

## No. 13

## AN ACT

SB 185

Implementing the provisions of section 6, Article V of the Constitution by providing for the establishment or discontinuance of a community court for certain judicial districts; providing for the numbers, selection and salary of judges, jurisdiction, costs, records, dockets and other related matters for such courts; abolishing certain minor judiciary offices in accordance with Article V of the Constitution; and providing procedures for the reestablishment of minor judiciary offices in judicial districts where the electors have approved the discontinuance of a community court.

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

Section 1. Short Title.—This act shall be known and may be cited as the “Community Court Act.”

Section 2. Establishment of Community Courts; Jurisdiction.—(a) A community court shall be established in each judicial district where the electors in accordance with section 6, Article V of the Pennsylvania Constitution and this act have approved the establishment of such a court. Upon establishment, the court shall have jurisdiction throughout the judicial district. Except in the first judicial district, and in the City of Pittsburgh, a court when established shall, in accordance with and subject to Article V of the Pennsylvania Constitution, supplant all justices of the peace, aldermen and magistrates within the judicial district. The community court and the judges thereof shall have the jurisdiction, powers and duties which under law were exercised by justices of the peace, aldermen and magistrates.

(b) In the first judicial district, the community court, upon establishment, shall, in accordance with and subject to Article V of the Pennsylvania Constitution, supplant the municipal court and the traffic court; and, the community court and the judges thereof shall have the jurisdiction, powers and duties which under law were exercised by the municipal court and traffic court and the judges thereof.

(c) In the City of Pittsburgh a court when established shall in accordance with and subject to Article V of the Pennsylvania Constitution supplant all justices of the peace and aldermen, but shall not supplant magistrates. The community court and the judges thereof shall have the jurisdiction, powers and duties of justices of the peace and aldermen. The police magistrates, including those serving in the traffic court, the housing court and the city court, and such other courts as from time to time may be established by law which are not inconsistent with provisions of Article V of the Constitution, shall continue as at present.

(d) The community court for a judicial district shall be established only when the initial judges thereof are elected and take office: Provided,

however, That nothing herein shall be construed to prohibit the implementation by the judicial district of section 9 of this act after the approval by the electors of a community court, but prior to the establishment thereof.

Section 3. Number of Judges.—The number of judges for each community court shall be determined by dividing the total population of the judicial district as determined by the last officially reported decennial or special Federal census by seventy-five thousand. In any judicial district where the aforesaid division results in a population remainder greater than forty thousand, the judicial district shall be entitled to one additional community court judge. In no event shall any judicial district have less than two community court judges.

Section 4. Terms.—The term of office of a community court judge shall be ten years and shall commence on the first Monday of January following his election. Such judge shall be selected in the manner hereinafter provided in section 5 for election of community court judges.

Section 5. Election; Vacancies.—(a) If the electors approve the establishment of a community court at the primary election in a municipal election year, the first judges for the court shall be elected at that municipal election. The nominees for election shall be determined in the same manner as is now or hereafter provided for by law in the case of substitution of nominees where a nominee for a judge of the court of common pleas has died subsequent to a primary election.

(b) If the community court is approved for establishment at the primary election in a general election year, then the first judges shall be nominated at the next following municipal primary election and elected at the next municipal election as provided by law.

(c) Except as otherwise provided by this section, the nomination and election of community court judges shall be governed by the general election laws applicable to the nomination and election of judges of the court of common pleas.

(d) If, after the election and taking of office of the first judges of a community court, a vacancy occurs, such vacancy shall be filled in the manner and for such period of time as is prescribed by Article V, section 13 (b) of the Pennsylvania Constitution.

Section 6. Qualifications of Judges.—All judges of a community court shall have the qualifications prescribed by Article V of the Pennsylvania Constitution, and shall for a period of one year preceding their election or appointment in case of a vacancy and during their continuance in office reside within their respective judicial districts, except for temporary assignments as provided in Article V of the Pennsylvania Constitution.

Section 7. Salary.—The salary of a community court judge shall be twenty thousand dollars (\$20,000), annually, paid by the Commonwealth.

Section 8. President Judges.—The president judge of each community court shall be selected in accordance with the provisions of Article V, section 10 of the Pennsylvania Constitution.

Section 9. **Community Court Expenses.**—The offices, courtrooms and judges' chambers of the community court shall be provided in locations approved by the president judge of the court of common pleas in compliance with standards and rules prescribed by the Supreme Court. Reasonable expenses incident to the establishment, maintenance and operation of the community court as approved by the president judge of the court of common pleas and the county commissioners in compliance with standards and rules prescribed by the Supreme Court shall except in the case of judicial districts containing two or more counties be paid by the county in which the court is located. In judicial districts containing two or more counties the expenses of the community court shall be paid by each county in that judicial district according to an allocation based on population in the ratio which the population of each of the several counties comprising that judicial district bears to the total population of that judicial district.

Section 10. **Fees and Costs.**—All fees and costs heretofore or hereafter provided by law shall be collected by the community court and paid over, except in the case of those judicial districts containing two or more counties, to the county treasurer for the use of the county. In judicial districts containing two or more counties, such fees and costs shall be collected by the community court and paid over to each county treasurer in that judicial district for the use of the county according to an allocation based on population in the ratio which the population of each of the several counties comprising that judicial district bears to the total population of that judicial district.

Section 11. **Name; Seal.**—In each judicial district where a community court is established under this act, the court shall be known as the "*Community Court of the* \_\_\_\_\_ *Judicial District.*" Each community court shall have a seal bearing the words "Commonwealth of Pennsylvania, Community Court, \_\_\_\_\_ Judicial District."

Section 12. **Transfer of Causes, Books, Records, Etc.**—Upon the expiration of the term of any justice of the peace, alderman, magistrate or judge of the municipal or traffic court, as the case may be, in a judicial district in which a community court has been established, the causes and proceedings then pending and the books, dockets and records thereof shall be transferred to the community court which shall determine and conclude such causes and proceedings as if it had assumed jurisdiction in the first instance.

Section 13. **Court Not of Record; Liens.**—A community court shall not be a court of record. No judgment of a community court shall in any manner operate as a lien on real estate: Provided, however, That when a transcript of the record showing a final judgment in the community court shall have been filed in the office of the prothonotary of the court of common pleas and entered upon the judgment index, it shall, from the

date of such entry, bind the real estate of the party against whom the judgment is entered. No such transcript shall be filed until twenty days after the entry of final judgment by the community court. No execution against real estate shall issue out of the community court.

Section 14. Appeals.—Appeals from a final judgment, verdict, decision or order of the community court shall be taken as provided in the act of December 2, 1968 (Act No. 355), known as the “Minor Judiciary Court Appeals Act.”

Section 15. Discontinuance of Community Court.—Where the electors of a judicial district have at a primary approved the discontinuance of an existing community court within their judicial district such community court and the office of the judges serving thereon shall then be abolished in the manner and at such time as is prescribed by Article V of the Constitution or law. Thereafter, the office of justice of the peace, magistrate or judge of the municipal or traffic court, as the case may be, shall be established to replace and supplant such community court in the manner and at such time as is prescribed by Article V of the Constitution and law.

Section 16. Repealer.—All acts and parts of acts are repealed in so far as they are inconsistent herewith.

Section 17. Effective Date.—This act shall take effect immediately.

APPROVED—The 13th day of May, A. D. 1969.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly No. 13.



*Joseph P. Kelly, Jr.*  
Secretary of the Commonwealth.