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THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1153 Session of 2007

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

REFERRED TO JUDICIARY, NOVEMBER 5, 2007

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the Minor Judiciary Education Board and for qualifications of certain minor judiciary.

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

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amended November 29, 1990 (P.L.574, No.147), amendment declared unconstitutional 598 A.2d 985 (Pa. 1992), and amendment repealed July 9, 1992 (P.L.689, No.102), is reenacted and amended to read:

§ 2131. Minor Judiciary Education Board.

(a) General rule.--The Minor Judiciary Education Board shall consist of <u>such</u> members [selected] as provided in this subchapter.

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

used for all purposes in lieu of the original seal.

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42, amended November 29, 1990 (P.L.574, No.147), amendment declared unconstitutional 598 A.2d 985 (Pa. 1992), amendment repealed July 9, 1992 (P.L.689, No.102), and amended November 30, 2004 (P.L.1618, No.207), is reenacted and amended to read:

§ 2132. Composition of board.

(a) General rule.--The Minor Judiciary Education Board shall consist of the following appointed by the [Governor. Appointments made after the effective date of this amendatory act shall require the consent of a majority of the members elected to the Senate] Supreme Court:

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

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

(3) One lay elector.

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

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

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

§ 2133. Organization.

[Annually the Minor Judiciary Education Board shall elect] The Supreme Court shall appoint a chairman and other officers of

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

§ 2134. Staff.

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

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

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

§ 3111. Definitions.

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

* * *

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

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

§ 3113. Content of course of instruction and examination.

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

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

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

§ 3114. Admission of interested persons.

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

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

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

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

§ 3116. Effect of failure to obtain certificate.

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

§ 3119. Rules and regulations.

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

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