

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1026 Session of 2011

INTRODUCED BY CALTAGIRONE, DENLINGER, GRELL, KNOWLES, BRENNAN, COHEN, DONATUCCI, FABRIZIO, FLECK, GABLER, GEIST, HARHART, KAVULICH, KOTIK, KULA, LONGIETTI, MAHONEY, MANN, METZGAR, MILLARD, MURPHY, M. O'BRIEN, PYLE, RAVENSTAHL, READSHAW, SCAVELLO, WHITE AND ROAE, MARCH 14, 2011

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2011

AN ACT

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

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

6 Section 1. Section 327 of Title 42 of the Pennsylvania
 7 Consolidated Statutes is amended to read:

8 § 327. Oaths and acknowledgments.

9 (a) General ability.--Each judicial officer, each clerk of
 10 court, each retired or senior judge and such other personnel of
 11 the system and jurors as may be designated by or pursuant to
 12 general rules may administer oaths and affirmations and take
 13 acknowledgments. An acknowledgment may be taken by a member of
 14 the bar of the Supreme Court of Pennsylvania if the document is
 15 thereafter certified to an officer authorized to administer
 16 oaths. Certification by an attorney shall be in accordance with
 17 section 7(5) of the act of July 24, 1941 (P.L.490, No.188),

1 known as the Uniform Acknowledgment Act, and shall include the
2 attorney's Supreme Court identification number.

3 (b) Retired or senior judges.--A retired or senior judge may
4 administer oaths and affirmations and take acknowledgments so
5 long as all of the following criteria are met:

6 (1) The retired or senior judge has served as a
7 magisterial district judge, judge or justice, whether or not
8 continuously or on the same court, by election or appointment
9 for an aggregate period equaling a full term of office.

10 (2) The retired or senior judge has not been defeated
11 for reelection or retention.

12 (3) The retired or senior judge has not been convicted
13 of or pleaded nolo contendere to any misdemeanor or felony
14 offense under the laws of this Commonwealth or an equivalent
15 offense under the laws of the United States or one of its
16 territories or possessions, another state, the District of
17 Columbia, the Commonwealth of Puerto Rico or a foreign
18 nation.

19 (4) The retired or senior judge has not resigned a
20 judicial commission to avoid having charges filed or to avoid
21 prosecution by Federal, State or local law enforcement
22 agencies or by the Judicial Conduct Board.

23 (5) The retired or senior judge has not been removed
24 from office by the Court of Judicial Discipline.

25 (6) The retired or senior judge is a resident of this
26 Commonwealth.

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