

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 334 Session of
2013INTRODUCED BY PILEGGI, RAFFERTY, ALLOWAY, MENSCH, WHITE, WARD,
BROWNE AND GREENLEAF, FEBRUARY 1, 2013AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, MAY 14, 2013

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, ~~further providing for the~~ <--
3 ~~makeup, jurisdiction and venue of the Philadelphia Municipal~~
4 ~~Court, restricting and eliminating the Traffic Court of~~
5 ~~Philadelphia; and making an editorial change.~~ IN PRELIMINARY <--
6 PROVISIONS, FURTHER PROVIDING FOR DEFINITIONS; IN
7 ORGANIZATION, FURTHER PROVIDING FOR CHIEF JUSTICE AND
8 PRESIDENT JUDGES; IN COMMUNITY AND MUNICIPAL COURTS, FURTHER
9 PROVIDING FOR THE PHILADELPHIA MUNICIPAL COURT AND FOR
10 JURISDICTION AND VENUE AND PROVIDING FOR HEARING OFFICERS;
11 AND, IN TRAFFIC COURTS, FURTHER PROVIDING FOR JURISDICTION
12 AND VENUE AND FOR THE TRAFFIC COURT OF PHILADELPHIA.

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

15 ~~Section 1. The definition of "Traffic Court of Philadelphia"~~ <--
16 ~~in section 102 of Title 42 of the Pennsylvania Consolidated~~
17 ~~Statutes is amended to read:~~

18 SECTION 1. THE DEFINITIONS OF "MINOR JUDICIARY" AND "TRAFFIC <--
19 COURT OF PHILADELPHIA" IN SECTION 102 OF TITLE 42 OF THE
20 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

21 § 102. Definitions.

22 Subject to additional definitions contained in subsequent

provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"MINOR JUDICIARY." THE COMMUNITY COURTS, MAGISTERIAL DISTRICT JUDGES[,] AND PITTSBURGH MAGISTRATES COURT [AND TRAFFIC COURT OF PHILADELPHIA].

* * *

"Traffic Court of Philadelphia." [The ~~traffic~~ court existing under section 6(c) of Article V of the Constitution of Pennsylvania and Subchapter B of Chapter 13 (relating to Traffic Court of Philadelphia) so long as a community court has not been established or in the event one has been discontinued in the City and County of Philadelphia.] ~~Traffic Division under section 1121(c) (relating to Philadelphia Municipal Court).~~ ANY OF THE FOLLOWING:

(1) THE TRAFFIC DIVISION UNDER SECTION 1121(C) (RELATING TO PHILADELPHIA MUNICIPAL COURT). THIS PARAGRAPH INCLUDES THE PREDECESSOR OF THE TRAFFIC DIVISION.

(2) THE TRAFFIC COURT OF PHILADELPHIA UNDER SECTION 1321(B) (RELATING TO TRAFFIC COURT OF PHILADELPHIA). THIS PARAGRAPH INCLUDES THE PREDECESSOR OF THE TRAFFIC COURT OF PHILADELPHIA.

* * *

Section 2. ~~Section~~ SECTIONS 325(C) AND 1121 of Title 42 ~~is~~ ARE amended to read:

§ 325. CHIEF JUSTICE AND PRESIDENT JUDGES.

* * *

[(C) TRAFFIC COURT OF PHILADELPHIA.--NOTWITHSTANDING ANY

1 OTHER PROVISION OF THIS SECTION, THE PRESIDENT JUDGE OF THE
2 TRAFFIC COURT OF PHILADELPHIA SHALL BE APPOINTED BY THE GOVERNOR
3 FOR A FIVE-YEAR TERM OR AT THE PLEASURE OF THE GOVERNOR.]

4 * * *

5 § 1121. Philadelphia Municipal Court.

6 (a) Organization.--The Philadelphia Municipal Court shall be
7 organized as follows:

8 (1) The General Division shall consist of [25] 27 judges <--
9 and hearing officers appointed by the President Judge of the <--
10 Philadelphia Municipal Court.

11 (2) The Traffic Division shall consist of four judges
12 elected to the Traffic Court of Philadelphia prior to the
13 effective date of this paragraph. If a vacancy in the Traffic
14 Division occurs, the vacancy shall not be filled. This
15 paragraph shall expire on the later of:

16 (i) the date of the ratification by the electorate
17 of an amendment to the Constitution of Pennsylvania
18 abolishing the Philadelphia Traffic Court; or

19 (ii) the date of the expiration of the longest term
20 of a judge specified in subsection (c)(4).

21 (b) General Division.--

22 (1) A judge in the General Division must be an attorney
23 at law.

24 (2) The salary of a judge in the General Division shall
25 be as set forth in section 2.1(e) and (i) of the act of
26 September 30, 1983 (P.L.160, No.39), known as the Public
27 Official Compensation Law.

28 (3) The General Division shall exercise full
29 jurisdiction of the municipal court under section 1123(a)
30 (relating to jurisdiction and venue).

1 (c) Traffic Division.--

2 (1) A judge in the Traffic Division must:

3 (i) be an attorney at law; or

4 (ii) PRIOR TO ASSUMING OFFICE, complete a course of <--
5 training and instruction in the duties of the offices <--
6 OFFICE and pass an examination in the course. <--

7 (2) The salary of a judge in the Traffic Division shall
8 be as set forth in section 2.1(f) and (i) of the Public
9 Official Compensation Law.

10 (3) The Traffic Division shall, at the direction of the
11 President Judge of the Philadelphia Municipal Court, exercise
12 jurisdiction under section 1123(a)(9).

13 (4) This subsection shall apply during the terms of all
14 judges of the Philadelphia Traffic Court:

15 (i) who have been elected prior to January 1, 2014;
16 and

17 (ii) whose term expires after December 31, 2017.

18 (5) A judge identified in paragraph (4) shall, until the
19 expiration of the term to which the judge has been elected,
20 serve as a judge in the Traffic Division.

21 (6) This subsection shall expire on the later of:

22 (i) the date of the ratification by the electorate
23 of an amendment to the Constitution of Pennsylvania
24 abolishing the Philadelphia Traffic Court; or

25 (ii) the date of the expiration of the longest term
26 of a judge specified in paragraph (4).

27 Section 3. ~~Section 1123(a) of Title 42~~ 1123(A)(1) OF TITLE <--
28 42 IS AMENDED AND THE SUBSECTION is amended by adding a
29 paragraph to read:

30 § 1123. Jurisdiction and venue.

1 (a) General rule.--Except as otherwise prescribed by any
2 general rule adopted pursuant to section 503 (relating to
3 reassignment of matters), the Philadelphia Municipal Court shall
4 have jurisdiction of the following matters:

5 (1) SUMMARY OFFENSES, EXCEPT [THOSE WITHIN THE <--
6 JURISDICTION OF THE TRAFFIC COURT OF PHILADELPHIA AND] THOSE
7 ARISING OUT OF THE SAME EPISODE OR TRANSACTION INVOLVING A
8 DELINQUENT ACT FOR WHICH A PETITION ALLEGING DELINQUENCY IS
9 FILED UNDER CHAPTER 63 (RELATING TO JUVENILE MATTERS).

10 * * *

11 (9) Prosecutions for summary offenses arising under:

12 (i) Title 75 (relating to vehicles); or

13 (ii) an ordinance of a political subdivision enacted
14 pursuant to Title 75.

15 * * *

16 SECTION 3.1. TITLE 42 IS AMENDED BY ADDING A SECTION TO <--
17 READ:

18 § 1127. HEARING OFFICERS.

19 (A) APPOINTMENT.--THE PRESIDENT JUDGE OF THE PHILADELPHIA
20 MUNICIPAL COURT MAY APPOINT HEARING OFFICERS IN PROCEEDINGS
21 UNDER SECTION 1123(A)(9) (RELATING TO JURISDICTION AND VENUE).

22 (B) CODE OF CONDUCT.--THE SUPREME COURT SHALL PROMULGATE A
23 CODE OF CONDUCT TO GOVERN THE CONDUCT OF HEARING OFFICERS AND
24 PROVIDE FOR REGULAR AUDITS OF THE CONDUCT OF HEARING OFFICERS.

25 (C) QUALIFICATIONS.--A HEARING OFFICER MUST:

26 (1) BE AN ATTORNEY AT LAW; OR

27 (2) PRIOR TO ASSUMING OFFICE, COMPLETE A COURSE OF
28 TRAINING AND INSTRUCTION IN THE DUTIES OF THE OFFICE AND PASS
29 AN EXAMINATION.

30 Section 4. Section 1302(a) introductory paragraph of Title

42 is amended and the section is amended by adding a subsection
to read:

§ 1302. Jurisdiction and venue.

(a) General rule.--Except as set forth in subsection (a.1)
or as otherwise prescribed by any general rule adopted pursuant
to section 503 (relating to reassignment of matters), each
traffic court shall have jurisdiction of all prosecutions for
summary offenses arising under:

* * *

(a.1) Traffic Court of Philadelphia.--

(1) Except as otherwise prescribed by any general rule
adopted pursuant to section 503 (relating to reassignment of
matters), each traffic court under Subchapter B (relating to
Traffic Court of Philadelphia) shall, at the direction of the
President Judge of the Philadelphia Municipal Court, have
jurisdiction of all prosecutions for summary offenses arising
under:

(i) Title 75.

(ii) Any ordinance of any political subdivision
enacted pursuant to Title 75.

(2) This subsection shall expire on the later of:

(i) the date of the ratification by the electorate
of an amendment to the Constitution of Pennsylvania
abolishing the Philadelphia Traffic Court; or

(ii) January 1, 2018.

* * *

Section 5. Section 1321 of Title 42 is amended to read:

§ 1321. Traffic Court of Philadelphia.

(a) Establishment.--The Traffic Court of Philadelphia shall
be a court not of record [and shall consist of seven judges].

1 The court is established for the City and County of
2 Philadelphia.

3 (b) Composition.--The court shall consist of two judges:

4 (1) who are serving on the court on the effective date
5 of this subsection; and

6 (2) whose terms expire on December 31, 2017.

7 (c) Expiration.--This section shall expire on the later of:

8 (1) the date of the ratification by the electorate of an
9 amendment to the Constitution of Pennsylvania abolishing the
10 Philadelphia Traffic Court; or

11 (2) January 1, 2018.

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

<--

13 IMMEDIATELY.

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