
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL
No. 1099 Session of
2004

INTRODUCED BY JUBELIRER, APRIL 26, 2004

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
NOVEMBER 18, 2004

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 of certain~~
4 ~~judicial districts.~~
5 AMENDING TITLE 42 (JUDICIARY AND JUDICIAL PROCEDURE) OF THE <—
6 PENNSYLVANIA CONSOLIDATED STATUTES, FURTHER PROVIDING FOR
7 COURTS OF COMMON PLEAS; PROVIDING FOR SUMMARY OFFENSES; AND
8 FURTHER PROVIDING FOR INFORMAL ADJUSTMENT, FOR CONSENT
9 DECREES, FOR COMPULSORY ARBITRATION, FOR DISPOSITION OF
10 DELINQUENT CHILDREN AND FOR SENTENCES FOR OFFENSES AGAINST
11 INFANTS.

12 The General Assembly of the Commonwealth of Pennsylvania
13 hereby enacts as follows:

14 ~~Section 1. Section 911(a) of Title 42 of the Pennsylvania~~ <—
15 ~~Consolidated Statutes is amended to read:~~
16 ~~§ 911. Courts of common pleas.~~

17 ~~(a) General rule. There shall be one court of common pleas~~
18 ~~for each judicial district of this Commonwealth consisting of~~
19 ~~the following number of judges:~~

20 ~~Number of~~

1	Judicial District	Judges	
2	First	93	
3	Second	[13] <u>15</u>	<—
4	Third	—8	
5	Fourth	—1	
6	Fifth	[41] <u>43</u>	
7	Sixth	—9	
8	Seventh	13	
9	Eighth	—3	
10	Ninth	—5	
11	Tenth	11	
12	Eleventh	—[9] <u>10</u>	
13	Twelfth	—8	
14	Thirteenth	—2	
15	Fourteenth	—5	
16	Fifteenth	[13] <u>14</u>	
17	Sixteenth	—3	
18	Seventeenth	—2	
19	Eighteenth	—1	
20	Nineteenth	[12] <u>14</u>	<—
21	Twentieth	—1	
22	Twenty first	—6	
23	Twenty second	—1	
24	Twenty third	[12] <u>13</u>	
25	Twenty fourth	[4] <u>5</u>	
26	Twenty fifth	—2	
27	Twenty sixth	—2	
28	Twenty seventh	—[5] <u>6</u>	
29	Twenty eighth	—2	
30	Twenty ninth	—5	

1	Thirtieth	—3	
2	Thirty first	—10	
3	Thirty second	19	
4	Thirty third	—2	
5	Thirty fourth	—1	
6	Thirty fifth	—4	
7	Thirty sixth	—6	
8	Thirty seventh	—2	
9	Thirty eighth	21	
10	Thirty ninth	—4	
11	Fortieth	—3	
12	Forty first	—2	
13	Forty second	—2	
14	Forty third	—6	
15	Forty fourth	—1	
16	Forty fifth	—[7]—<u>8</u>	
17	Forty sixth	—2	
18	Forty seventh	—5	
19	Forty eighth	—2	
20	Forty ninth	—4	
21	Fiftieth	—[5]—<u>6</u>	
22	Fifty first	—3	
23	Fifty second	—4	
24	Fifty third	—4	
25	Fifty fourth	—1	
26	Fifty fifth	—1	
27	Fifty sixth	—2	
28	Fifty seventh	—2	
29	Fifty eighth	—[1]—<u>2</u>	<—
30	Fifty ninth	—1	

* * *

~~Section 2. (a) The provisions of 42 Pa.C.S. § 3135 shall not be applicable to the selection of judges for the judgeships created in the amendment of 42 Pa.C.S. § 911(a).~~

~~(b) Except as set forth in subsections (B.1), (c), (d) and (e), the new judgeships added by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 2, 2006, and shall be initially filled by election at the 2005 municipal election.~~

~~(B.1) THE NEW JUDGESHIP JUDGESHIPS FOR THE SECOND JUDICIAL DISTRICT ADDED BY THE AMENDMENT OF 42 PA.C.S. § 911(A) SHALL BE ESTABLISHED ON JANUARY 7, 2008, AND SHALL BE INITIALLY FILLED BY ELECTION AT THE 2007 MUNICIPAL ELECTION.~~

~~(c) The new judgeship for the eleventh judicial district added by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 7, 2008, and shall be initially filled by election at the 2007 municipal election.~~

~~(d) The new judgeship for the fifteenth district added by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 7, 2008, and shall be initially filled by election at the 2007 municipal election.~~

~~(e) The new judgeship for the sixtieth judicial district added by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 7, 2008, and shall be initially filled by election at the 2007 municipal election.~~

~~Section 3. This act shall take effect immediately.~~

~~SECTION 1. SECTION 911(A) OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES IS AMENDED TO READ:~~

~~§ 911. COURTS OF COMMON PLEAS.~~

~~(A) GENERAL RULE.--THERE SHALL BE ONE COURT OF COMMON PLEAS~~

1 FOR EACH JUDICIAL DISTRICT OF THIS COMMONWEALTH CONSISTING OF
2 THE FOLLOWING NUMBER OF JUDGES:

3		NUMBER OF
4	JUDICIAL DISTRICT	JUDGES
5	FIRST	93
6	SECOND	[13] <u>15</u>
7	THIRD	8
8	FOURTH	1
9	FIFTH	[41] <u>43</u>
10	SIXTH	9
11	SEVENTH	13
12	EIGHTH	3
13	NINTH	5
14	TENTH	11
15	ELEVENTH	[9] <u>10</u>
16	TWELFTH	8
17	THIRTEENTH	2
18	FOURTEENTH	5
19	FIFTEENTH	[13] <u>14</u>
20	SIXTEENTH	3
21	SEVENTEENTH	2
22	EIGHTEENTH	1
23	NINETEENTH	[12] <u>14</u>
24	TWENTIETH	1
25	TWENTY-FIRST	6
26	TWENTY-SECOND	1
27	TWENTY-THIRD	[12] <u>13</u>
28	TWENTY-FOURTH	[4] <u>5</u>
29	TWENTY-FIFTH	2
30	TWENTY-SIXTH	2

1	TWENTY-SEVENTH	[5] <u>6</u>
2	TWENTY-EIGHTH	2
3	TWENTY-NINTH	5
4	THIRTIETH	3
5	THIRTY-FIRST	10
6	THIRTY-SECOND	19
7	THIRTY-THIRD	2
8	THIRTY-FOURTH	1
9	THIRTY-FIFTH	4
10	THIRTY-SIXTH	[6] <u>7</u>
11	THIRTY-SEVENTH	2
12	THIRTY-EIGHTH	21
13	THIRTY-NINTH	4
14	FORTIETH	3
15	FORTY-FIRST	2
16	FORTY-SECOND	2
17	FORTY-THIRD	6
18	FORTY-FOURTH	1
19	FORTY-FIFTH	[7] <u>8</u>
20	FORTY-SIXTH	2
21	FORTY-SEVENTH	5
22	FORTY-EIGHTH	2
23	FORTY-NINTH	4
24	FIFTIETH	[5] <u>6</u>
25	FIFTY-FIRST	3
26	FIFTY-SECOND	4
27	FIFTY-THIRD	4
28	FIFTY-FOURTH	1
29	FIFTY-FIFTH	1
30	FIFTY-SIXTH	2

1	FIFTY-SEVENTH	2
2	FIFTY-EIGHTH	[1] 2
3	FIFTY-NINTH	1
4	SIXTIETH	[1] 2

5 * * *

6 SECTION 2. TITLE 42 IS AMENDED BY ADDING A SECTION TO READ:
7 § 6304.1. SUMMARY OFFENSES.

8 (A) REVIEW.--UPON NOTICE BEING CERTIFIED TO THE COURT THAT A
9 CHILD HAS FAILED TO COMPLY WITH A LAWFUL SENTENCE IMPOSED FOR A
10 SUMMARY OFFENSE, A PROBATION OFFICER SHALL REVIEW THE COMPLAINTS
11 AND CHARGES OF DELINQUENCY PURSUANT TO SECTION 6304 (RELATING TO
12 POWERS AND DUTIES OF PROBATION OFFICERS) FOR THE PURPOSE OF
13 CONSIDERING THE COMMENCEMENT OF PROCEEDINGS UNDER THIS CHAPTER.

14 (B) ADMINISTRATION OF MONEY.--ANY MONEY SUBSEQUENTLY PAID BY
15 THE CHILD PURSUANT TO THE DISPOSITION OF THE CHARGES SHALL BE
16 ADMINISTERED AND DISBURSED IN ACCORDANCE WITH WRITTEN GUIDELINES
17 ADOPTED BY THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS. THE
18 COURT MAY DIRECT THAT ANY PORTION OF THE MONEY RECEIVED FROM THE
19 CHILD SHALL BE DEPOSITED INTO A RESTITUTION FUND ESTABLISHED BY
20 THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS PURSUANT TO
21 SECTION 6352(A)(5) (RELATING TO DISPOSITION OF DELINQUENT
22 CHILD).

23 SECTION 3. SECTION 6323 OF TITLE 42 IS AMENDED BY ADDING A
24 SUBSECTION TO READ:

25 § 6323. INFORMAL ADJUSTMENT.

26 * * *

27 (F) TERMS AND CONDITIONS.--THE TERMS AND CONDITIONS OF AN
28 INFORMAL ADJUSTMENT MAY INCLUDE PAYMENT BY THE CHILD OF
29 REASONABLE AMOUNTS OF MONEY AS COSTS, FEES OR RESTITUTION,
30 INCLUDING A SUPERVISION FEE AND CONTRIBUTION TO A RESTITUTION

1 FUND ESTABLISHED BY THE PRESIDENT JUDGE OF THE COURT OF COMMON
2 PLEAS PURSUANT TO SECTION 6352(A)(5) (RELATING TO DISPOSITION OF
3 DELINQUENT CHILD).

4 SECTION 4. SECTIONS 6340(C.1), 6352(A)(5), 7361(B)(2)(II)
5 AND 9718(A) OF TITLE 42 ARE AMENDED TO READ:

6 § 6340. CONSENT DECREE.

7 * * *

8 (C.1) TERMS AND CONDITIONS.--CONSISTENT WITH THE PROTECTION
9 OF THE PUBLIC INTEREST, THE TERMS AND CONDITIONS OF A CONSENT
10 DECREE MAY INCLUDE PAYMENT BY THE CHILD OF REASONABLE AMOUNTS OF
11 MONEY AS COSTS, FEES OR RESTITUTION, INCLUDING A SUPERVISION FEE
12 AND CONTRIBUTION TO A RESTITUTION FUND ESTABLISHED BY THE
13 PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS PURSUANT TO SECTION
14 6352(A)(5) (RELATING TO DISPOSITION OF DELINQUENT CHILD) AND
15 SHALL, AS APPROPRIATE TO THE CIRCUMSTANCES OF EACH CASE, INCLUDE
16 PROVISIONS WHICH PROVIDE BALANCED ATTENTION TO THE PROTECTION OF
17 THE COMMUNITY, ACCOUNTABILITY FOR OFFENSES COMMITTED AND THE
18 DEVELOPMENT OF COMPETENCIES TO ENABLE THE CHILD TO BECOME A
19 RESPONSIBLE AND PRODUCTIVE MEMBER OF THE COMMUNITY.

20 * * *

21 § 6352. DISPOSITION OF DELINQUENT CHILD.

22 (A) GENERAL RULE.--IF THE CHILD IS FOUND TO BE A DELINQUENT
23 CHILD THE COURT MAY MAKE ANY OF THE FOLLOWING ORDERS OF
24 DISPOSITION DETERMINED TO BE CONSISTENT WITH THE PROTECTION OF
25 THE PUBLIC INTEREST AND BEST SUITED TO THE CHILD'S TREATMENT,
26 SUPERVISION, REHABILITATION AND WELFARE, WHICH DISPOSITION
27 SHALL, AS APPROPRIATE TO THE INDIVIDUAL CIRCUMSTANCES OF THE
28 CHILD'S CASE, PROVIDE BALANCED ATTENTION TO THE PROTECTION OF
29 THE COMMUNITY, THE IMPOSITION OF ACCOUNTABILITY FOR OFFENSES
30 COMMITTED AND THE DEVELOPMENT OF COMPETENCIES TO ENABLE THE

1 CHILD TO BECOME A RESPONSIBLE AND PRODUCTIVE MEMBER OF THE
2 COMMUNITY:

3 * * *

4 (5) ORDERING PAYMENT BY THE CHILD OF REASONABLE AMOUNTS
5 OF MONEY AS FINES, COSTS, FEES OR RESTITUTION AS DEEMED
6 APPROPRIATE AS PART OF THE PLAN OF REHABILITATION CONSIDERING
7 THE NATURE OF THE ACTS COMMITTED AND THE EARNING CAPACITY OF
8 THE CHILD[.], INCLUDING A CONTRIBUTION TO A RESTITUTION FUND.
9 THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS SHALL
10 ESTABLISH A RESTITUTION FUND FOR THE DEPOSIT OF ALL
11 CONTRIBUTIONS TO THE RESTITUTION FUND WHICH ARE RECEIVED OR
12 COLLECTED. THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS
13 SHALL PROMULGATE WRITTEN GUIDELINES FOR THE ADMINISTRATION OF
14 THE FUND. DISBURSEMENTS FROM THE FUND SHALL BE MADE, SUBJECT
15 TO THE WRITTEN GUIDELINES AND THE LIMITATIONS OF THIS
16 CHAPTER, AT THE DISCRETION OF THE PRESIDENT JUDGE AND USED TO
17 REIMBURSE CRIME VICTIMS FOR FINANCIAL LOSSES RESULTING FROM
18 DELINQUENT ACTS. FOR AN ORDER MADE UNDER THIS SUBSECTION, THE
19 COURT SHALL RETAIN JURISDICTION UNTIL THERE HAS BEEN FULL
20 COMPLIANCE WITH THE ORDER OR UNTIL THE DELINQUENT CHILD
21 ATTAINS 21 YEARS OF AGE. ANY RESTITUTION ORDER WHICH REMAINS
22 UNPAID AT THE TIME THE CHILD ATTAINS 21 YEARS OF AGE SHALL
23 CONTINUE TO BE COLLECTIBLE UNDER SECTION 9728 (RELATING TO
24 COLLECTION OF RESTITUTION, REPARATION, FEES, COSTS, FINES AND
25 PENALTIES).

26 * * *

27 § 7361. COMPULSORY ARBITRATION.

28 * * *

29 (B) LIMITATIONS.--NO MATTER SHALL BE REFERRED UNDER
30 SUBSECTION (A):

1 * * *

2 (2) WHERE THE AMOUNT IN CONTROVERSY, EXCLUSIVE OF
3 INTEREST AND COSTS, EXCEEDS:

4 * * *

5 (II) [\$25,000] \$35,000 IN ANY OTHER JUDICIAL
6 DISTRICT.

7 * * *

8 § 9718. SENTENCES FOR OFFENSES AGAINST INFANT PERSONS.

9 (A) MANDATORY SENTENCE.--

10 (1) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN
11 THE VICTIM IS UNDER 16 YEARS OF AGE SHALL BE SENTENCED TO A
12 MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

13 18 PA.C.S. § 2702(A)(1) AND (4) (RELATING TO AGGRAVATED
14 ASSAULT) - NOT LESS THAN TWO YEARS.

15 18 PA.C.S. [§ 3121(1), (2), (3), (4), (5) AND (6)] §
16 3121(A)(1), (2), (3), (4) AND (5) (RELATING TO RAPE) - NOT
17 LESS THAN FIVE YEARS.

18 18 PA.C.S. § 3123 (RELATING TO INVOLUNTARY DEVIATE SEXUAL
19 INTERCOURSE) - NOT LESS THAN FIVE YEARS.

20 (2) A PERSON CONVICTED OF THE FOLLOWING OFFENSES WHEN
21 THE VICTIM IS LESS THAN 13 YEARS OF AGE SHALL BE SENTENCED TO
22 A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

23 18 PA.C.S. § 2702(A)(1) (RELATING TO AGGRAVATED ASSAULT)
24 - NOT LESS THAN FIVE YEARS.

25 18 PA.C.S. [§ 3125(1)] § 3125(A)(1) THROUGH (6) (RELATING
26 TO AGGRAVATED INDECENT ASSAULT) - NOT LESS THAN TWO AND ONE-
27 HALF YEARS.

28 (3) A PERSON CONVICTED OF THE FOLLOWING OFFENSES SHALL
29 BE SENTENCED TO A MANDATORY TERM OF IMPRISONMENT AS FOLLOWS:

30 18 PA.C.S. § 3121(C) AND (D) - NOT LESS THAN FIVE YEARS.

1 18 PA.C.S. § 3125(A)(7) - NOT LESS THAN TWO AND ONE-HALF
2 YEARS.

3 18 PA.C.S. § 3125(B) - NOT LESS THAN FIVE YEARS.

4 * * *

5 SECTION 5. (A) THE PROVISIONS OF 42 PA.C.S. § 3135 SHALL
6 NOT BE APPLICABLE TO THE SELECTION OF JUDGES FOR THE JUDGESHIPS
7 CREATED IN THE AMENDMENT OF 42 PA.C.S. § 911(A).

8 (B) EXCEPT AS SET FORTH IN SUBSECTIONS (B.1), (C), (D) AND
9 (E), THE NEW JUDGESHIPS ADDED BY THE AMENDMENT OF 42 PA.C.S. §
10 911(A) SHALL BE ESTABLISHED ON JANUARY 2, 2006, AND SHALL BE
11 INITIALLY FILLED BY ELECTION AT THE 2005 MUNICIPAL ELECTION.

12 (B.1) THE NEW JUDGESHIPS FOR THE SECOND JUDICIAL DISTRICT
13 ADDED BY THE AMENDMENT OF 42 PA.C.S. § 911(A) SHALL BE
14 ESTABLISHED ON JANUARY 7, 2008, AND SHALL BE INITIALLY FILLED BY
15 ELECTION AT THE 2007 MUNICIPAL ELECTION.

16 (C) THE NEW JUDGESHIP FOR THE ELEVENTH JUDICIAL DISTRICT
17 ADDED BY THE AMENDMENT OF 42 PA.C.S. § 911(A) SHALL BE
18 ESTABLISHED ON JANUARY 7, 2008, AND SHALL BE INITIALLY FILLED BY
19 ELECTION AT THE 2007 MUNICIPAL ELECTION.

20 (D) THE NEW JUDGESHIP FOR THE FIFTEENTH DISTRICT ADDED BY
21 THE AMENDMENT OF 42 PA.C.S. § 911(A) SHALL BE ESTABLISHED ON
22 JANUARY 7, 2008, AND SHALL BE INITIALLY FILLED BY ELECTION AT
23 THE 2007 MUNICIPAL ELECTION.

24 (E) THE NEW JUDGESHIP FOR THE SIXTIETH JUDICIAL DISTRICT
25 ADDED BY THE AMENDMENT OF 42 PA.C.S. § 911(A) SHALL BE
26 ESTABLISHED ON JANUARY 7, 2008, AND SHALL BE INITIALLY FILLED BY
27 ELECTION AT THE 2007 MUNICIPAL ELECTION.

28 SECTION 6. THE ADDITION OF 42 PA.C.S. § 9718(A)(3) SHALL
29 APPLY TO INDIVIDUALS SENTENCED ON OR AFTER THE EFFECTIVE DATE OF
30 THIS SECTION.

1 SECTION 7. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.