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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2172 Session of  
2009

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INTRODUCED BY CALTAGIRONE, MANN, HORNAMAN, SCAVELLO, BELFANTI,  
BEYER, BRENNAN, CARROLL, CASORIO, D. COSTA, CREIGHTON,  
CUTLER, DALLY, DEASY, DRUCKER, J. EVANS, EVERETT, FAIRCHILD,  
FRANKEL, GEIST, HALUSKA, HARKINS, HARRIS, HESS, HICKERNELL,  
KORTZ, MAHONEY, MILLER, MOUL, MUNDY, MURT, O'NEILL, PRESTON,  
READSHAW, REICHLEY, SANTONI, SIPTROTH, K. SMITH, SOLOBAY,  
SONNEY, STERN, STEVENSON, SWANGER, WANSACZ, WATERS, WATSON,  
WHITE AND YOUNGBLOOD, DECEMBER 15, 2009

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REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 15, 2009

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for  
3 jurisdiction and venue.

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

6 Section 1. Section 1515(a) of Title 42 of the Pennsylvania  
7 Consolidated Statutes, amended August 11, 2009 (P.L.147, No.33),  
8 is amended to read:

9 § 1515. Jurisdiction and venue.

10 (a) Jurisdiction.--Except as otherwise prescribed by general  
11 rule adopted pursuant to section 503 (relating to reassignment  
12 of matters), magisterial district judges shall, under procedures  
13 prescribed by general rule, have jurisdiction of all of the  
14 following matters:

15 (1) Summary offenses, except those arising out of the

1 same episode or transaction involving a delinquent act for  
2 which a petition alleging delinquency is filed under Chapter  
3 63 (relating to juvenile matters).

4 (2) Matters arising under the act of April 6, 1951  
5 (P.L.69, No.20), known as The Landlord and Tenant Act of  
6 1951, which are stated therein to be within the jurisdiction  
7 of a magisterial district judge.

8 (3) Civil claims, except claims against a Commonwealth  
9 party as defined by section 8501 (relating to definitions),  
10 wherein the sum demanded does not exceed [\$8,000] \$15,000,  
11 exclusive of interest and costs, in the following classes of  
12 actions:

13 (i) In assumpsit, except cases of real contract  
14 where the title to real estate may be in question.

15 (ii) In trespass, including all forms of trespass  
16 and trespass on the case.

17 (iii) For fines and penalties by any government  
18 agency.

19 A plaintiff may waive a portion of his claim of more than  
20 [\$8,000] \$15,000 so as to bring the matter within the  
21 monetary jurisdiction of a district justice. Such waiver  
22 shall be revoked automatically if the defendant appeals the  
23 final order of the magisterial district judge or when the  
24 judgment is set aside upon certiorari.

25 (4) As commissioners to preside at arraignments, fix and  
26 accept bail, except for offenses under 18 Pa.C.S. §§ 2502  
27 (relating to murder) and 2503 (relating to voluntary  
28 manslaughter) for which the fixing and accepting of bail  
29 shall be performed by any judge of any court of common pleas,  
30 and to issue warrants and perform duties of a similar nature,

1 including the jurisdiction of a committing magistrate in all  
2 criminal proceedings.

3 (5) Offenses under 75 Pa.C.S. § 3802 (relating to  
4 driving under influence of alcohol or controlled substance),  
5 if the following criteria are met:

6 (i) The offense is the first offense by the  
7 defendant under such provision in this Commonwealth.

8 (ii) No personal injury (other than to the  
9 defendant) resulted from the offense.

10 (iii) The defendant pleads guilty.

11 (iv) No property damage in excess of \$500 other than  
12 to the defendant's property resulted from the violation.

13 (v) The defendant is not subject to the provisions  
14 of Chapter 63 (relating to juvenile matters).

15 (vi) The arresting authority shall cause to be  
16 transmitted a copy of the charge of any violation of 75  
17 Pa.C.S. § 3802 to the office of the clerk of the court of  
18 common pleas within five days after the preliminary  
19 arraignment.

20 In determining that the above criteria are met the  
21 magisterial district judge shall rely on the certification of  
22 the arresting authority. Certification that the criteria are  
23 met need not be in writing. Within ten days after the  
24 disposition, the district justice shall certify the  
25 disposition to the office of the clerk of the court of common  
26 pleas in writing.

27 (5.1) Offenses under 75 Pa.C.S. § 3808 (relating to  
28 illegally operating a motor vehicle not equipped with  
29 ignition interlock).

30 (6) (i) Offenses under Title 18 (crimes and offenses),

1 Title 30 (fish) and Title 35 (health and safety) which  
2 are classified as misdemeanors of the third degree, if  
3 the following criteria are met:

4 (A) The misdemeanor is not the result of a  
5 reduced charge.

6 (B) Any personal injury or property damage is  
7 less than \$500.

8 (C) The defendant pleads guilty.

9 (D) The defendant is not subject to the  
10 provisions of Chapter 63.

11 (ii) Subparagraph (i) shall not apply to any offense  
12 under the following provisions of Title 18:

13 Section 4303 (relating to concealing death of  
14 child born out of wedlock).

15 Section 4321 (relating to willful separation or  
16 nonsupport).

17 Section 5103 (relating to unlawfully listening  
18 into deliberations of jury).

19 (6.1) All offenses under Title 34 (relating to game).

20 (7) Matters jurisdiction of which is vested in  
21 magisterial district judges by any statute.

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23 Section 2. This act shall take effect in 60 days.