

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1349 Session of  
1998

INTRODUCED BY SCHWARTZ, AFFLERBACH, STOUT, COSTA, HELFRICK,  
MUSTO, O'PAKE, HUGHES, TARTAGLIONE AND HART, MARCH 11, 1998

REFERRED TO JUDICIARY, MARCH 11, 1998

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, establishing the Domestic  
3 Violence Judicial Education Fund; and further providing for  
4 content of course of instruction and examination and for  
5 continuing education for district justices.

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

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

10 § 1905. Domestic Violence Judicial Education Fund.

11 (a) Establishment.--The Domestic Violence Judicial Education  
12 Fund is hereby established in the State Treasury. The moneys in  
13 the fund may be used by the Administrative Office to design,  
14 implement and provide domestic violence educational programs to  
15 judicial officers, in consultation with one or more Statewide  
16 organizations with expertise in providing domestic violence  
17 training, education and advocacy services.

18 (b) Definition.--As used in this section, the term "domestic  
19 violence educational program" means training, seminars or

1 presentations on:

2       (1) The nature, extent and causes of domestic violence.

3       (2) Resources available in this Commonwealth for victims  
4 and perpetrators of domestic violence.

5       (3) Courtroom treatment of victims, witnesses and  
6 perpetrators.

7       (4) Lethality of domestic violence and practices that  
8 promote the safety of victims and other household members,  
9 such as safety plans.

10       (5) The procedural and substantive provisions of 23  
11 Pa.C.S. Ch. 61 (relating to protection from abuse).

12       (6) The relationship between civil and criminal  
13 responses to domestic violence.

14       (7) Domestic violence as it relates to child custody,  
15 child support, the dissolution of marriage and interspousal  
16 tort cases.

17       (8) Any other topic related to domestic violence as  
18 determined by the Administrative Office.

19       Section 2. Sections 3113(b) and 3118(a) of Title 42 are  
20 amended and the sections are amended by adding subsections to  
21 read:

22       § 3113. Content of course of instruction and examination.

23       \* \* \*

24       (b) Content of course.--The course of training and  
25 instruction shall not exceed four weeks in duration and shall  
26 consist of a minimum of 40 hours of class instruction in civil  
27 and criminal law, including evidence and procedure, summary  
28 proceedings, motor vehicles and courses in judicial ethics and  
29 in domestic violence in accordance with subsection (c), in the  
30 case of all such officials except bail commissioners, in which

case it shall consist of a minimum of 30 hours of class instruction in criminal law, domestic violence, search and seizure, arrest and bail practices and procedures, and except judges of the Traffic Court of Philadelphia, in which case it shall consist of a minimum of 20 hours of class instruction in summary proceedings and laws relating to motor vehicles.

(c) Domestic violence training.--The course of training and instruction set forth in this section shall include eight hours of domestic violence training for district justices. The course of training and instruction on domestic violence shall include, but not be limited to, the following topics:

(1) The nature, extent and causes of domestic violence.

(2) Resources available in this Commonwealth for victims and perpetrators of domestic violence, including, but not limited to, information regarding the resources available in each district justice's county of jurisdiction.

(3) Courtroom treatment of victims, witnesses and perpetrators.

(4) Lethality of domestic violence and practices that promote the safety of victims and other household members, such as safety plans.

(5) The procedural and substantive provisions of 23 Pa.C.S. Ch. 61 (relating to protection from abuse).

§ 3118. Continuing education requirement.

(a) District justices.--Every district justice shall complete a continuing education program each year equivalent to not less than 32 hours per year [in], including training in domestic violence as set forth in subsection (c) and in such courses or programs as are approved by the board. If a district justice fails to meet these continuing education requirements,

1 such justice shall be subject to suspension by the Supreme Court  
2 until such time as evidence of compliance with such requirements  
3 is submitted by the board, but in no event longer than six  
4 months at which time the failure to meet the continuing  
5 education requirements shall be grounds for the Supreme Court,  
6 after a hearing, to declare a vacancy in that district.

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8 (c) Domestic violence training.--The continuing education  
9 program shall include at least four hours of training in  
10 domestic violence. The four-hour course shall be developed and  
11 presented by the board in consultation with public and private  
12 agencies that provide programs for victims of domestic violence  
13 and intervention programs for perpetrators, advocates for  
14 victims and a Statewide organization with expertise in domestic  
15 violence training, education and advocacy. The course of  
16 training and instruction on domestic violence shall include, but  
17 not be limited to, the following topics:

18 (1) The nature, extent and causes of domestic violence.

19 (2) Resources available in this Commonwealth for victims  
20 and perpetrators of domestic violence, including, but not  
21 limited to, information regarding the resources available in  
22 each district justice's county of jurisdiction.

23 (3) Courtroom treatment of victims, witnesses and  
24 perpetrators.

25 (4) Lethality of domestic violence and practices that  
26 promote the safety of victims and other household members,  
27 such as safety plans.

28 (5) The procedural and substantive provisions of 23  
29 Pa.C.S. Ch. 61 (relating to protection from abuse).

30 Section 3. This act shall take effect in 60 days.