsection (b)
23 every judgment of a United States district court within this
24 Commonwealth shall, as provided by 28 United States Code § 1962
25 (relating to lien) be a lien on the property located within this
26 Commonwealth in the same manner, to the same extent and under
27 the same conditions as a judgment of a court of common pleas of
28 this Commonwealth and shall cease to be a lien in the same
29 manner and time.

30 (b) Exception.--The judgment of a United States district

1 court shall be a lien upon property located within any county of
2 this Commonwealth embraced within the district for which such
3 court is established without further recording, filing or
4 docketing in any public office of this Commonwealth.

5 (c) Authorization for filing of Federal judgments entered in
6 other districts.--Any judgment of a United States district court
7 established for a district embracing counties of this
8 Commonwealth other than the county in which the property is
9 located may be registered, recorded, filed, docketed, indexed or
10 otherwise conformed to the rules and requirements relating to
11 judgments of the courts of common pleas.

12 § 4306. Enforcement of foreign judgments.

13 (a) Short title of section.--This section shall be known and
14 may be cited as the "Uniform Enforcement of Foreign Judgments
15 Act."

16 (b) Filing and status of foreign judgments.--A copy of any
17 foreign judgment including the docket entries incidental thereto
18 authenticated in accordance with act of Congress or this title
19 may be filed in the office of the clerk of any court of common
20 pleas of this Commonwealth. The clerk shall treat the foreign
21 judgment in the same manner as a judgment of any court of common
22 pleas of this Commonwealth. A judgment so filed shall be a lien
23 as of the date of filing and shall have the same effect and be
24 subject to the same procedures, defenses and proceedings for
25 reopening, vacating, or staying as a judgment of any court of
26 common pleas of this Commonwealth and may be enforced or
27 satisfied in like manner.

28 (c) Notice of filing.--

29 (1) At the time of the filing of the foreign judgment,
30 the judgment creditor or his attorney shall make and file

1 with the office of the clerk of the court of common pleas an
2 affidavit setting forth the name and last known post office
3 address of the judgment debtor, and the judgment creditor. In
4 addition, such affidavit shall include a statement that the
5 foreign judgment is valid, enforceable and unsatisfied.

6 (2) Promptly upon the filing of the foreign judgment and
7 the affidavit, the clerk shall mail notice of the filing of
8 the foreign judgment to the judgment debtor at the address
9 given and shall make a note of the mailing in the docket. The
10 notice shall include the name and post office address of the
11 judgment creditor and the attorney for the judgment creditor,
12 if any, in this Commonwealth. In addition, the judgment
13 creditor may mail a notice of the filing of the judgment to
14 the judgment debtor and may file proof of mailing with the
15 clerk. Lack of mailing notice of filing by the clerk shall
16 not affect the enforcement proceedings if proof of mailing by
17 the judgment creditor has been filed.

18 (d) Stay.--

19 (1) If the judgment debtor shows the court of common
20 pleas that an appeal from the foreign judgment is pending or
21 will be taken, or that a stay of execution has been granted,
22 the court shall stay enforcement of the foreign judgment
23 until the appeal is concluded, the time for appeal expires,
24 or the stay of execution expires or is vacated, upon proof
25 that the judgment debtor has furnished the security for the
26 satisfaction of the judgment required by the State in which
27 it was rendered.

28 (2) If the judgment debtor shows the court of common
29 pleas any ground upon which enforcement of a judgment of any
30 court of common pleas of this Commonwealth would be stayed,

1 the court shall stay enforcement of the foreign judgment for
2 an appropriate period, upon requiring the same security for
3 satisfaction of the judgment which is required in this
4 Commonwealth.

5 (e) Optional procedure.--The right of a judgment creditor to
6 bring an action to enforce his judgment instead of proceeding
7 under this section remains unimpaired.

8 (f) Definition.--As used in this section "foreign judgment"
9 means any judgment, decree, or order of a court of the United
10 States or of any other court requiring the payment of money
11 which is entitled to full faith and credit in this Commonwealth.

12 SUBCHAPTER B

13 DISPOSITION OF OBSOLETE RECORDS

14 Sec.

15 4321. Record retention schedules.

16 4322. Destruction and disposition of obsolete records.

17 4323. Form of permanent recordation.

18 4324. Copies of destroyed records.

19 4325. Duplicate permanent records.

20 4326. Original records meriting special care.

21 4327. Transfer of custody to local museum upon application.

22 § 4321. Record retention schedules.

23 (a) General rule.--The governing authority, after
24 consultation with the County Records Committee, shall by general
25 rule prescribe schedules setting forth the conditions under
26 which the records provided for in Subchapter A (relating to
27 establishment, maintenance and effect of judicial records) may
28 be disposed of, either with or without the establishment of a
29 permanent copy thereof.

30 (b) Requirements for schedules.--Such schedules shall

1 distinguish clearly between records of temporary value and
2 records of permanent value, and no schedule shall be prescribed
3 or revised which will permit the destruction of records of
4 permanent value unless a permanent copy thereof is required to
5 be maintained as provided in this subchapter. Such schedules in
6 so far as they affect the records maintained by related staff,
7 shall be consistent with the schedules prescribed by the County
8 Records Committee.

9 § 4322. Destruction and disposition of obsolete records.

10 (a) General rule.--Any person required to maintain records
11 pursuant to Subchapter A (relating to establishment, maintenance
12 and effect of judicial records) may destroy such records in
13 conformity with this subchapter and the general rules prescribed
14 hereunder. No such person shall be held liable on his official
15 bond, or in the way of damages for loss, or in any other manner,
16 civil or criminal, because of the destruction of records as
17 authorized pursuant to this subchapter.

18 (b) Historical documents.--Any original records which are of
19 historical value as may be determined by the City Archivist in
20 the case of City and County of Philadelphia, or by the
21 Pennsylvania Historical and Museum Commission, in the case of
22 any other county, shall be transferred to the Pennsylvania
23 Historical and Museum Commission or to such other depositories
24 as may be designated by the commission.

25 § 4323. Form of permanent recordation.

26 Records which are classified as records of permanent value
27 shall, prior to destruction or other removal from the office of
28 the person having custody thereof, be processed in conformity
29 with general rules so that they may be reproduced by any
30 photostatic, photographic, microphotographic, microfilm, video

1 tape, magnetic tape, or other mechanical process which produces
2 a clear, accurate and permanent copy, microcopy or reproduction
3 of the original, in accordance with standards not less than
4 those approved for permanent records by the National Bureau of
5 Standards.

6 § 4324. Copies of destroyed records.

7 The photostatic, photographic, microphotographic, microfilmed
8 or otherwise reproduced copy of any record destroyed or disposed
9 of as authorized pursuant to this subchapter, or a certified
10 copy thereof, shall be admissible in evidence in any matter, and
11 shall have the same force and effect as though the original
12 record had been produced and proved. It shall be the duty of the
13 person who would have had custody of the original record, had it
14 not been destroyed pursuant to law, to prepare enlarged, typed
15 or photographic copies of such reproduced records whenever their
16 production is required.

17 § 4325. Duplicate permanent records.

18 In order to provide insurance for the more actively used
19 working copies against damage or loss through wear or disaster,
20 duplicate copies of all permanent records shall be maintained at
21 such locations as shall be approved by the Administrative
22 Office.

23 § 4326. Original records meriting special care.

24 If, in the opinion of the person having custody of an
25 original record, such original possesses sufficient value that
26 it merits special care, he shall make a permanent copy of the
27 record, which shall be officially certified and placed on file
28 in lieu of the original record, and, with the approval of the
29 Administrative Office, he shall transfer the original to the
30 custody of such officer as shall be designated by the

1 Administrative Office for permanent preservation.

2 § 4327. Transfer of custody to local museum upon application.

3 (a) General rule.--Any nonprofit public, quasi-public, or
4 private association or corporation situated within the county
5 where the historical documents are filed, which maintains a
6 museum, building or facilities used for the exhibit of
7 historical writings, and which shall have adequate facilities
8 for the display and preservation of such documents, may petition
9 the court of common pleas of the judicial district embracing the
10 county wherein such document or documents are filed for the
11 transfer of the custody of such documents for the purpose of
12 their public display. Upon the filing of any petition, the court
13 shall fix a time for a hearing, and prescribe such notice to be
14 given as shall acquaint similar organizations with the filing of
15 the petition. Any other association or corporation meeting the
16 requirements of this subsection may intervene in the proceedings
17 with the same effect as if it had been the original petitioner,
18 and the court, after hearing, may award custody of any
19 historical document or documents to any of the petitioners for
20 such term and upon such conditions as the court shall prescribe.

21 (b) Permanent copy substituted for original.--Upon the
22 granting of a petition transferring custody of any historical
23 documents, the officer from whose custody it was removed shall
24 substitute in his files a certified permanent copy of such
25 document, which shall be of the same force and effect as the
26 original document.

27 (c) Petition for return of document.--The appropriate county
28 officer may at any time, without cause, petition the court for
29 the return of any historical document, the custody of which had
30 been previously transferred to any person pursuant to subsection

1 (a).

2 (d) Order for return on motion of court.--The court, after
3 having taken jurisdiction of the transfer of any historical
4 document, may, without cause, and upon its own motion, order the
5 person having such temporary custody to return such document to
6 the appropriate office wherein it had been originally filed.

7 (e) Definition.--As used in this section "historical
8 document" means any document formerly belonging to a decedent or
9 any other person, which document is more than 50 years old and
10 which is in the custody of a register of wills, the recorder of
11 deeds, the clerk of any court or the prothonotary, except
12 documents relating to adoption, divorce or custody.

13 CHAPTER 45

14 JURIES AND JURORS

15 Subchapter

16 A. Qualifications and Exemptions

17 B. Selection and Custody of Jurors

18 C. Penalties

19 SUBCHAPTER A

20 QUALIFICATIONS AND EXEMPTIONS

21 Sec.

22 4501. Declaration of policy.

23 4502. Qualifications of jurors.

24 4503. Exemptions from jury service.

25 § 4501. Declaration of policy.

26 (a) General Rule.--It is the policy of this Commonwealth
27 that:

28 (1) All persons entitled to a jury trial in a matter
29 shall have the right to jurors selected in the manner
30 provided or prescribed by law.

1 (2) All qualified citizens shall have the opportunity to
2 be considered for service as jurors in the courts of this
3 Commonwealth, and unless exempted or excused as provided or
4 prescribed by law shall have an obligation to serve as jurors
5 when summoned for that purpose.

6 (3) No citizen shall be excluded from service as a juror
7 on the basis of race, color, religion, sex, national origin
8 or economic status.

9 (b) Right to serve personal.--The right conferred by this
10 subchapter to be considered for service as a juror shall be
11 personal to each eligible citizen and shall not constitute the
12 basis for challenge to the composition of the master file of
13 prospective jurors established pursuant to section 4521
14 (relating to master file of prospective jurors).

15 § 4502. Qualifications of jurors.

16 Every elector of the county and every citizen eligible to
17 register to vote in the county for State and local officials
18 shall be eligible to serve as a juror unless disqualified for
19 one or more of the following reasons:

20 (1) He is unable to read, write, speak or understand the
21 English language.

22 (2) He is incapable, by reason of mental or physical
23 infirmary, to render efficient jury service.

24 (3) He has been convicted within the preceding six years
25 of the commission of a felony or of a misdemeanor of the
26 first or second degree or of any crime under the laws of any
27 other jurisdiction punishable by imprisonment for more than
28 one year and has not been granted pardon or amnesty.

29 § 4503. Exemptions from jury service.

30 (a) General rule.--No person shall be exempt or excused from

1 jury duty except the following:

2 (1) Persons exempt by statute.

3 (2) Persons exempt by general rule. The governing
4 authority shall ascertain those classes of persons, such as
5 police officers and attorneys-at-law, who by reason of
6 occupation or otherwise are customarily eliminated in the
7 selection of petit juries, and may establish rights of
8 exemption for such classes:

9 (i) Which are automatic unless the prospective juror
10 indicates that he does not wish the exemption to be
11 applicable to him.

12 (ii) Which are available only if and to the extent
13 the prospective juror claims such exemption.

14 (3) Persons in active service with the National Guard or
15 the armed forces of the United States.

16 (4) Persons who have served within the preceding three
17 years.

18 (b) Hardship cases.--Persons demonstrating undue hardship or
19 extreme inconvenience may be excused for such period as the
20 court determines necessary, at the end of which period, the
21 juror may again be summoned for jury service.

22 (c) Challenges.--This section shall not affect the practice
23 with respect to peremptory challenges and challenges for cause,
24 which shall be governed by general rules.

25 SUBCHAPTER B

26 SELECTION AND CUSTODY OF JURORS

27 Sec.

28 4521. Master file of prospective jurors.

29 4522. Selection of jurors.

30 4523. Terms and conditions of jury service.

1 § 4521. Master file of prospective jurors.

2 The jury selection commission, pursuant to general rules or
3 rules of court, shall prepare and revise from time to time a
4 master file of persons who may be eligible for jury service.

5 § 4522. Selection of jurors.

6 Grand and petit jurors shall be selected in the manner
7 provided by general rules or rules of court from the master file
8 established pursuant to section 4521 (relating to master file of
9 prospective jurors). The list of persons found qualified to
10 serve as jurors and the list of persons selected for jury
11 service shall be a public record.

12 § 4523. Terms and conditions of jury service.

13 The times, places and manner of summoning jurors, the
14 duration of their service, the other terms and conditions of
15 their service, including accommodations and recreation, and all
16 other matters relating to jury service not otherwise specified
17 in this title, shall be governed by general rules or rules of
18 court.

19 SUBCHAPTER C

20 PENALTIES

21 Sec.

22 4541. Failure of juror to attend.

23 4542. Interference with jury selection.

24 4543. Tampering with juror.

25 § 4541. Failure of juror to attend.

26 Upon the failure of any juror duly summoned to attend the
27 court until duly discharged, the court may impose a civil
28 forfeiture for credit to the judicial and correctional account
29 of the county, of not more than \$100 for each and every day of
30 delinquency, to be recovered by execution as in the case of

1 judgments for the payment of money in support proceedings.

2 § 4542. Interference with jury selection.

3 (a) Interference by officials.--Any system or related
4 personnel or other public officer or employee who shall violate
5 this chapter or any general rule or rule of court, or who shall
6 solicit or procure any other person to commit such a violation,
7 for the purpose of unlawfully procuring the selection or the
8 excusing of any person from jury service, or otherwise
9 unlawfully affecting the composition of a jury, is guilty of an
10 offense.

11 (b) Other interference.--Any person who undertakes or offers
12 to influence the selection of any person for jury service, or
13 otherwise unlawfully affecting the composition of a jury, or who
14 gives anything of value to any person for the purpose of
15 affecting the impartial selection of jurors or to procure excuse
16 or exemption from jury service or who solicits, demands, or
17 receives anything of value or the promise thereof from any
18 person for the purpose of in any manner affecting the selection,
19 excusing or exemption of any persons from jury service or does
20 any such act for the purpose of enabling himself or another to
21 evade or escape jury service, or to unlawfully affect the
22 composition of a jury, is guilty of an offense.

23 (c) Grading.--The offense is a felony of the third degree if
24 the actor employs force, deception, threat or offer of pecuniary
25 benefit. Otherwise it is a misdemeanor of the second degree.

26 § 4543. Tampering with juror.

27 Any person who having in any way ascertained the names of
28 persons selected for jury service, shall thereafter discuss with
29 such prospective juror, or with any impaneled juror, the
30 evidence or facts of any particular matter then pending before

1 any court for which the juror has been summoned for jury
2 service, with the intent to influence the juror in his service
3 or in the consideration of the evidence in such matter, is
4 guilty of a misdemeanor of the second degree.

5 PART VI

6 ACTIONS, [AND] PROCEEDINGS AND OTHER MATTERS GENERALLY

7 Chapter

8 51. Preliminary Provisions

9 53. Bases of Jurisdiction and Interstate and International
10 Procedure

11 55. Limitation of Time

12 57. Bonds and Recognizances

13 59. Depositions and Witnesses

14 61. Rules of Evidence

15 63. Juvenile Matters

16 65. Habeas Corpus

17 67. Support Proceedings

18 CHAPTER 51

19 PRELIMINARY PROVISIONS

20 Sec.

21 5101. Remedy to exist for legal injury.

22 5102. Place and form of filing applications for relief.

23 5103. Transfer of erroneously filed matters.

24 5104. Trial by jury.

25 5105. Right to appellate review.

26 5106. Change of venue.

27 § 5101. Remedy to exist for legal injury.

28 (a) General rule.--Every person for a legal injury done him
29 in his lands, goods, person, or reputation shall have remedy by
30 due course of law, and right and justice administered without

1 sale, denial or delay.

2 (b) No waiver of sovereign immunity.--The provisions of
3 subsection (a) shall not be construed as a waiver by the
4 Commonwealth of immunity to suit.

5 § 5102. Place and form of filing applications for relief.

6 Applications for relief to any court under section 5101
7 (relating to remedy to exist for legal injury) or under any
8 other provision of law, or documents relating to a matter before
9 a district justice, shall be filed in such office and in such
10 form as may be prescribed by general rule or rule of court.

11 § 5103. Transfer of erroneously filed matters.

12 (a) General rule.--If an appeal or other matter is taken to
13 or brought in a court or magisterial district which does not
14 have jurisdiction of the appeal or other matter, the court or
15 district justice shall not quash such appeal or dismiss the
16 matter, but shall transfer the record thereof to the proper
17 court or magisterial district of this Commonwealth, where the
18 appeal or other matter shall be treated as if originally filed
19 in the transferee court or magisterial district on the date
20 first filed in a court or magisterial district.

21 (b) Federal cases.--Subsection (a) shall also apply to any
22 matter transferred or remanded by any United States district
23 court for a district embracing any part of this Commonwealth.

24 (c) Interdivisional transfers.--If an appeal or other matter
25 is taken to, brought in, or transferred to a division of a court
26 to which such matter is not allocated by law, the court shall
27 not quash such appeal or dismiss the matter, but shall transfer
28 the record thereof to the proper division of the court, where
29 the appeal or other matter shall be treated as if originally
30 filed in the transferee division on the date first filed in a

1 court or magisterial district.

2 § 5104. Trial by jury.

3 Trial by jury shall be as heretofore, and the right thereof
4 shall remain inviolate. Trial by jury may be waived in the
5 manner prescribed by general rules.

6 § 5105. Right to appellate review.

7 (a) General rule.--There is a right of appeal under this
8 subsection from the final order (including an order defined as a
9 final order by general rule) of every:

10 (1) Court or district justice of this Commonwealth to
11 the court having jurisdiction of such appeals.

12 (2) Government unit which is an administrative agency
13 within the meaning of section 9 of Article V of the
14 Constitution of Pennsylvania to the court having jurisdiction
15 of such appeals. An order is appealable under this paragraph
16 notwithstanding the fact that it is not appealable under the
17 act of June 4, 1945 (P.L.1388, No.442), known as the
18 "Administrative Agency Law," or the act of December 2, 1968
19 (P.L.1133, No.353), known as the "Local Agency Law."

20 (b) Successive appeals.--Except as otherwise provided in
21 this subsection, the rights conferred by subsection (a) are
22 cumulative, so that a litigant may as a matter of right cause a
23 final order of any tribunal in any matter which itself
24 constitutes an appeal to such tribunal, to be further reviewed
25 by the court having jurisdiction of appeals from such tribunal.
26 Except as provided in section 723 (relating to appeals from the
27 Commonwealth Court) there shall be no right of appeal from the
28 Superior Court or the Commonwealth Court to the Supreme Court
29 under this section or otherwise.

30 (c) Interlocutory appeals.--There shall be a right of appeal

1 from such interlocutory orders of tribunals and other government
2 units as may be specified by law. The governing authority shall
3 be responsible for a continuous review of the operation of
4 section 702(b) (relating to discretionary allowance of appeals)
5 and shall from time to time establish by general rule rights to
6 appeal from such classes of interlocutory orders, if any, from
7 which appeals are regularly allowed pursuant to section 702(b).

8 (d) Scope of appeal.--

9 (1) Except as otherwise provided in this subsection an
10 appeal under this section shall extend to the whole record,
11 including evidence, with like effect as upon an appeal from a
12 judgment entered upon the verdict of a jury in an action at
13 law and the scope of review of the order shall not be limited
14 as on broad or narrow certiorari.

15 (2) An order which is appealable by reason of subsection
16 (a)(2), but which would not be appealable under the act of
17 June 4, 1945 (P.L.1388, No.442), known as the "Administrative
18 Agency Law," or the act of December 2, 1968 (P.L.1133,
19 No.353), known as the "Local Agency Law," or under any other
20 corresponding provision of law, shall not be reversed or
21 modified on appeal unless the appellant would be entitled to
22 equivalent relief upon an action in the nature of equity,
23 replevin, or mandamus, quo warranto or upon a petition for
24 declaratory judgment or for a writ of certiorari or
25 prohibition or otherwise objecting to such order.

26 (3) Nothing in this subsection shall supersede any
27 general rule or rule of court or any unsuspended statute
28 authorizing or requiring an appellate court to receive
29 additional evidence or to hear the appeal de novo.

30 (4) Except as otherwise provided by general rule, an

1 appeal from a final order of the minor judiciary shall be de
2 novo under procedures established by general rule.

3 (e) Supersedeas.--An appeal shall operate as a supersedeas
4 to the extent and upon the conditions provided or prescribed by
5 law, except that an appeal in a capital case shall stay
6 execution of sentence of death.

7 § 5106. Change of venue.

8 The power to change the venue in civil and criminal cases
9 shall be vested in the courts, to be exercised in such manner as
10 shall be provided or prescribed by law.

11 CHAPTER 53

12 BASES OF JURISDICTION AND INTERSTATE

13 AND INTERNATIONAL PROCEDURE

14 Subchapter

15 A. General Provisions

16 B. Interstate and International Procedure

17 SUBCHAPTER A

18 GENERAL PROVISIONS

19 Sec.

20 5301. Persons.

21 5302. Land.

22 5303. Chattels.

23 5304. Documents.

24 5305. Corporate shares.

25 5306. Obligations.

26 5307. Status.

27 § 5301. Persons.

28 (a) General rule.--The existence of any of the following
29 relationships between a person and this Commonwealth shall
30 constitute a sufficient basis of jurisdiction to enable the

1 tribunals of this Commonwealth to exercise general personal
2 jurisdiction over such person, or his personal representative in
3 the case of an individual, and to enable such tribunals to
4 render personal orders against such person or representative:

5 (1) Individuals.--

6 (i) Presence in this Commonwealth at the time when
7 process is served.

8 (ii) Domicile in this Commonwealth at the time when
9 process is served.

10 (iii) Consent, to the extent authorized by the
11 consent.

12 (2) Corporations.--

13 (i) Incorporation under the laws of this
14 Commonwealth.

15 (ii) Consent, to the extent authorized by the
16 consent.

17 (iii) The carrying on of a continuous and systematic
18 part of its general business within this Commonwealth.

19 (3) Partnerships, limited partnerships, partnership
20 associations, professional associations, unincorporated
21 associations and similar entities.--

22 (i) Formation under the laws of this Commonwealth.

23 (ii) Consent, to the extent authorized by the
24 consent.

25 (iii) The carrying on of a continuous and systematic
26 part of its general business within this Commonwealth.

27 (b) Scope of jurisdiction.--When jurisdiction over a person
28 is based upon this section any cause of action may be asserted
29 against him, whether or not arising from acts enumerated in this
30 section.

1 § 5302. Land.

2 The tribunals of this Commonwealth shall have jurisdiction
3 over land situated within this Commonwealth whether or not the
4 persons owning or claiming interests therein are subject to the
5 jurisdiction of the tribunals of this Commonwealth.

6 § 5303. Chattels.

7 The tribunals of this Commonwealth shall have jurisdiction
8 over chattels situated within this Commonwealth whether or not
9 the persons owning or claiming interests therein are subject to
10 the jurisdiction of the tribunals of this Commonwealth.

11 § 5304. Documents.

12 The tribunals of this Commonwealth shall have jurisdiction
13 over documents which are within this Commonwealth whether or not
14 the persons owning or claiming interests therein are subject to
15 the jurisdiction of the tribunals of this Commonwealth.

16 § 5305. Corporate shares.

17 The tribunals of this Commonwealth shall have jurisdiction,
18 whether or not the persons owning or claiming interests in the
19 shares or share certificates are subject to the jurisdiction of
20 the tribunals of this Commonwealth:

21 (1) Over shares in a corporation incorporated under the
22 laws of this Commonwealth (subject to the limitations of the
23 act of April 6, 1953 (P.L.3, No.1), known as the "Uniform
24 Commercial Code").

25 (2) Over share certificates which are located within
26 this Commonwealth.

27 (3) Over shares in a corporation represented by share
28 certificates located within this Commonwealth if the law of
29 the jurisdiction of incorporation embodies the share in the
30 share certificates.

1 § 5306. Obligations.

2 The tribunals of this Commonwealth shall have jurisdiction
3 over obligations owed by persons who are subject to the
4 jurisdiction of the tribunals of this Commonwealth whether or
5 not the persons to whom the obligations are owed are subject to
6 the jurisdiction of the tribunals of this Commonwealth.

7 § 5307. Status.

8 The judicial jurisdiction over status granted to the courts
9 of this Commonwealth by the Constitution and laws of this
10 Commonwealth may be exercised:

11 (1) to the extent permitted by the Constitution of the
12 United States, except as limited by the Constitution and laws
13 of this Commonwealth; and

14 (2) in the manner permitted by the laws of this
15 Commonwealth.