
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 753

Session of
1971

INTRODUCED BY COPPERSMITH AND STROUP, MAY 25, 1971

REFERRED TO JUDICIARY, MAY 25, 1971

AN ACT

1 Relating to the assignment of judges from one court or district
2 to another and to the assignment of retired or former
3 justices or judges on temporary judicial service.

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

6 Section 1. The Supreme Court shall have authority to
7 temporarily assign judges from one court or district to another
8 as it deems appropriate.

9 Section 2. When any judge is assigned to a court or district
10 outside the judicial district of his residence on temporary
11 judicial service, the judge so assigned shall be entitled to
12 receive, for each day he is actually engaged in the performance
13 of such duty, the sum of fifty dollars (\$50) per day, actual
14 expenses not to exceed forty-five dollars (\$45) per day and
15 mileage expense not to exceed ten cents (10¢) for each mile
16 traveled to and from his residence and the place of holding
17 court.

18 Section 3. A former or retired justice or judge may, with
19 his consent, on approval by the Supreme Court, be assigned by

1 the Supreme Court on temporary judicial service as may be
2 prescribed by rule of the Supreme Court. While on assignment,
3 the duties of such justice or judge shall be as determined by
4 the Chief Justice or President Judge of the court to which he is
5 assigned.

6 Section 4. Retired or former justices or judges who have
7 consented to be assigned on temporary judicial service shall be
8 known as senior justices or judges of the court of which they
9 were last a member or of the court to which the jurisdiction of
10 such court has been transferred.

11 Section 5. Each senior justice or judge assigned on
12 temporary judicial service, with his consent, and as prescribed
13 by rule of the Supreme Court, and serving in the court to which
14 he has been assigned, shall at the end of the month in which he
15 is so engaged, make and forward to the Auditor General and the
16 State Court Administrator, on a blank form to be furnished for
17 that purpose by the State Court Administrator, the place or
18 places where he has rendered temporary judicial service, the
19 name of the court, the number of cases heard, the nature of the
20 same, namely, whether criminal, civil or by such other
21 designation as is requested, the number of days engaged, and an
22 itemized list of expenditures incurred in the discharge of his
23 official duties during this assignment.

24 Section 6. When any senior justice or judge is assigned on
25 temporary judicial service in any court or district, the senior
26 justice or judge so assigned shall be entitled to receive for
27 such day he is actually engaged in the performance of such
28 duties, the sum of seventy-five dollars (\$75) per day, and when
29 assigned to a court or district outside the judicial district of
30 his residence, actual expenses not to exceed forty-five dollars

1 (\$45) per day and mileage to and from his residence and the
2 place of holding court at the rate of ten cents (10¢) per mile
3 circular: Provided, That any senior justice or judge, who has
4 retired under subsection (4) of section 401 or subsection (5) of
5 section 405, act of June 1, 1959 (P.L.392), known as the "State
6 Employes' Retirement Code of 1959," shall receive compensation,
7 expenses and mileage as provided in section 2 of this act, when
8 assigned to a court or district outside the judicial district of
9 his residence.

10 Section 7. The governing body of any county of the
11 Commonwealth having a county-wide Home Rule Charter and the
12 county commissioners of counties of the second class and second
13 class A shall furnish an office for any former or retired
14 justice or judge who has filed his consent with the Supreme
15 Court to be assigned on temporary judicial service for a period
16 of at least eight months of a year and who has been approved for
17 assignment on temporary judicial service by the Supreme Court at
18 such place as the Supreme Court shall by rule prescribe.

19 Section 8. The county commissioners of the several counties
20 of this Commonwealth may furnish an office for any former or
21 retired justice or judge who has filed his consent with the
22 Supreme Court to be assigned on temporary judicial service for a
23 period of at least eight months of a year and who has been
24 approved for assignment on temporary judicial service by the
25 Supreme Court at such place as the Supreme Court shall, by rule,
26 prescribe.

27 Section 9. Each county furnishing an office shall likewise
28 furnish and pay for such janitor service, stationery, telephone,
29 telegraph, clerical and other services, as shall be deemed
30 necessary by such senior judge or justice for the discharge of

1 the duties of their offices. The compensation for any clerical
2 services shall not exceed that ordinarily paid to an official
3 court stenographer of a county as shall be determined by the
4 salary board.

5 Section 10. Each county furnishing an office shall first pay
6 the cost of furnishing the office and services herein required
7 and the cost thereof shall be repaid by the State, upon approval
8 of the bills by the judge or justice.

9 Section 11. The provisions of this act shall not affect or
10 impair any right or interest accrued, vested or otherwise
11 existing under the act of June 1, 1959 (P.L.392), known as the
12 "State Employees' Retirement Code of 1959." A former or retired
13 justice or judge serving under this act shall be deemed to serve
14 under contract with, rather than as an employe of, the
15 Commonwealth for purposes of said code.

16 Section 12. Any justice or judge who files consent for
17 temporary judicial service and is approved by the Supreme Court,
18 shall not practice as an attorney.

19 Section 13. The act of August 31, 1966 (P.L.47), entitled
20 "An act providing for the assignment of former judges learned in
21 the law to sit temporarily in the courts of any judicial
22 district for the disposal of business, and providing for their
23 compensation," is repealed absolutely.

24 Section 14. Nothing contained in this act shall interfere
25 with the right vested in the Supreme Court by the Constitution
26 to make rules with respect to assignment of judges from one
27 court or district to another or to assign retired or former
28 justices or judges on temporary judicial service.

29 Section 15. This act shall take effect immediately.