

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1697 Session of  
2001

INTRODUCED BY ROBERTS, DeWEESE, DALEY, SOLOBAY, JAMES, STAIRS  
AND SHANER, JUNE 5, 2001

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for the  
3 number of judges of the courts of common pleas in certain  
4 judicial districts.

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

7 Section 1. Section 911 of Title 42 of the Pennsylvania  
8 Consolidated Statutes is amended by adding a subsection to read:

9 § 911. Courts of common pleas.

10 \* \* \*

11 (a.1) Interim judgeship.--Notwithstanding the provisions of  
12 subsection (a), the Court of Common Pleas of the Fourteenth  
13 Judicial District shall consist of six judges. This subsection  
14 shall expire upon the happening of the first vacancy on the  
15 Court of Common Pleas of the Fourteenth Judicial District or  
16 January 8, 2002, whichever is later.

17 \* \* \*

18 Section 2. (a) The provisions of 42 Pa.C.S. § 3135 shall

not be applicable to the selection of the judge for the judgeship created by the addition of 42 Pa.C.S. § 911(a.1).

(b) The new judgeship added by the addition of 42 Pa.C.S. § 911(a.1) shall be created on January 7, 2002, and shall be initially filled by election at the 2001 municipal election.

(c) Notwithstanding any other provision of law to the contrary, the person or persons nominated in the primary election held for a judgeship in the Fourteenth Judicial District on May 15, 2001, shall be deemed to have been nominated for the new judgeship added by the addition of 42 Pa.C.S. § 911(a.1).

(d) Except as provided by subsection (c), the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, shall apply to the election for the newly created judgeship.

Section 3. The General Assembly finds and declares as follows:

(1) Acting pursuant to the duties prescribed in section 903 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, the Secretary of the Commonwealth determined that an election should be held in 2001 for the office of Judge of the Court of Common Pleas of the Fourteenth Judicial District. The secretary made her determination in accordance with the Constitution of Pennsylvania by anticipating the mandatory retirement of a commissioned judge of the Court of Common Pleas of the Fourteenth Judicial District then scheduled to occur on the judge's 70th birthday on January 6, 2002, prior to the first Monday in January in the year following the municipal election. The primary for that election was held as directed

1 by the secretary on May 15, 2001.

2 (2) As a result of the approval of the electors on May  
3 15, 2001, of an amendment to section 16(b) of Article V of  
4 the Constitution of Pennsylvania altering the dates on which  
5 a justice, judge or district justice must retire from the  
6 date of his 70th birthday to the last day of the calendar  
7 year on which he reaches his 70th birthday, the secretary can  
8 no longer legally anticipate the mandatory retirement of a  
9 judge of the Court of Common Pleas of the Fourteenth Judicial  
10 District by reason of age prior to the first Monday in  
11 January 2002, the date on which a newly elected judge would  
12 commence his elective term.

13 (3) For these reasons, the election for the judgeship on  
14 the Court of Common Pleas of the Fourteenth Judicial District  
15 previously designated by the secretary to be conducted in the  
16 municipal election scheduled for November 7, 2001, shall be  
17 cancelled.

18 (4) Because the primary election conducted May 15, 2001,  
19 in the Fourteenth Judicial District was properly conducted in  
20 ordinary course for an anticipated vacancy on the court of  
21 common pleas that now cannot proceed based on a change in the  
22 Constitution of Pennsylvania, it is proper and in the public  
23 interest that the person or persons nominated in the primary  
24 election held for a judgeship in the Fourteenth Judicial  
25 District on May 15, 2001, be deemed to have been nominated  
26 for the new judgeship, as provided by section 2(c) of this  
27 act.

28 Section 4. This act shall take effect immediately.