

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 423 Session of
1997INTRODUCED BY DELP, BELL, ARMSTRONG, PUNT AND THOMPSON,
FEBRUARY 11, 1997

AS AMENDED ON THIRD CONSIDERATION, APRIL 8, 1997

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, to permit service of
3 process on Sunday.

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

6 Section 1. Section 5107 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 5107. Service of process on Sunday.

9 [(a) General rule.--No process shall] Process may be served
10 or executed on a Sunday EXCEPT AT ANY CHURCH, SYNAGOGUE, <—
11 MEETINGHOUSE OR ANY PLACE OF WORSHIP. [except in the case of:

12 (1) Felony or misdemeanor.

13 (2) Breach of the peace.

14 (3) Criminal or civil contempt of court in orders
15 relating to support or custody matters.

16 (4) When authorized or directed by the court upon a
17 finding that the exigency of the case is such as to impel the
18 court to suspend the rule against service or execution of

1 process on a Sunday.

2 (5) Any matter where the service or execution of process
3 on a Sunday is expressly authorized by statute.

4 (b) Effect of violation.--Process served or executed in
5 violation of subsection (a) shall be void and the person so
6 serving or executing such process shall be liable to any person
7 aggrieved to the same extent as if the action was taken without
8 any process at all.]

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