

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 941

Session of  
1983

INTRODUCED BY FREIND, J. L. WRIGHT, GLADECK, LETTERMAN, SAURMAN,  
PHILLIPS, KOSINSKI, PUNT, CIMINI, RYBAK, SCHEETZ, FLICK,  
NOYE, CIVERA, O'DONNELL, MAIALE, BUNT, PITTS, F. E. TAYLOR,  
MRKONIC, MORRIS, JOHNSON, BELARDI, MERRY, AFFLERBACH,  
B. SMITH, MADIGAN, HERSHEY, OLASZ, CLYMER AND O'BRIEN, MAY 3,  
1983

REFERRED TO COMMITTEE ON JUDICIARY, MAY 3, 1983

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, extending direct criminal  
3 contempt of court powers to district justices and judges of  
4 the Traffic Court of Philadelphia.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated  
8 Statutes is amended by adding sections to read:

9 § 4137. Contempt powers of district justices.

10 (a) General rule.--Except as provided in subsection (b),  
11 district justices shall have the power to inflict summary  
12 punishments for contempts of court in the case of the  
13 misbehavior of any person in the presence of the court, thereby  
14 obstructing the administration of justice.

15 (b) Stay of contempt conviction.--Any punishment imposed by  
16 a district justice for contempt under subsection (a) shall be  
17 stayed for a period of ten days from the date of imposition of

1 the punishment to allow the offender to appeal to the court of  
2 common pleas of the judicial district, or until disposition of  
3 the appeal, whichever is later.

4 (c) Punishment.--Except as otherwise provided in this title  
5 or by statute hereafter enacted, punishment for a contempt  
6 specified in subsection (a) may be by fine not exceeding \$100 or  
7 by imprisonment not exceeding ten days in the jail of the county  
8 where the district justice is sitting, or both, in the  
9 discretion of the district justice.

10 § 4138. Contempt powers of judges of the Traffic Court of  
11 Philadelphia.

12 (a) General rule.--Except as provided in subsection (b),  
13 judges of the Traffic Court of Philadelphia shall have the power  
14 to inflict summary punishments for contempts of court in the  
15 case of the misbehavior of any person in the presence of the  
16 court, thereby obstructing the administration of justice.

17 (b) Stay of contempt conviction.--Any punishment imposed by  
18 a judge of the Traffic Court of Philadelphia for contempt under  
19 subsection (a) shall be stayed for a period of ten days from the  
20 date of imposition of the punishment to allow the offender to  
21 appeal to the court of common pleas of the judicial district, or  
22 until disposition of the appeal, whichever is later.

23 (c) Punishment.--Except as otherwise provided in this title  
24 or by statute hereafter enacted, punishment for a contempt  
25 specified in subsection (a) may be by fine not exceeding \$100 or  
26 by imprisonment not exceeding ten days in the jail of the county  
27 where the judge is sitting, or both, in the discretion of the  
28 judge.

29 Section 2. This act shall take effect in 60 days.