

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 195

Session of
1987

INTRODUCED BY TIGUE, CAWLEY, CAPPABIANCA, BELARDI, JAROLIN, STABACK, McCALL, O'DONNELL, REBER, LAUGHLIN, HAGARTY, PUNT, SERAFINI, SEVENTY, OLIVER, FLICK, STEIGHNER, RITTER, NAHILL, DeLUCA, D. W. SNYDER, BALDWIN, SWEET, BURD, FREEMAN, PISTELLA, MRKONIC, SAURMAN, D. R. WRIGHT, TRELLO, MAIALE, HOWLETT, DAWIDA, BELFANTI, HALUSKA, RYBAK, PRESSMANN, KUKOVICH, LINTON, COHEN, JOHNSON, BOOK, KOSINSKI, BUNT, GEIST, DORR, MOEHLMANN, GODSHALL, LANGTRY, DISTLER, CARLSON, MORRIS, ARGALL, MICHLOVIC, FOX, HERMAN, FARMER, FARGO, GAMBLE, FATTAH, SHOWERS, CALTAGIRONE, VEON, LEVDANSKY, MERRY, DALEY AND OLASZ, FEBRUARY 4, 1987

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 4, 1987

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for community
3 public service programs ordered by district justices.

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

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

8 § 1520. Community public service program.

9 (a) General rule.--A district justice may, upon hearing the
10 facts of a case, admit to the adjudication alternative
11 authorized by this section persons charged with summary offenses
12 or misdemeanors of the third degree within the jurisdiction of
13 the district justice. Where applicable, the defendant shall be
14 required to waive his rights to a speedy trial. The defendant

1 shall not be required to plead guilty to be accepted by the
2 district justice into the program.

3 (b) Public service program.--A district justice may, in lieu
4 of making a disposition, authorize an offender to participate in
5 a program in which an agency or organization is willing to
6 assume supervision or placement responsibility for such
7 offenders. The program in general shall be approved by the court
8 of common pleas of that district and the district attorney. This
9 program may include work, counseling, public service, job
10 training, education or other appropriate community service or
11 self-improvement. The conditions of the program may include the
12 imposition of costs and restitution, the imposition of a
13 reasonable charge relating to the expense of administering the
14 program and any other conditions agreed to by the offender.

15 (c) Completion of program.--The district justice shall
16 dismiss the charges and shall relieve the person of the
17 obligation to pay any fine or serve any sentence of
18 imprisonment, upon the successful completion of the program.

19 (d) Refusal to accept or complete program.--If the person
20 refuses to accept the conditions required by the district
21 justice or fails to complete the program without good cause or
22 violates any condition of the program without good cause, the
23 district justice shall proceed on the charges as provided by
24 law.

25 (e) Immunity.--A district justice and any public service or
26 charitable organization supervising or administering a public
27 service program under this section shall be immune from any
28 civil action for damages brought by a person admitted to this
29 program. Nothing in this section shall be construed to limit or
30 otherwise affect or preclude liability resulting from gross

1 negligence or intentional misconduct. Reckless, willful or
2 wanton misconduct constitutes gross negligence.

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

5 Section 2. This act shall take effect immediately.