

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 978 Session of 2020

INTRODUCED BY A. WILLIAMS, MUTH, L. WILLIAMS, COLLETT, FARNESE AND SANTARSIERO, MARCH 25, 2020

REFERRED TO JUDICIARY, MARCH 25, 2020

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in selection, retention
3 and removal of judicial officers, further providing for
4 vacancies in office.

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

7 Section 1. Section 3132(a) of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended and the section is amended by
9 adding a subsection to read:

10 § 3132. Vacancies in office.

11 (a) [General rule] Procedure.--

12 (1) Except as provided in [subsection] subsections (a.1)
13 and (b), a vacancy in the office of judge or magisterial
14 district judge shall be filled by appointment by the Governor
15 following the required period of public comment as provided
16 in subsection (a.1). The appointment shall be with the advice
17 and consent of two-thirds of the members elected to the
18 Senate, except in the case of magisterial district judges
19 which shall be by a majority.

1 (2) Prior to voting on the confirmation of any nominee
2 for appointment to the Supreme Court, Superior Court or
3 Commonwealth Court, or a court of common pleas, a public,
4 televised confirmation hearing shall be conducted in which
5 equal time is reserved for questions from the majority
6 chairperson and the minority chairperson of the designated
7 committee to which the nomination has been referred.

8 (3) The person so appointed shall serve for a term
9 ending on the first Monday of January following the next
10 municipal election more than ten months after the vacancy
11 occurs or for the remainder of the unexpired term whichever
12 is less.

13 (a.1) Judicial vacancies public comment period.--

14 (1) Upon the occurrence of a vacancy under subsection
15 (a), the Governor shall direct the Office of General Counsel
16 to solicit applications for the vacancy for a period of not
17 less than 30 days.

18 (2) Following the application period, the Office of
19 General Counsel shall publish on a publicly accessible
20 Internet website the application materials of each applicant,
21 redacting personal information as defined by section 708(b)
22 (6)(i) of the act of February 14, 2008 (P.L.6, No.3), known
23 as the Right-to-Know Law, for a period of not less than 30
24 days during which time the Governor shall refrain from making
25 an appointment. Public comment received during this period
26 shall be furnished to the majority and minority chairpersons
27 of the designated committee to which the nomination has been
28 referred.

29 (3) Thereafter, the Governor shall submit to the Senate
30 a nominee for the advice and consent of the Senate from among

1 the applicants under paragraph (1).

2 (4) Nothing in this subsection shall be construed to
3 limit the authority of the Governor to exercise his own
4 judgment in appointing a person to the office of justice,
5 judge or magisterial district judge or to limit further
6 review of applicants by the Office of General Counsel.

7 * * *

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