

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, ROAE, MYERS, D. COSTA, KORTZ, KILLION, MURT,
FARRY, GILLESPIE, GILLEN, GROVE AND MILNE, MARCH 14, 2011

SENATOR CORMAN, APPROPRIATIONS, IN SENATE, RE-REPORTED AS
AMENDED, JUNE 28, 2012

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 oaths and acknowledgments, FOR SENIOR JUDGE OPERATIONAL ←
4 SUPPORT GRANTS AND FOR EXPIRATION OF PROVISIONS RELATING TO
5 ACCESS TO JUSTICE.

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

8 ~~Section 1. Section 327 of Title 42 of the Pennsylvania~~ ←
9 ~~Consolidated Statutes is amended to read:~~

10 SECTION 1. SECTIONS 327, 1906(I) AND 4907 OF TITLE 42 OF THE ←
11 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

12 § 327. Oaths and acknowledgments.

13 (a) General ability.--Each judicial officer, each clerk of
14 court, each retired or senior judge and such other personnel of
15 the system and jurors as may be designated by or pursuant to
16 general rules may administer oaths and affirmations and take

1 acknowledgments. An acknowledgment may be taken by a member of
2 the bar of the Supreme Court of Pennsylvania if the document is
3 thereafter certified to an officer authorized to administer
4 oaths. Certification by an attorney shall be in accordance with
5 section 7(5) of the act of July 24, 1941 (P.L.490, No.188),
6 known as the Uniform Acknowledgment Act, and shall include the
7 attorney's Supreme Court identification number.

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

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

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

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

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

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

30 (6) The retired or senior judge is a resident of this

1 Commonwealth.

2 § 1906. SENIOR JUDGE OPERATIONAL SUPPORT GRANTS. ←

3 * * *

4 (I) EXPIRATION.--THIS SECTION SHALL EXPIRE ON JUNE 30,
5 [2012] 2017, UNLESS REENACTED PRIOR TO THAT DATE.

6 § 4907. EXPIRATION OF CHAPTER.

7 THIS CHAPTER SHALL EXPIRE ON NOVEMBER 1, [2012] 2017. AT
8 LEAST ONE YEAR PRIOR TO THE EXPIRATION OF THIS CHAPTER, THE
9 LEGISLATIVE BUDGET AND FINANCE COMMITTEE SHALL CONDUCT AND
10 SUBMIT TO THE GENERAL ASSEMBLY A PERFORMANCE AUDIT FOR THE
11 PURPOSE OF DETERMINING WHETHER THERE IS A CONTINUING
12 JUSTIFICATION FOR THE ACTIVITIES AND LEVEL OF FINANCIAL SUPPORT
13 PROVIDED FOR UNDER THIS CHAPTER.

14 Section 2. This act shall take effect ~~in 60 days~~. AS ←
15 FOLLOWS:

16 (1) THE AMENDMENT OF 42 PA.C.S. § 327 SHALL TAKE EFFECT
17 IN 60 DAYS.

18 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
19 IMMEDIATELY.