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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 858      Session of  
2001

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INTRODUCED BY GREENLEAF, LEMMOND, EARLL, CONTI, LOGAN,  
TARTAGLIONE AND THOMPSON, MAY 7, 2001

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REFERRED TO JUDICIARY, MAY 7, 2001

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A JOINT RESOLUTION

1 Proposing integrated amendments to the Constitution of the  
2 Commonwealth of Pennsylvania, making editorial changes by  
3 replacing the phrase "justice of the peace" with "district  
4 justice."

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

7 Section 1. The following integrated amendments to the  
8 Constitution of Pennsylvania are proposed in accordance with  
9 Article XI:

10 (1) That Section 8(b) of Article IV be amended to read:

11 § 8. Appointing power.

12 \* \* \*

13 (b) The Governor shall fill vacancies in offices to which he  
14 appoints by nominating to the Senate a proper person to fill the  
15 vacancy within 90 days of the first day of the vacancy and not  
16 thereafter. The Senate shall act on each executive nomination  
17 within 25 legislative days of its submission. If the Senate has  
18 not voted upon a nomination within 15 legislative days following

1 such submission, any five members of the Senate may, in writing,  
2 request the presiding officer of the Senate to place the  
3 nomination before the entire Senate body whereby the nomination  
4 must be voted upon prior to the expiration of five legislative  
5 days or 25 legislative days following submission by the  
6 Governor, whichever occurs first. If the nomination is made  
7 during a recess or after adjournment sine die, the Senate shall  
8 act upon it within 25 legislative days after its return or  
9 reconvening. If the Senate for any reason fails to act upon a  
10 nomination submitted to it within the required 25 legislative  
11 days, the nominee shall take office as if the appointment had  
12 been consented to by the Senate. The Governor shall in a similar  
13 manner fill vacancies in the offices of Auditor General, State  
14 Treasurer, justice, judge, [justice of the peace] district  
15 justice and in any other elective office he is authorized to  
16 fill. In the case of a vacancy in an elective office, a person  
17 shall be elected to the office on the next election day  
18 appropriate to the office unless the first day of the vacancy is  
19 within two calendar months immediately preceding the election  
20 day in which case the election shall be held on the second  
21 succeeding election day appropriate to the office.

22 \* \* \*

23 (2) That sections 1, 7, 10(a), (b) and (c), 12, 13 heading,  
24 (a) and (b), 15 heading and (a), 16, 17(b) and (c) and 18 of  
25 Article V be amended to read:

26 § 1. Unified judicial system.

27 The judicial power of the Commonwealth shall be vested in a  
28 unified judicial system consisting of the Supreme Court, the  
29 Superior Court, the Commonwealth Court, courts of common pleas,  
30 community courts, municipal and traffic courts in the City of

1 Philadelphia, such other courts as may be provided by law and  
2 [justices of the peace] district justices. All courts and  
3 [justices of the peace] district justices and their jurisdiction  
4 shall be in this unified judicial system.

5 § 7. [Justices of the peace] District justices; magisterial  
6 districts.

7 (a) In any judicial district, other than the City of  
8 Philadelphia, where a community court has not been established  
9 or where one has been discontinued there shall be one [justice  
10 of the peace] district justice in each magisterial district. The  
11 jurisdiction of the [justice of the peace] district justice  
12 shall be as provided by law.

13 (b) The General Assembly shall by law establish classes of  
14 magisterial districts solely on the basis of population and  
15 population density and shall fix the salaries to be paid  
16 [justices of the peace] district justices in each class. The  
17 number and boundaries of magisterial districts of each class  
18 within each judicial district shall be established by the  
19 Supreme Court or by the courts of common pleas under the  
20 direction of the Supreme Court as required for the efficient  
21 administration of justice within each magisterial district.

22 § 10. Judicial administration.

23 (a) The Supreme Court shall exercise general supervisory and  
24 administrative authority over all the courts and [justices of  
25 the peace] district justices, including authority to temporarily  
26 assign judges and [justices of the peace] district justices from  
27 one court or district to another as it deems appropriate.

28 (b) The Supreme Court shall appoint a court administrator  
29 and may appoint such subordinate administrators and staff as may  
30 be necessary and proper for the prompt and proper disposition of

1 the business of all courts and [justices of the peace] district  
2 justices.

3 (c) The Supreme Court shall have the power to prescribe  
4 general rules governing practice, procedure and the conduct of  
5 all courts, [justices of the peace] district justices and all  
6 officers serving process or enforcing orders, judgments or  
7 decrees of any court or [justice of the peace] district justice,  
8 including the power to provide for assignment and reassignment  
9 of classes of actions or classes of appeals among the several  
10 courts as the needs of justice shall require, and for admission  
11 to the bar and to practice law, and the administration of all  
12 courts and supervision of all officers of the Judicial Branch,  
13 if such rules are consistent with this Constitution and neither  
14 abridge, enlarge nor modify the substantive rights of any  
15 litigant, nor affect the right of the General Assembly to  
16 determine the jurisdiction of any court or [justice of the  
17 peace] district justice, nor suspend nor alter any statute of  
18 limitation or repose. All laws shall be suspended to the extent  
19 that they are inconsistent with rules prescribed under these  
20 provisions.

21 \* \* \*

22 § 12. Qualifications of justices, judges and [justices of the  
23 peace] district justices.

24 (a) Justices, judges and [justices of the peace] district  
25 justices shall be citizens of the Commonwealth. Justices and  
26 judges, except the judges of the traffic court in the City of  
27 Philadelphia, shall be members of the bar of the Supreme Court.  
28 Justices and judges of statewide courts, for a period of one  
29 year preceding their election or appointment and during their  
30 continuance in office, shall reside within the Commonwealth.

1 Other judges and [justices of the peace] district justices for a  
2 period of one year preceding their election or appointment and  
3 during their continuance in office, shall reside within their  
4 respective districts, except as provided in this article for  
5 temporary assignments.

6 (b) Judges of the traffic court in the City of Philadelphia  
7 and [justices of the peace] district justices shall be members  
8 of the bar of the Supreme Court or shall complete a course of  
9 training and instruction in the duties of their respective  
10 offices and pass an examination prior to assuming office. Such  
11 courses and examinations shall be as provided by law.

12 § 13. Election of justices, judges and [justices of the peace;]  
13 district justices; vacancies.

14 (a) Justices, judges and [justices of the peace] district  
15 justices shall be elected at the municipal election next  
16 preceding the commencement of their respective terms of office  
17 by the electors of the Commonwealth or the respective districts  
18 in which they are to serve.

19 (b) A vacancy in the office of justice, judge or [justice of  
20 the peace] district justice shall be filled by appointment by  
21 the Governor. The appointment shall be with the advice and  
22 consent of two-thirds of the members elected to the Senate,  
23 except in the case of [justices of the peace] district justices  
24 which shall be by a majority. The person so appointed shall  
25 serve for a term ending on the first Monday of January following  
26 the next municipal election more than ten months after the  
27 vacancy occurs or for the remainder of the unexpired term  
28 whichever is less, except in the case of persons selected as  
29 additional judges to the Superior Court, where the General  
30 Assembly may stagger and fix the length of the initial terms of

1 such additional judges by reference to any of the first, second  
2 and third municipal elections more than ten months after the  
3 additional judges are selected. The manner by which any  
4 additional judges are selected shall be provided by this section  
5 for the filling of vacancies in judicial offices.

6 \* \* \*

7 § 15. Tenure of justices, judges and [justices of the peace]  
8 district justices.

9 (a) The regular term of office of justices and judges shall  
10 be ten years and the regular term of office for judges of the  
11 municipal court and traffic court in the City of Philadelphia  
12 and of [justices of the peace] district justices shall be six  
13 years. The tenure of any justice or judge shall not be affected  
14 by changes in judicial districts or by reduction in the number  
15 of judges.

16 \* \* \*

17 § 16. Compensation and retirement of justices, judges and  
18 [justices of the peace] district justices.

19 (a) Justices, judges and [justices of the peace] district  
20 justices shall be compensated by the Commonwealth as provided by  
21 law. Their compensation shall not be diminished during their  
22 terms of office, unless by law applying generally to all  
23 salaried officers of the Commonwealth.

24 (b) Justices, judges and [justices of the peace] district  
25 justices shall be retired upon attaining the age of 70 years.  
26 Former and retired justices, judges and [justices of the peace]  
27 district justices shall receive such compensation as shall be  
28 provided by law. Except as provided by law, no salary,  
29 retirement benefit or other compensation, present or deferred,  
30 shall be paid to any justice, judge or [justice of the peace]

1 district justice who, under section 18 or under Article VI, is  
2 suspended, removed or barred from holding judicial office for  
3 conviction of a felony or misconduct in office or conduct which  
4 prejudices the proper administration of justice or brings the  
5 judicial office into disrepute.

6 (c) A former or retired justice or judge may, with his  
7 consent, be assigned by the Supreme Court on temporary judicial  
8 service as may be prescribed by rule of the Supreme Court.

9 § 17. Prohibited activities.

10 \* \* \*

11 (b) Justices and judges shall not engage in any activity  
12 prohibited by law and shall not violate any canon of legal or  
13 judicial ethics prescribed by the Supreme Court. [Justices of  
14 the peace] District justices shall be governed by rules or  
15 canons which shall be prescribed by the Supreme Court.

16 (c) No justice, judge or [justice of the peace] district  
17 justice shall be paid or accept for the performance of any  
18 judicial duty or for any service connected with his office, any  
19 fee, emolument or perquisite other than the salary and expenses  
20 provided by law.

21 \* \* \*

22 § 18. Suspension, removal, discipline and other sanctions.

23 (a) There shall be an independent board within the Judicial  
24 Branch, known as the Judicial Conduct Board, the composition,  
25 powers and duties of which shall be as follows:

26 (1) The board shall be composed of 12 members, as follows:  
27 two judges, other than senior judges, one from the courts of  
28 common pleas and the other from either the Superior Court or the  
29 Commonwealth Court, one [justice of the peace] district justice  
30 who need not be a member of the bar of the Supreme Court, three

1 non-judge members of the bar of the Supreme Court and six non-  
2 lawyer electors.

3 (2) The judge from either the Superior Court or the  
4 Commonwealth Court, the [justice of the peace] district justice,  
5 one non-judge member of the bar of the Supreme Court and three  
6 non-lawyer electors shall be appointed to the board by the  
7 Supreme Court. The judge from the courts of common pleas, two  
8 non-judge members of the bar of the Supreme Court and three non-  
9 lawyer electors shall be appointed to the board by the Governor.

10 (3) Except for the initial appointees whose terms shall be  
11 provided by the schedule to this article, the members shall  
12 serve for terms of four years. All members must be residents of  
13 this Commonwealth. No more than three of the six members  
14 appointed by the Supreme Court may be registered in the same  
15 political party. No more than three of the six members appointed  
16 by the Governor may be registered in the same political party.  
17 Membership of a judge or [justice of the peace] district justice  
18 shall terminate if the member ceases to hold the judicial  
19 position that qualified the member for the appointment.  
20 Membership shall terminate if a member attains a position that  
21 would have rendered the member ineligible for appointment at the  
22 time of the appointment. A vacancy shall be filled by the  
23 respective appointing authority for the remainder of the term to  
24 which the member was appointed. No member may serve more than  
25 four consecutive years but may be reappointed after a lapse of  
26 one year. The Governor shall convene the board for its first  
27 meeting. At that meeting and annually thereafter, the members of  
28 the board shall elect a chairperson. The board shall act only  
29 with the concurrence of a majority of its members.

30 (4) No member of the board, during the member's term, may



1 hold office in a political party or political organization.

2 Except for a judicial member, no member of the board, during the  
3 member's term, may hold a compensated public office or public  
4 appointment. All members shall be reimbursed for expenses  
5 necessarily incurred in the discharge of their official duties.

6 (5) The board shall prescribe general rules governing the  
7 conduct of members. A member may be removed by the board for a  
8 violation of the rules governing the conduct of members.

9 (6) The board shall appoint a chief counsel and other staff,  
10 prepare and administer its own budget as provided by law,  
11 exercise supervisory and administrative authority over all board  
12 staff and board functions, establish and promulgate its own  
13 rules of procedure, prepare and disseminate an annual report and  
14 take other actions as are necessary to ensure its efficient  
15 operation. The budget request of the board shall be made by the  
16 board as a separate item in the request submitted by the Supreme  
17 Court on behalf of the Judicial Branch to the General Assembly.

18 (7) The board shall receive and investigate complaints  
19 regarding judicial conduct filed by individuals or initiated by  
20 the board; issue subpoenas to compel testimony under oath of  
21 witnesses, including the subject of the investigation, and to  
22 compel the production of documents, books, accounts and other  
23 records relevant to the investigation; determine whether there  
24 is probable cause to file formal charges against a justice,  
25 judge or [justice of the peace] district justice for conduct  
26 proscribed by this section; and present the case in support of  
27 the charges before the Court of Judicial Discipline.

28 (8) Complaints filed with the board or initiated by the  
29 board shall not be public information. Statements, testimony,  
30 documents, records or other information or evidence acquired by

1 the board in the conduct of an investigation shall not be public  
2 information. A justice, judge or [justice of the peace] district  
3 justice who is the subject of a complaint filed with the board  
4 or initiated by the board or of an investigation conducted by  
5 the board shall be apprised of the nature and content of the  
6 complaint and afforded an opportunity to respond fully to the  
7 complaint prior to any probable cause determination by the  
8 board. All proceedings of the board shall be confidential except  
9 when the subject of the investigation waives confidentiality.  
10 If, independent of any action by the board, the fact that an  
11 investigation by the board is in progress becomes a matter of  
12 public record, the board may, at the direction of the subject of  
13 the investigation, issue a statement to confirm that the  
14 investigation is in progress, to clarify the procedural aspects  
15 of the proceedings, to explain the rights of the subject of the  
16 investigation to a fair hearing without prejudgment or to  
17 provide the response of the subject of the investigation to the  
18 complaint. In acting to dismiss a complaint for lack of probable  
19 cause to file formal charges, the board may, at its discretion,  
20 issue a statement or report to the complainant or to the subject  
21 of the complaint, which may contain the identity of the  
22 complainant, the identity of the subject of the complaint, the  
23 contents and nature of the complaint, the actions taken in the  
24 conduct of the investigation and the results and conclusions of  
25 the investigation. The board may include with a report a copy of  
26 information or evidence acquired in the course of the  
27 investigation.

28 (9) If the board finds probable cause to file formal charges  
29 concerning mental or physical disability against a justice,  
30 judge or [justice of the peace] district justice, the board

1 shall so notify the subject of the charges and provide the  
2 subject with an opportunity to resign from judicial office or,  
3 when appropriate, to enter a rehabilitation program prior to the  
4 filing of the formal charges with the Court of Judicial  
5 Discipline.

6 (10) Members of the board and its chief counsel and staff  
7 shall be absolutely immune from suit for all conduct in the  
8 course of their official duties. No civil action or disciplinary  
9 complaint predicated upon the filing of a complaint or other  
10 documents with the board or testimony before the board may be  
11 maintained against any complainant, witness or counsel.

12 (b) There shall be a Court of Judicial Discipline, the  
13 composition, powers and duties of which shall be as follows:

14 (1) The court shall be composed of a total of eight members  
15 as follows: three judges other than senior judges from the  
16 courts of common pleas, the Superior Court or the Commonwealth  
17 Court, one [justice of the peace] district justice, two non-  
18 judge members of the bar of the Supreme Court and two non-lawyer  
19 electors. Two judges, the [justice of the peace] district  
20 justice and one non-lawyer elector shall be appointed to the  
21 court by the Supreme Court. One judge, the two non-judge members  
22 of the bar of the Supreme Court and one non-lawyer elector shall  
23 be appointed to the court by the Governor.

24 (2) Except for the initial appointees whose terms shall be  
25 provided by the schedule to this article, each member shall  
26 serve for a term of four years; however, the member, rather than  
27 the member's successor, shall continue to participate in any  
28 hearing in progress at the end of the member's term. All members  
29 must be residents of this Commonwealth. No more than two of the  
30 members appointed by the Supreme Court may be registered in the

1 same political party. No more than two of the members appointed  
2 by the Governor may be registered in the same political party.  
3 Membership of a judge or [justice of the peace] district justice  
4 shall terminate if the judge or [justice of the peace] district  
5 justice ceases to hold the judicial position that qualified the  
6 judge or [justice of the peace] district justice for  
7 appointment. Membership shall terminate if a member attains a  
8 position that would have rendered that person ineligible for  
9 appointment at the time of the appointment. A vacancy on the  
10 court shall be filled by the respective appointing authority for  
11 the remainder of the term to which the member was appointed in  
12 the same manner in which the original appointment occurred. No  
13 member of the court may serve more than four consecutive years  
14 but may be reappointed after a lapse of one year.

15 (3) The court shall prescribe general rules governing the  
16 conduct of members. A member may be removed by the court for a  
17 violation of the rules of conduct prescribed by the court. No  
18 member, during the member's term of service, may hold office in  
19 any political party or political organization. Except for a  
20 judicial member, no member of the court, during the member's  
21 term of service, may hold a compensated public office or public  
22 appointment. All members of the court shall be reimbursed for  
23 expenses necessarily incurred in the discharge of their official  
24 duties.

25 (4) The court shall appoint staff and prepare and administer  
26 its own budget as provided by law and undertake actions needed  
27 to ensure its efficient operation. All actions of the court,  
28 including disciplinary action, shall require approval by a  
29 majority vote of the members of the court. The budget request of  
30 the court shall be made as a separate item in the request by the

1 Supreme Court on behalf of the Judicial Branch to the General  
2 Assembly. The court shall adopt rules to govern the conduct of  
3 proceedings before the court.

4 (5) Upon the filing of formal charges with the court by the  
5 board, the court shall promptly schedule a hearing or hearings  
6 to determine whether a sanction should be imposed against a  
7 justice, judge or [justice of the peace] district justice  
8 pursuant to the provisions of this section. The court shall be a  
9 court of record, with all the attendant duties and powers  
10 appropriate to its function. Formal charges filed with the court  
11 shall be a matter of public record. All hearings conducted by  
12 the court shall be public proceedings conducted pursuant to the  
13 rules adopted by the court and in accordance with the principles  
14 of due process and the law of evidence. Parties appearing before  
15 the court shall have a right to discovery pursuant to the rules  
16 adopted by the court and shall have the right to subpoena  
17 witnesses and to compel the production of documents, books,  
18 accounts and other records as relevant. The subject of the  
19 charges shall be presumed innocent in any proceeding before the  
20 court, and the board shall have the burden of proving the  
21 charges by clear and convincing evidence. All decisions of the  
22 court shall be in writing and shall contain findings of fact and  
23 conclusions of law. A decision of the court may order removal  
24 from office, suspension, censure or other discipline as  
25 authorized by this section and as warranted by the record.

26 (6) Members of the court and the court's staff shall be  
27 absolutely immune from suit for all conduct in the course of  
28 their official duties, and no civil action or disciplinary  
29 complaint predicated on testimony before the court may be  
30 maintained against any witness or counsel.

(c) Decisions of the court shall be subject to review as follows:

(1) A justice, judge or [justice of the peace] district justice shall have the right to appeal a final adverse order of discipline of the court. A judge or [justice of the peace] district justice shall have the right to appeal to the Supreme Court in a manner consistent with rules adopted by the Supreme Court; a justice shall have the right to appeal to a special tribunal composed of seven judges, other than senior judges, chosen by lot from the judges of the Superior Court and Commonwealth Court who do not sit on the Court of Judicial Discipline or the board, in a manner consistent with rules adopted by the Supreme Court. The special tribunal shall hear and decide the appeal in the same manner in which the Supreme Court would hear and decide an appeal from an order of the court.

(2) On appeal, the Supreme Court or special tribunal shall review the record of the proceedings of the court as follows: on the law, the scope of review is plenary; on the facts, the scope of review is clearly erroneous; and, as to sanctions, the scope of review is whether the sanctions imposed were lawful. The Supreme Court or special tribunal may revise or reject an order of the court upon a determination that the order did not sustain this standard of review; otherwise, the Supreme Court or special tribunal shall affirm the order of the court.

(3) An order of the court which dismisses a complaint against a judge or [justice of the peace] district justice may be appealed by the board to the Supreme Court, but the appeal shall be limited to questions of law. An order of the court which dismisses a complaint against a justice of the Supreme

1 Court may be appealed by the board to a special tribunal in  
2 accordance with paragraph (1), but the appeal shall be limited  
3 to questions of law.

4 (4) No justice, judge or [justice of the peace] district  
5 justice may participate as a member of the board, the court, a  
6 special tribunal or the Supreme Court in any proceeding in which  
7 the justice, judge or [justice of the peace] district justice is  
8 a complainant, the subject of a complaint, a party or a witness.

9 (d) A justice, judge or [justice of the peace] district  
10 justice shall be subject to disciplinary action pursuant to this  
11 section as follows:

12 (1) A justice, judge or [justice of the peace] district  
13 justice may be suspended, removed from office or otherwise  
14 disciplined for conviction of a felony; violation of section 17  
15 of this article; misconduct in office; neglect or failure to  
16 perform the duties of office or conduct which prejudices the  
17 proper administration of justice or brings the judicial office  
18 into disrepute, whether or not the conduct occurred while acting  
19 in a judicial capacity or is prohibited by law; or conduct in  
20 violation of a canon or rule prescribed by the Supreme Court. In  
21 the case of a mentally or physically disabled justice, judge or  
22 [justice of the peace] district justice, the court may enter an  
23 order of removal from office, retirement, suspension or other  
24 limitations on the activities of the justice, judge or [justice  
25 of the peace] district judge as warranted by the record. Upon a  
26 final order of the court for suspension without pay or removal,  
27 prior to any appeal, the justice, judge or [justice of the  
28 peace] district justice shall be suspended or removed from  
29 office; and the salary of the justice, judge or [justice of the  
30 peace] district justice shall cease from the date of the order.

1 (2) Prior to a hearing, the court may issue an interim order  
2 directing the suspension, with or without pay, of any justice,  
3 judge or [justice of the peace] district justice against whom  
4 formal charges have been filed with the court by the board or  
5 against whom has been filed an indictment or information  
6 charging a felony. An interim order under this paragraph shall  
7 not be considered a final order from which an appeal may be  
8 taken.

9 (3) A justice, judge or [justice of the peace] district  
10 justice convicted of misbehavior in office by a court, disbarred  
11 as a member of the bar of the Supreme Court or removed under  
12 this section shall forfeit automatically his judicial office and  
13 thereafter be ineligible for judicial office.

14 (4) A justice, judge or [justice of the peace] district  
15 justice who files for nomination for or election to any public  
16 office other than a judicial office shall forfeit automatically  
17 his judicial office.

18 (5) This section is in addition to and not in substitution  
19 for the provisions for impeachment for misbehavior in office  
20 contained in Article VI. No justice, judge or [justice of the  
21 peace] district justice against whom impeachment proceedings are  
22 pending in the Senate shall exercise any of the duties of office  
23 until acquittal.

24 (3) That section 7 of the Schedule to Article V be amended  
25 to read:

26 § 7. Community courts.

27 In a judicial district which establishes a community court, a  
28 person serving as a [justice of the peace] district justice at  
29 such time:

30 (a) May complete his term exercising the jurisdiction



1 provided by law and with the compensation provided by law, and

2 (b) Upon completion of his term, his office is abolished and  
3 no judicial function of the kind heretofore exercised by a  
4 [justice of the peace] district justice shall thereafter be  
5 exercised other than by the community court.

6 (4) That the undesignated subdivision heading preceding  
7 section 8 of the Schedule to Article V be amended to read:

8 JUSTICES, JUDGES AND [JUSTICES OF THE PEACE]

9 DISTRICT JUSTICES

10 (5) That section 8 of the Schedule to Article V be amended  
11 to read:

12 § 8. Justices, judges and [justices of the peace] district  
13 justices.

14 Notwithstanding any provision in the article, a present  
15 justice, judge or [justice of the peace] district justice may  
16 complete his term of office.

17 (6) That the undesignated subdivision heading preceding  
18 section 12 of the Schedule to Article V be amended to read:

19 MAGISTRATES, ALDERMEN AND [JUSTICES OF THE PEACE]

20 DISTRICT JUSTICES AND MAGISTERIAL DISTRICTS

21 OTHER THAN IN THE CITY OF PHILADELPHIA

22 (7) That sections 12, 13, 14, 21, 22, 24(b) and (c) and 26  
23 of the Schedule to Article V be amended to read:

24 § 12. Magistrates, aldermen and [justices of the peace]  
25 district justices.

26 An alderman, [justice of the peace] district justice or  
27 magistrate:

28 (a) May complete his term, exercising the jurisdiction  
29 provided by law and with the method of compensation provided by  
30 law prior to the adoption of this article;

(b) Shall be deemed to have taken and passed the examination required by this article for [justices of the peace] district justices if he has completed one full term of office before creation of a magisterial district, and

(c) At the completion of his term, his office is abolished.

(d) Except for officers completing their terms, after the first Monday in January, 1970, no judicial function of the kind heretofore exercised by these officers, by mayors and like officers in municipalities shall be exercised by any officer other than the one [justice of the peace] district justice elected or appointed to serve in that magisterial district.

§ 13. Magisterial districts.

So that the provisions of this article regarding the establishment of magisterial districts and the instruction and examination of [justices of the peace] district justices may be self-executing, until otherwise provided by law in a manner agreeable to this article, the following provisions shall be in force:

(a) The Supreme Court or the courts of common pleas under the direction of the Supreme Court shall fix the number and boundaries of magisterial districts of each class within each judicial district by January 1, 1969, and these magisterial districts, except where a community court has been adopted, shall come into existence on January 1, 1970, the [justices of the peace] district justices thereof to be elected at the municipal election in 1969. These [justices of the peace] district justices shall retain no fine, costs or any other sum that shall be delivered into their hands for the performance of any judicial duty or for any service connected with their offices, but shall remit the same to the Commonwealth, county,

1 municipal subdivision, school district or otherwise as may be  
2 provided by law.

3 (b) Classes of magisterial districts.

4 (i) Magisterial districts of the first class shall have a  
5 population density of more than 5,000 persons per square mile  
6 and a population of not less than 65,000 persons.

7 (ii) Magisterial districts of the second class shall have a  
8 population density of between 1,000 and 5,000 persons per square  
9 mile and a population of between 20,000 persons and 65,000  
10 persons.

11 (iii) Magisterial districts of the third class shall have a  
12 population density of between 200 and 1,000 persons per square  
13 mile and a population of between 12,000 persons and 20,000  
14 persons.

15 (iv) Magisterial districts of the fourth class shall have a  
16 population density of between 70 and 200 persons per square mile  
17 and a population of between 7,500 persons and 12,000 persons.

18 (v) Magisterial districts of the fifth class shall have a  
19 population density of under 70 persons per square mile and a  
20 population of between 4,000 persons and 7,500 persons.

21 (c) Salaries of [justices of the peace] district justices.

22 The salaries of the [justices of the peace] district justices  
23 shall be as follows:

24 (i) In first class magisterial districts, \$12,000 per year,

25 (ii) In second class magisterial districts, \$10,000 per  
26 year,

27 (iii) In third class magisterial districts, \$8,000 per year,

28 (iv) In fourth and fifth class magisterial districts, \$5,000  
29 per year.

30 (v) The salaries here fixed shall be paid by the State

1 Treasurer and for such payment this article and schedule shall  
2 be sufficient warrant.

3 (d) Course of training, instruction and examination. The  
4 course of training and instruction and examination in civil and  
5 criminal law and procedure for a [justice of the peace] district  
6 justice shall be devised by the Department of Public  
7 Instruction, and it shall administer this course and examination  
8 to insure that [justices of the peace] district justices are  
9 competent to perform their duties.

10 § 14. Magisterial districts.

11 Effective immediately upon establishment of magisterial  
12 districts and until otherwise prescribed the civil and criminal  
13 procedural rules relating to venue shall apply to magisterial  
14 districts; all proceedings before aldermen, magistrates and  
15 [justices of the peace] district justices shall be brought in  
16 and only in a magisterial district in which occurs an event  
17 which would give rise to venue in a court of record; the court  
18 of common pleas upon its own motion or on application at any  
19 stage of proceedings shall transfer any proceeding in any  
20 magisterial district to the [justice of the peace] district  
21 justice for the magisterial district in which proper venue lies.

22 § 21. Inferior courts.

23 Upon the establishment of magisterial districts pursuant to  
24 this article and schedule, and unless otherwise provided by law,  
25 the police magistrates, including those serving in the traffic  
26 court, the housing court and the city court shall continue as at  
27 present. Such magistrates shall be part of the unified judicial  
28 system and shall be subject to the general supervisory and  
29 administrative authority of the Supreme Court. Such magistrates  
30 shall be subject to the provisions of this article and schedule

1 regarding educational requirements and prohibited activities of  
2 [justices of the peace] district justices.

3 § 22. Causes, proceedings, books and records.

4 All causes and proceedings pending in any abolished court or  
5 office of the [justice of the peace] district justice shall be  
6 determined and concluded by the court to which jurisdiction of  
7 the proceedings has been transferred under this schedule and all  
8 books, dockets and records of any abolished court or office of  
9 the [justice of the peace] district justice shall become those  
10 of the court to which, under this schedule, jurisdiction of the  
11 proceedings concerned has been transferred.

12 § 24. Judicial discipline.

13 \* \* \*

14 (b) Of the members initially appointed to the Judicial  
15 Conduct Board, the judge appointed by the Supreme Court shall  
16 serve a four-year term, and the judge appointed by the Governor  
17 shall serve a three-year term. The [justice of the peace]  
18 district justice initially appointed shall serve a two-year  
19 term. Of the three non-judge members of the bar of the Supreme  
20 Court initially appointed, the first appointed by the Governor  
21 shall serve a three-year term, the next appointed by the  
22 Governor shall serve a two-year term, and the non-judge member  
23 of the bar of the Supreme Court appointed by the Supreme Court  
24 shall serve a one-year term. Of the six non-lawyer electors  
25 initially appointed, the first appointed by the Governor and the  
26 first appointed by the Supreme Court shall serve a four-year  
27 term, the next appointed by the Governor and the next appointed  
28 by the Supreme Court shall serve a three-year term, and the next  
29 appointed by the Governor and the next appointed by the Supreme  
30 Court shall serve a two-year term.

1 (c) Of the three judges initially appointed to the Court of  
2 Judicial Discipline, the first appointed by the Supreme Court  
3 shall serve a four-year term, the next appointed by the Supreme  
4 Court shall serve a three-year term, and the judge appointed by  
5 the Governor shall serve a two-year term. The [justice of the  
6 peace] district justice initially appointed shall serve a one-  
7 year term. Of the non-judge members of the bar initially  
8 appointed, the first appointed shall serve a four-year term, and  
9 the next appointed shall serve a three-year term. Of the two  
10 non-lawyer electors initially appointed, the non-lawyer elector  
11 appointed by the Governor shall serve a three-year term, and the  
12 non-lawyer elector appointed by the Supreme Court shall serve a  
13 two-year term.

14 § 26. Writs of certiorari.

15 Unless and until changed by rule of the Supreme Court, in  
16 addition to the right of appeal under section 9 of this article,  
17 the judges of the courts of common pleas, within their  
18 respective judicial districts, shall have power to issue writs  
19 of certiorari to the municipal court in the City of  
20 Philadelphia, [justices of the peace] district justices and  
21 inferior courts not of record and to cause their proceedings to  
22 be brought before them, and right and justice to be done.

23 Section 2. (a) Upon the first passage by the General  
24 Assembly of these proposed constitutional amendments, the  
25 Secretary of the Commonwealth shall proceed immediately to  
26 comply with the advertising requirements of section 1 of Article  
27 XI of the Constitution of Pennsylvania and shall transmit the  
28 required advertisements to two newspapers in every county in  
29 which such newspapers are published in sufficient time after  
30 passage of these proposed constitutional amendments.

1       (b) Upon the second passage by the General Assembly of these  
2 proposed constitutional amendments, the Secretary of the  
3 Commonwealth shall proceed immediately to comply with the  
4 advertising requirements of section 1 of Article XI of the  
5 Constitution of Pennsylvania and shall transmit the required  
6 advertisements to two newspapers in every county in which such  
7 newspapers are published in sufficient time after passage of  
8 these proposed constitutional amendments. The Secretary of the  
9 Commonwealth shall submit the proposed constitutional amendments  
10 under section 1 to the qualified electors of this Commonwealth  
11 as a single ballot question at the first primary, general or  
12 municipal election occurring at least three months after the  
13 proposed constitutional amendments are passed by the General  
14 Assembly.