

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**SENATE BILL**  
**No. 282**      Session of  
1985

INTRODUCED BY FISHER, O'PAKE, SHUMAKER, WILT, STAPLETON, STOUT,  
ANDREZESKI, REIBMAN, STAUFFER, HESS, RHOADES, WENGER,  
LINCOLN, MADIGAN, LEWIS, HOWARD, SHAFFER, KELLEY, BELL,  
KRATZER, JONES AND SALVATORE, JANUARY 31, 1985

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 26, 1985

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, INCREASING THE SALARIES <—  
3 OF DISTRICT JUSTICES ~~AND~~, JUDGES OF THE PHILADELPHIA <—  
4 MUNICIPAL COURT AND JUDGES OF THE PHILADELPHIA TRAFFIC COURT; <—  
5 AND providing for community public service programs ordered  
6 by district justices.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED <—  
10 STATUTES IS AMENDED BY ADDING SECTIONS TO READ:

11 § 1517. SALARY.

12 A DISTRICT JUSTICE SHALL RECEIVE AN ANNUAL SALARY PAYABLE BY  
13 THE COMMONWEALTH AND COMPUTED BY ADDING TO \$21,500 THE PRODUCT  
14 OF THE POPULATION OF HIS MAGISTERIAL DISTRICT TIMES \$1 BUT IN NO  
15 EVENT SHALL THE SALARY EXCEED \$33,000. FURTHERMORE, THE ANNUAL  
16 SALARY FOR EACH MAGISTERIAL DISTRICT SHALL BE INCREASED FROM THE  
17 SALARY LEVEL EXISTING PRIOR TO THIS SECTION BY NO MORE THAN  
18 \$6,000.

1   § 1518.   PHILADELPHIA MUNICIPAL COURT.

2       THE PRESIDENT JUDGE OF THE PHILADELPHIA MUNICIPAL COURT SHALL  
3   RECEIVE AN ANNUAL SALARY OF \$64,500. THE ANNUAL SALARY FOR THE  
4   OTHER JUDGES OF THE PHILADELPHIA MUNICIPAL COURT SHALL BE  
5   \$63,000.

6       ~~Section 1 2. Title 42 of the Pennsylvania Consolidated~~       <—  
7   ~~Statutes is amended by adding a section to read:~~

8   § 1519.   PHILADELPHIA TRAFFIC COURT.       <—

9       THE PRESIDENT JUDGE OF THE PHILADELPHIA TRAFFIC COURT SHALL  
10   RECEIVE AN ANNUAL SALARY OF \$35,000. THE ANNUAL SALARY FOR THE  
11   OTHER JUDGES OF THE PHILADELPHIA TRAFFIC COURT SHALL BE \$34,500.

12   ~~§ 1517-1519~~ 1520.   Community public service program.       <—

13       (a)   General rule.--A district justice may, upon hearing the  
14   facts of a case, admit to the adjudication alternative  
15   authorized by this section persons charged with misdemeanors of       <—  
16   ~~the third degree or summary offenses~~ SUMMARY OFFENSES OR       <—  
17   MISDEMEANORS OF THE THIRD DEGREE within the jurisdiction of the  
18   district justice. Where applicable, the defendant shall be  
19   required to waive his rights to a speedy trial. The defendant  
20   shall not be required to plead guilty to be accepted by the  
21   district justice into the program.

22       (b)   Public service programs.--A district justice may, in  
23   lieu of making a disposition, authorize an offender to  
24   participate in a program in which an agency or organization is  
25   willing to assume supervision or placement responsibility for  
26   such offenders. The program in general shall be approved by the  
27   court of common pleas of that district and the district  
28   attorney. This program may include work, counseling, public  
29   service, job training, education or other appropriate community  
30   service or self-improvement. The conditions of the program may

1 include the imposition of costs and restitution, the imposition  
2 of a reasonable charge relating to the expense of administering  
3 the program and any other conditions agreed to by the offender.

4 (c) Completion of program.--The district justice shall  
5 dismiss the charges and shall relieve the person of the  
6 obligation to pay any fine or serve any sentence of  
7 imprisonment, upon the successful completion of the program.

8 (d) Refusal to accept or complete program.--If the person  
9 refuses to accept the conditions required by the district  
10 justice or fails to complete the program without good cause or  
11 violates any condition of the program without good cause, the  
12 district justice shall proceed on the charges as provided by  
13 law.

14 (e) Immunity.--A district justice and any public service or  
15 charitable organization supervising or administering a public  
16 service program under this section shall be immune from any  
17 civil action for damages brought by a person admitted to this  
18 program. Nothing in this section shall be construed to limit or  
19 otherwise affect or preclude liability resulting from gross  
20 negligence or intentional misconduct. Reckless, willful or  
21 wanton misconduct constitutes gross negligence.

22 (f) Definition.--As used in this section the term "district  
23 justice" includes a judge of the Pittsburgh Magistrates Court.

24 ~~Section 2-3~~ 2. Section 1515(a)(5)(iii) and (6)(i)(C) of <—  
25 Title 42 is repealed insofar as it is inconsistent with this  
26 act.

27 ~~Section 3. This act shall take effect in 90 days.~~ <—

28 SECTION 4 3. SECTION 2(E), (F) AND (G) OF THE ACT OF <—  
29 SEPTEMBER 30, 1983 (P.L.160, NO.39), KNOWN AS THE PUBLIC  
30 OFFICIAL COMPENSATION LAW, IS ARE REPEALED. <—

1       SECTION ~~5~~ 4. (A) SECTIONS 1 AND ~~4~~ 3 SHALL TAKE EFFECT       <—  
2   OCTOBER 1, 1985, OR IF ENACTED THEREAFTER, ON THE FIRST DAY OF  
3   THE FIRST MONTH COMMENCING THEREAFTER.  
4       (B) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 90 DAYS.