
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 960

Session of
1979

INTRODUCED BY MESSRS. SCIRICA, W. D. HUTCHINSON, ALDEN, YOHN,
DORR, FREIND, RYAN, EARLEY, GANNON, MRS. ARTY, MRS. DURHAM,
MESSRS. GEESEY, ANDERSON, F. J. LYNCH, MICOZZIE, SPITZ, LEHR,
A. C. FOSTER, JR., AND GRIECO, MARCH 28, 1979

AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 30, 1980

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, adding additional judges
3 to courts of common pleas in Lycoming, Butler, ~~Montgomery~~ <—
4 MONTGOMERY, ERIE, Lebanon, Bucks, York, Mercer, Chester, <—
5 Westmoreland, MONROE, PIKE, Lehigh and ~~Delaware~~ AND DELAWARE <—
6 counties, FURTHER PROVIDING FOR COSTS IN CIVIL AND CRIMINAL <—
7 CASES, AND FURTHER PROVIDING FOR THE PENNSYLVANIA COMMISSION
8 ON SENTENCING.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Subsection (a) of section 911 of Title 42, act of
12 November 25, 1970 (P.L.707, No.230), known as the Pennsylvania
13 Consolidated Statutes, amended November 26, 1978 (P.L.1264,
14 No.301), is amended to read:

15 § 911. Courts of common pleas.

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

19

Number of

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

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

1 Fifty-eighth 1
2 Fifty-ninth 1

3 * * *

4 SECTION 2. SUBSECTIONS (A) AND (B) OF SECTION 1725.1 OF ←
5 TITLE 42 ARE AMENDED TO READ:

6 § 1725.1. COSTS.

7 (A) CIVIL CASES.--THE COSTS TO BE CHARGED BY THE MINOR
8 JUDICIARY IN EVERY CIVIL CASE, EXCEPT AS OTHERWISE PROVIDED IN
9 THIS SECTION, SHALL BE AS FOLLOWS:

- 10 (1) ASSUMPSIT OR TRESPASS INVOLVING \$100 OR
11 LESS..... \$10.00
12 (2) ASSUMPSIT OR TRESPASS INVOLVING MORE THAN
13 \$100 BUT NOT MORE THAN \$300..... \$15.00
14 (3) ASSUMPSIT OR TRESPASS INVOLVING MORE THAN
15 \$300 BUT NOT MORE THAN \$500..... \$20.00
16 (4) ASSUMPSIT OR TRESPASS INVOLVING MORE
17 THAN \$500..... \$25.00
18 (5) LANDLORD AND TENANT PROCEEDING..... \$25.00
19 (6) ORDER OF EXECUTION..... \$15.00
20 (7) OBJECTION TO LEVY..... \$ 5.00
21 (8) REINSTATEMENT OF COMPLAINT..... NO CHARGE

22 SUCH COSTS SHALL INCLUDE ALL CHARGES [INCLUDING, WHEN CALLED
23 FOR, THE COSTS RELATING TO POSTAGE AND REGISTERED MAIL,] EXCEPT
24 THE COSTS OF A DISTRICT JUSTICE'S TRANSCRIPT OF EVERY PROCEEDING
25 ON APPEAL OR CERTIORARI (INCLUDING AFFIDAVIT, BAIL AND
26 CERTIFICATE) WHICH SHALL BE \$2.50 PER TRANSCRIPT. SAID COSTS
27 SHALL NOT INCLUDE, HOWEVER, THE COST OF POSTAGE AND REGISTERED
28 MAIL WHICH SHALL BE BORNE BY THE PLAINTIFF.

29 (B) CRIMINAL CASES.--THE COSTS TO BE CHARGED BY THE MINOR
30 JUDICIARY OR BY THE COURT OF COMMON PLEAS WHERE APPROPRIATE IN

1 EVERY CRIMINAL CASE, EXCEPT AS OTHERWISE PROVIDED IN THIS
2 SECTION, SHALL BE AS FOLLOWS:

- 3 (1) SUMMARY CONVICTION, EXCEPT MOTOR VEHICLE
4 CASES..... \$16.00
- 5 (2) SUMMARY CONVICTION, MOTOR VEHICLES CASES,
6 OTHER THAN PARAGRAPH (3) \$10.00
- 7 (3) SUMMARY CONVICTION, MOTOR VEHICLE CASES,
8 HEARING DEMANDED..... \$15.00
- 9 (4) MISDEMEANOR..... \$20.00
- 10 (5) FELONY..... \$25.00

11 SUCH COSTS SHALL INCLUDE ALL CHARGES INCLUDING [THE COSTS OF
12 POSTAGE AND REGISTERED MAIL AND] THE COSTS OF GIVING A DISTRICT
13 JUSTICE'S TRANSCRIPT TO THE PROSECUTOR OR DEFENDANT, OR BOTH, IF
14 REQUESTED. SUCH COSTS SHALL NOT INCLUDE, HOWEVER, THE COST OF
15 POSTAGE AND REGISTERED MAIL WHICH SHALL BE PAID BY THE DEFENDANT
16 UPON CONVICTION.

17 * * *

18 SECTION 3. SECTIONS 2152(D) AND 2155 OF TITLE 42, AS ADDED
19 BY HOUSE BILL 1873 OF 1980, ARE AMENDED TO READ:

20 § 2152. COMPOSITION OF COMMISSION.

21 * * *

22 (D) MEETINGS AND QUORUM.--

23 (1) THE COMMISSION SHALL MEET NOT LESS FREQUENTLY THAN
24 QUARTERLY TO ESTABLISH ITS GENERAL POLICIES AND RULES.

25 (2) THE COMMISSION SHALL BE DEEMED AN "AGENCY" WITHIN
26 THE MEANING OF THE ACT OF JULY 19, 1974 (P.L.486, NO.175),
27 REFERRED TO AS THE PUBLIC AGENCY OPEN MEETING LAW.

28 (3) NINE COMMISSIONERS SHALL CONSTITUTE A QUORUM FOR THE
29 PURPOSE OF ADOPTING PROPOSED INITIAL AND INITIAL AND
30 SUBSEQUENT GUIDELINES. A MAJORITY OF COMMISSIONERS SHALL

1 CONSTITUTE A QUORUM FOR ALL OTHER PURPOSES.

2 (4) MINUTES OF MEETINGS SHALL BE KEPT BY THE EXECUTIVE
3 DIRECTOR AND FILED AT THE EXECUTIVE OFFICE OF THE COMMISSION.

4 * * *

5 § 2155. PUBLICATION OF GUIDELINES FOR SENTENCING.

6 (A) GENERAL RULE.--THE COMMISSION SHALL:

7 (1) PRIOR TO ADOPTION, PUBLISH IN THE PENNSYLVANIA
8 BULLETIN ALL PROPOSED INITIAL AND SUBSEQUENT SENTENCING
9 GUIDELINES AND HOLD PUBLIC HEARINGS NOT EARLIER THAN 30 DAYS
10 AND NOT LATER THAN 60 DAYS THEREAFTER TO AFFORD AN
11 OPPORTUNITY FOR THE FOLLOWING PERSONS AND ORGANIZATIONS TO
12 TESTIFY:

13 (I) PENNSYLVANIA DISTRICT ATTORNEYS ASSOCIATION.

14 (II) CHIEFS OF POLICE ASSOCIATIONS.

15 (III) FRATERNAL ORDER OF POLICE.

16 (IV) PUBLIC DEFENDERS ORGANIZATION.

17 (V) LAW SCHOOL FACULTY MEMBERS.

18 (VI) STATE BOARD OF PROBATION AND PAROLE.

19 (VII) BUREAU OF CORRECTION.

20 (VIII) PENNSYLVANIA BAR ASSOCIATION.

21 (IX) PENNSYLVANIA WARDENS ASSOCIATION.

22 (X) PENNSYLVANIA ASSOCIATION ON PROBATION, PAROLE

23 AND CORRECTIONS.

24 (XI) PENNSYLVANIA CONFERENCE OF STATE TRIAL JUDGES.

25 (XII) ANY OTHER INTERESTED PERSON OR ORGANIZATION.

26 (2) PUBLISH IN THE PENNSYLVANIA BULLETIN ALL INITIAL AND
27 SUBSEQUENT SENTENCING GUIDELINES AS ADOPTED BY THE
28 COMMISSION.

29 (3) ADOPT AND PUBLISH IN THE PENNSYLVANIA BULLETIN
30 PURSUANT TO SUBSECTION (A)(2) THE INITIAL SENTENCING

1 GUIDELINES WITHIN 21 MONTHS OF THE FIRST MEETING OF THE
2 PENNSYLVANIA COMMISSION ON SENTENCING.

3 (B) REJECTION BY GENERAL ASSEMBLY.--THE GENERAL ASSEMBLY MAY
4 BY CONCURRENT RESOLUTION REJECT IN THEIR ENTIRETY ANY INITIAL OR
5 SUBSEQUENT GUIDELINES ADOPTED BY THE COMMISSION WITHIN 90 DAYS
6 OF THEIR PUBLICATION IN THE PENNSYLVANIA BULLETIN PURSUANT TO
7 SUBSECTION (A)(2).

8 (C) EFFECTIVE DATE.--INITIAL AND ANY SUBSEQUENT GUIDELINES
9 ADOPTED BY THE COMMISSION SHALL BECOME EFFECTIVE [90] 180 DAYS
10 AFTER PUBLICATION IN THE PENNSYLVANIA BULLETIN PURSUANT TO
11 SUBSECTION (A)(2) UNLESS REJECTED IN THEIR ENTIRETY BY THE
12 GENERAL ASSEMBLY BY A CONCURRENT RESOLUTION WITHIN 90 DAYS OF
13 THEIR PUBLICATION. IF NOT REJECTED BY THE GENERAL ASSEMBLY THE
14 COMMISSIONERS SHALL CONDUCT TRAINING AND ORIENTATION FOR TRIAL
15 COURT JUDGES PRIOR TO THE EFFECTIVE DATE OF THE GUIDELINES.

16 Section ~~2~~ 4. The vacancies created by the new judgeships <—
17 added by ~~this~~ SECTION 1 OF THIS act shall be filled pursuant to <—
18 42 Pa.C.S. § 3135 (relating to increase in number of judges).

19 ~~Section 3. This act shall take effect in 60 days. JANUARY 1, <—~~
20 ~~1981 AS TO THE 38TH JUDICIAL DISTRICT AND IN 60 DAYS AS TO ALL~~
21 ~~OTHER JUDICIAL DISTRICTS.~~

22 SECTION 5. SECTION 1 OF THIS ACT SHALL TAKE EFFECT JANUARY
23 1, 1981 AS TO THE 38TH JUDICIAL DISTRICT AND IN 60 DAYS AS TO
24 ALL OTHER JUDICIAL DISTRICTS. SECTIONS 2, 3, 4 AND 5 OF THIS ACT
25 SHALL TAKE EFFECT IMMEDIATELY.