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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**SENATE BILL**

**No. 1153** Session of  
2007

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INTRODUCED BY GREENLEAF, WAUGH, RAFFERTY, M. WHITE, MUSTO,  
COSTA, O'PAKE AND WASHINGTON, NOVEMBER 5, 2007

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REFERRED TO JUDICIARY, NOVEMBER 5, 2007

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in Philadelphia Municipal  
3 Court, further providing for jurisdiction and venue; and  
4 further providing for the Minor Judiciary Education Board and  
5 for qualifications of certain minor judiciary.

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

8 Section 1. Section 2131 of Title 42 of the Pennsylvania  
9 Consolidated Statutes, amended November 29, 1990 (P.L.574,  
10 No.147), amendment declared unconstitutional 598 A.2d 985 (Pa.  
11 1992), and amendment repealed July 9, 1992 (P.L.689, No.102), is  
12 reenacted and amended to read:

13 § 2131. Minor Judiciary Education Board.

14 (a) General rule.--The Minor Judiciary Education Board shall  
15 consist of such members [selected] as provided in this  
16 subchapter.

17 (b) Seal.--The Minor Judiciary Education Board shall have a  
18 seal engraved with its name and such other inscription as may be  
19 specified by general rule. A facsimile or preprinted seal may be

1 used for all purposes in lieu of the original seal.

2 Section 2. Section 2132 of Title 42, amended November 29,  
3 1990 (P.L.574, No.147), amendment declared unconstitutional 598  
4 A.2d 985 (Pa. 1992), amendment repealed July 9, 1992 (P.L.689,  
5 No.102), and amended November 30, 2004 (P.L.1618, No.207), is  
6 reenacted and amended to read:

7 § 2132. Composition of board.

8 (a) General rule.--The Minor Judiciary Education Board shall  
9 consist of the following appointed by the [Governor.

10 Appointments made after the effective date of this amendatory  
11 act shall require the consent of a majority of the members  
12 elected to the Senate] Supreme Court:

13 (1) Three persons who shall be judges of the Pittsburgh  
14 Magistrates Court or the Traffic Court of Philadelphia or  
15 magisterial district judges.

16 (2) Three members of the bar of this Commonwealth.

17 (3) One lay elector.

18 (b) Terms of office.--The members of the board shall serve  
19 for terms of [five] three years and until a successor has been  
20 appointed [and qualified]. A vacancy on the board shall be  
21 filled for the balance of the term.

22 (c) Compensation.--Members of the board shall receive such  
23 fees or salary as shall be fixed by the [governing authority in  
24 the manner provided by section 503(b) (relating to procedures)]  
25 Supreme Court.

26 Section 3. Sections 2133 and 2134 of Title 42 are amended to  
27 read:

28 § 2133. Organization.

29 [Annually the Minor Judiciary Education Board shall elect]

30 The Supreme Court shall appoint a chairman and other officers of

1 the board, who shall hold office at the pleasure of the [board]  
2 Supreme Court. The board shall act only with the concurrence of  
3 a majority of its members.

4 § 2134. Staff.

5 [The Administrative Office shall provide such staff  
6 assistance as the Minor Judiciary Education Board may require.]

7 Subject to the approval of the Supreme Court, the Minor  
8 Judiciary Education Board shall appoint a director and shall  
9 authorize such other staff positions as may be necessary.

10 Section 4. The definition of "judge" in section 3111 of  
11 Title 42 is amended to read:

12 § 3111. Definitions.

13 The following words and phrases when used in this subchapter  
14 shall have, unless the context clearly indicates otherwise, the  
15 meanings given to them in this section:

16 \* \* \*

17 "Judge." A judge of the [Pittsburgh Magistrates Court or  
18 the] Traffic Court of Philadelphia.

19 Section 5. Sections 3113, 3114, 3115, 3116 and 3119 of Title  
20 42 are amended to read:

21 § 3113. Content of course of instruction and examination.

22 (a) General rule.--[The] Subject to the approval of the  
23 Supreme Court, the board shall prescribe and approve the subject  
24 matter and the examination for the course of training and  
25 instruction required by this subchapter. The [Administrative  
26 Office] staff authorized by Subchapter D of Chapter 21 (relating  
27 to minor judiciary education board) shall, subject to the  
28 direction of the board, administer the course of training and  
29 instruction and conduct the examination. The [Administrative  
30 Office] staff shall conduct the course of training and

1 examination at such times, at such places and in such manner as  
2 the regulations of the board may prescribe. The board shall make  
3 the course of training and instruction available at such times  
4 so as to insure that any magisterial district judge, bail  
5 commissioner or judge elected or appointed may qualify to assume  
6 office as soon as possible.

7 (b) Content of course.--The course of training and  
8 instruction shall not exceed four weeks in duration and shall  
9 consist of a minimum of 40 hours of class instruction in civil  
10 and criminal law, including evidence and procedure, summary  
11 proceedings, motor vehicles and courses in judicial ethics, in  
12 the case of all such officials except bail commissioners, in  
13 which case [it] the course of training shall consist of a  
14 minimum of 30 hours of class instruction in criminal law, search  
15 and seizure, arrest and bail practices and procedures, and  
16 except judges of the Traffic Court of Philadelphia, in which  
17 case [it] the course of training shall consist of a minimum of  
18 20 hours of class instruction in summary proceedings and laws  
19 relating to motor vehicles.

20 § 3114. Admission of interested persons.

21 In addition to those required by this subchapter to complete  
22 the course of training and instruction and successfully pass an  
23 examination prior to assuming office, any interested person may  
24 apply to the [Administrative Office] board to be enrolled in the  
25 course of training and instruction and take the examination. Any  
26 such interested person who successfully completes the course of  
27 training and passes the examination, and who subsequently is  
28 elected or appointed to the office of magisterial district  
29 judge, bail commissioner or judge may secure a certificate from  
30 the Administrative Office as provided in section 3115 (relating

1 to certification of successful completion of course of training)  
2 without again taking the course of training and instruction and  
3 passing the examination required by this subchapter prior to  
4 assuming such office.

5 § 3115. Certification of successful completion of course of  
6 training.

7 Upon the successful completion of the course of training and  
8 instruction and examination, the Administrative Office shall  
9 issue to a person elected or appointed as a magisterial district  
10 judge, bail commissioner or judge a certificate in the form  
11 prescribed by the board, certifying that such person is  
12 qualified to perform his duties as required by the Constitution  
13 of Pennsylvania. Such certificate shall be filed in the office  
14 of the clerk of the court of common pleas of the judicial  
15 district embracing the district to be served by the magisterial  
16 district judge, bail commissioner or judge.

17 § 3116. Effect of failure to obtain certificate.

18 In the event that any magisterial district judge or judge  
19 fails to file the certificate provided for by section 3115  
20 (relating to certification of successful completion of course of  
21 training) in the manner therein provided within nine months  
22 after the magisterial district judge's or judge's election or  
23 appointment, that office shall become vacant, and such vacancy  
24 shall be filled as provided in this chapter.

25 § 3119. Rules and regulations.

26 The [Administrative Office] board shall have the power to  
27 promulgate, with the approval of the [board] Supreme Court, such  
28 rules and regulations as are necessary to carry out its duties  
29 under this subchapter.

30 Section 6. This act shall take effect in 60 days.