

No. 142

AN ACT

SB 935

Amending Titles 42 (Judiciary and Judicial Procedure), 15 (Corporations and Unincorporated Associations), 18 (Crimes and Offenses) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities and separately enacting certain related provisions of law.

## TABLE OF CONTENTS

## TITLE 42

## JUDICIARY AND JUDICIAL PROCEDURE

## PART I. PRELIMINARY PROVISIONS

## Chapter 1. General Provisions

- § 101. Short title of title.
- § 102. Definitions.
- § 103. Principles of construction.

## PART II. ORGANIZATION

## SUBPART A. COURTS AND DISTRICT JUSTICES

## ARTICLE A. PRELIMINARY PROVISIONS

## Chapter 3. General Structure and Powers

## Subchapter A. Unified Judicial System

- § 301. Unified judicial system.

## Subchapter B. General Provisions Relating to Courts

- § 321. Court of record.
- § 322. Seal.
- § 323. Powers.
- § 324. Sessions and terms of court.
- § 325. Chief Justice and president judges.
- § 326. Quorum.
- § 327. Oaths and acknowledgments.

## ARTICLE B. APPELLATE COURTS

## Chapter 5. Organization of Appellate Courts

## Subchapter A. Supreme Court of Pennsylvania

- § 501. Supreme Court.
- § 502. General powers of Supreme Court.
- § 503. Reassignment of matters.

§ 504. Seat of court.

Subchapter B. Superior Court of Pennsylvania

§ 541. Superior Court.

§ 542. Powers of Superior Court.

§ 543. Seat of court.

Subchapter C. Commonwealth Court of Pennsylvania

§ 561. Commonwealth Court.

§ 562. Powers of Commonwealth Court.

§ 563. Seat of court.

§ 564. Evidentiary hearings.

Chapter 7. Jurisdiction of Appellate Courts

Subchapter A. General Provisions

§ 701. Scope of subchapter.

§ 702. Interlocutory orders.

§ 703. Place and form of filing appeals.

§ 704. Waiver of objections to jurisdiction.

§ 705. Transfers between intermediate appellate courts.

§ 706. Disposition of appeals.

§ 707. Lien of judgments for money.

§ 708. Improvident administrative appeals and other matters.

Subchapter B. Jurisdiction of Supreme Court

§ 721. Original jurisdiction.

§ 722. Direct appeals from courts of common pleas.

§ 723. Appeals from Commonwealth Court.

§ 724. Allowance of appeals from Superior and Commonwealth Courts.

§ 725. Direct appeals from constitutional and judicial agencies.

§ 726. Extraordinary jurisdiction.

Subchapter C. Jurisdiction of Superior Court

§ 741. Original jurisdiction.

§ 742. Appeals from courts of common pleas.

Subchapter D. Jurisdiction of Commonwealth Court

§ 761. Original jurisdiction.

§ 762. Appeals from courts of common pleas.

§ 763. Direct appeals from administrative agencies.

ARTICLE C. COURTS OF COMMON PLEAS

Chapter 9. Organization and Jurisdiction of Courts of Common Pleas

Subchapter A. Judicial Districts

§ 901. Judicial districts.

## Subchapter B. Organization of Courts of Common Pleas

- § 911. Courts of common pleas.
- § 912. Powers of courts of common pleas.
- § 913. Seats of courts.

## Subchapter C. Jurisdiction of Courts of Common Pleas

- § 931. Original jurisdiction and venue.
- § 932. Appeals from minor judiciary.
- § 933. Appeals from administrative agencies.
- § 934. Writs of certiorari.

## Subchapter D. Court Divisions

- § 951. Court divisions.
- § 952. Status of court divisions.
- § 953. Administrative judges of divisions.

## ARTICLE D. MINOR COURTS

## Chapter 11. Community and Municipal Courts

## Subchapter A. Community Courts

- § 1101. Community courts.
- § 1102. Establishment or discontinuance of community courts.
- § 1103. Powers of community courts.
- § 1104. Seats of courts.
- § 1105. Jurisdiction and venue.
- § 1106. Lien of judgments.

## Subchapter B. Philadelphia Municipal Court

- § 1121. Philadelphia Municipal Court.
- § 1122. Seat of court.
- § 1123. Jurisdiction and venue.
- § 1124. Lien of judgments.

## Subchapter C. Pittsburgh Magistrates Court

- § 1141. Pittsburgh Magistrates Court.
- § 1142. Seat of court.
- § 1143. Jurisdiction and venue.

## Chapter 13. Traffic Courts

## Subchapter A. General Provisions

- § 1301. Seats of traffic courts.
- § 1302. Jurisdiction and venue.
- § 1303. Signatures and dockets.

## Subchapter B. Traffic Court of Philadelphia

§ 1321. Traffic Court of Philadelphia.

## Subchapter C. Traffic Court of Pittsburgh

§ 1331. Traffic Court of Pittsburgh.

§ 1332. Operations of traffic court.

## ARTICLE E. DISTRICT JUSTICES

## Chapter 15. District Justices

## Subchapter A. Magisterial Districts

§ 1501. Definitions.

§ 1502. Classification of districts.

§ 1503. Reestablishment of districts.

## Subchapter B. District Justices

§ 1511. District justices.

§ 1512. Seal.

§ 1513. Powers of district justices.

§ 1514. Offices.

§ 1515. Jurisdiction and venue.

§ 1516. Lien of judgment.

## SUBPART B. OTHER STRUCTURAL PROVISIONS

## Chapter 17. Governance of the System

## Subchapter A. General Provisions

§ 1701. General supervisory and administrative authority of the Supreme Court.

§ 1702. Rule making procedures.

## Subchapter B. Specific Powers of the Governing Authority of the System

§ 1721. Delegation of powers.

§ 1722. Adoption of administrative and procedural rules.

§ 1723. General supervisory and administrative authority.

§ 1724. Personnel of the system.

§ 1725. Establishment of fees and charges.

§ 1726. Establishment of taxable costs.

§ 1727. Budget and financial matters.

§ 1728. Recognition of related organizations.

§ 1729. Conferences and institutes.

§ 1730. Boards, councils, commissions and committees.

## Chapter 19. Administrative Office of Pennsylvania Courts

§ 1901. Court Administrator of Pennsylvania.

§ 1902. Administrative Office of Pennsylvania Courts.

§ 1903. Staff.

## Chapter 21. Judicial Boards and Commissions

### Subchapter A. Judicial Inquiry and Review Board

§ 2101. Judicial Inquiry and Review Board.

§ 2102. Composition of board.

§ 2103. Organization.

§ 2104. Staff.

§ 2105. Powers and duties.

### Subchapter B. Judicial Qualifications Commission (Reserved)

### Subchapter C. Jury Selection Commissions

§ 2121. Jury selection commissions.

§ 2122. Composition of jury selection commissions.

§ 2123. Staff.

§ 2124. Powers and duties.

### Subchapter D. Minor Judiciary Education Board

§ 2131. Minor Judiciary Education Board.

§ 2132. Composition of board.

§ 2133. Organization.

§ 2134. Staff.

§ 2135. Powers and duties.

### Subchapter E. Boards of Viewers

§ 2141. Boards of viewers.

§ 2142. Composition of boards.

§ 2143. Staff.

§ 2144. Powers and duties.

## Chapter 23. Personnel of the System

§ 2301. Appointment of personnel.

§ 2302. Maintenance of adequate county staff.

## Chapter 25. Representation of Litigants

### Subchapter A. General Provisions

§ 2501. Appearance in person or by counsel.

§ 2502. Certain persons not to appear as counsel.

§ 2503. Right of participants to receive counsel fees.

### Subchapter B. Attorneys and Counsellors

§ 2521. Office of attorney at law.

§ 2522. Oath of office.

§ 2523. Persons specially admitted by local rules.

§ 2524. Penalty for unauthorized practice of law.

§ 2525. Unauthorized solicitation prohibited.

## Chapter 27. Office of the Clerk of the Court of Common Pleas

### Subchapter A. General Provisions

§ 2701. Scope and purpose of chapter.

§ 2702. Place of filing of documents.

§ 2703. Notice of transfer of functions and duties.

§ 2704. Responsibility for entry, maintenance and certification of data.

### Subchapter B. Prothonotaries

§ 2731. Prothonotary.

§ 2732. Selection of prothonotary.

§ 2733. Seal.

§ 2734. Office of the prothonotary.

§ 2735. Staff.

§ 2736. Matters or documents filed in the office of the prothonotary.

§ 2737. Powers and duties of the office of the prothonotary.

§ 2738. Criminal, probate, estates and fiduciary matters.

### Subchapter C. Clerks of the Courts

§ 2751. Clerk of the courts.

§ 2752. Selection of clerk of the courts.

§ 2753. Seal.

§ 2754. Office of the clerk of the courts.

§ 2755. Staff.

§ 2756. Matters or documents filed in the office of the clerk of the courts.

§ 2757. Powers and duties of the office of the clerk of the courts.

### Subchapter D. Clerks of Orphans' Court Divisions

§ 2771. Clerk of the orphans' court division.

§ 2772. Selection of clerk of the orphans' court division.

§ 2773. Seal.

§ 2774. Office of the clerk of the orphans' court division.

§ 2775. Staff.

§ 2776. Matters or documents filed in the office of the clerk of the orphans' court division.

§ 2777. Powers and duties of the office of the clerk of the orphans' court division.

## PART III. SELECTION, RETENTION AND REMOVAL OF JUDICIAL OFFICERS

### Chapter 31. Selection and Retention of Judicial Officers

#### Subchapter A. Qualifications Generally

§ 3101. Qualifications of judicial officers generally.

**Subchapter B. Qualifications of Certain Minor Judiciary**

- § 3111. Definitions.
- § 3112. Course of instruction and examination required.
- § 3113. Content of course of instruction and examination.
- § 3114. Admission of interested persons.
- § 3115. Certification of successful completion of course.
- § 3116. Effect of failure to obtain certificate.
- § 3117. Expenses.
- § 3118. Rules and regulations.

**Subchapter C. Selection of Judicial Officers**

- § 3131. Selection of judicial officers for regular terms.
- § 3132. Vacancies in office.
- § 3133. Commonwealth Court judges.
- § 3134. Community court judges.
- § 3135. Increase in number of judges.

**Subchapter D. Tenure and Compensation**

- § 3151. Oath of office.
- § 3152. Tenure of judicial officers.
- § 3153. Retention elections.
- § 3154. Compensation of judicial officers.

**Chapter 33. Discipline, Removal and Retirement of Judicial Officers****Subchapter A. Standards of Conduct**

- § 3301. Constitutional restrictions.
- § 3302. Additional restrictions.
- § 3303. Additional compensation prohibited.
- § 3304. Acting as collection agent or paid arbitrator prohibited.
- § 3305. Automatic removal upon conviction or disbarment.
- § 3306. Automatic removal upon nonjudicial candidacy.
- § 3307. Automatic suspension of judicial officer under impeachment.

**Subchapter B. Establishment and Discontinuance of Courts**

- § 3321. Establishment of community courts.
- § 3322. Discontinuance of community courts.

**Subchapter C. Discipline and Removal by Judicial Inquiry and Review Board**

- § 3331. Power of discipline or removal.
- § 3332. Investigation and hearing.
- § 3333. Recommendation to and action by Supreme Court.
- § 3334. Proceedings confidential.

## Subchapter D. Retirement

- § 3351. Automatic retirement on age.
- § 3352. Pension rights.

## PART IV. FINANCIAL MATTERS

## Chapter 35. Budget and Finance

## Subchapter A. General Provisions

- § 3501. Definitions.
- § 3502. Financial regulations.
- § 3503. Penalties.

## Subchapter B. Judicial Department Budget and Finance

- § 3521. Development of budget information.
- § 3522. Preparation of tentative budget request.
- § 3523. Adoption of final budget request.
- § 3524. Form of Judicial Department appropriation.
- § 3525. List of employees to be furnished.
- § 3526. Release of funds.
- § 3527. Estimates of current expenditures by Administrative Office.
- § 3528. Fiscal period.
- § 3529. Audits of affairs of unified judicial system.
- § 3530. Preparation of requisitions.

## Subchapter C. County Finance

- § 3541. Judicial and related account.
- § 3542. Receipts.
- § 3543. Credits to account.
- § 3544. Disbursements.
- § 3545. Debits to account.
- § 3546. Relief from liability for loss of property if expenses not paid.

## Subchapter D. Money Paid into Court

- § 3561. Money paid into court.

## Chapter 37. Facilities and Supplies

## Subchapter A. Statewide Facilities and Services

- § 3701. Pennsylvania Judicial Center (Reserved).
- § 3702. General facilities and services furnished by Administrative Office.
- § 3703. Local chamber facilities.
- § 3704. Local facilities for holding sessions of Statewide courts.

## Subchapter B. District and County Facilities and Services

- § 3721. County judicial center.



- § 3722. General facilities and services furnished by county.
- § 3723. Other facilities and services furnished by Administrative Office.
- § 3724. County law libraries.
- § 3725. Standards of local facilities and services.
- § 3726. Manner of expenditure of local funds.

## PART V. ADMINISTRATION OF JUSTICE GENERALLY

### Chapter 41. Administration of Justice

#### Subchapter A. General Provisions

- § 4101. Coordination of activities.

#### Subchapter B. Temporary Assignment of Judges and District Justices

- § 4121. Assignment of judges.
- § 4122. Assignment of district justices.
- § 4123. Assignment procedure.

#### Subchapter C. Contempt of Court

- § 4131. Classification of penal contempts.
- § 4132. Punishment for contempt.
- § 4133. Imprisonment for failure to pay fine.
- § 4134. Publication out of court.
- § 4135. Criminal contempt.

### Chapter 43. Dockets, Indices and Other Records

#### Subchapter A. Establishment, Maintenance and Effect of Judicial Records

- § 4301. Establishment and maintenance of judicial records.
- § 4302. Effect of records as notice.
- § 4303. Effect of judgment as lien.
- § 4304. Notice of Federal pending actions (Reserved).
- § 4305. Federal judgments.
- § 4306. Enforcement of foreign judgments.

#### Subchapter B. Disposition of Obsolete Records

- § 4321. Record retention schedules.
- § 4322. Destruction and disposition of obsolete records.
- § 4323. Form of permanent recordation.
- § 4324. Copies of destroyed records.
- § 4325. Duplicate permanent records.
- § 4326. Original records meriting special care.
- § 4327. Transfer of custody to local museum upon application.

### Chapter 45. Juries and Jurors (Reserved)

**PART VI. ACTIONS, PROCEEDINGS AND  
OTHER MATTERS GENERALLY**

**Chapter 51. Preliminary Provisions**

- § 5101. Remedy to exist for legal injury.
- § 5102. Place and form of filing applications for relief.
- § 5103. Transfer of erroneously filed matters.
- § 5104. Trial by jury.
- § 5105. Right to appellate review.
- § 5106. Change of venue.

**Chapter 53. Bases of Jurisdiction and Interstate and International  
Procedure**

**Subchapter A. General Provisions**

- § 5301. Persons.
- § 5302. Land.
- § 5303. Chattels.
- § 5304. Documents.
- § 5305. Corporate shares.
- § 5306. Obligations.
- § 5307. Status.

**Subchapter B. Interstate and International Procedure**

- § 5321. Short title of subchapter.
- § 5322. Bases of personal jurisdiction over persons outside this Commonwealth.
- § 5323. Service of process on persons outside this Commonwealth.
- § 5324. Assistance to tribunals and litigants outside this Commonwealth with respect to service.
- § 5325. When and how a deposition may be taken outside this Commonwealth.
- § 5326. Assistance to tribunals and litigants outside this Commonwealth with respect to depositions.
- § 5327. Determination of foreign law.
- § 5328. Proof of official records.
- § 5329. Other provisions of law unaffected.

**Chapter 55. Limitation of Time**

**Subchapter A. General Provisions**

- § 5501. Scope of chapter.
- § 5502. Method of computing periods of limitation generally.
- § 5503. Commencement of matters.
- § 5504. Judicial extension of time.
- § 5505. Modification of orders.

## Subchapter B. Civil Actions and Proceedings

- § 5521. Limitations on foreign claims.
- § 5522. Six months limitation.
- § 5523. One year limitation.
- § 5524. Two year limitation.
- § 5525. Four year limitation.
- § 5526. Five year limitation.
- § 5527. Six year limitation.
- § 5528. Fifteen year limitation.
- § 5529. Twenty year limitation.
- § 5530. Twenty-one year limitation.
- § 5531. No limitation.
- § 5532. Absence or concealment.
- § 5533. (Reserved).
- § 5534. War.
- § 5535. Effect of other actions and proceedings.
- § 5536. Construction projects.

## Subchapter C. Criminal Proceedings

- § 5551. No limitation applicable to murder.
- § 5552. Other offenses.
- § 5553. Tolling of statute.

## Subchapter D. Appeals

- § 5571. Appeals generally.
- § 5572. Time of entry of order.
- § 5573. Effect of application for rehearing.
- § 5574. Effect of application for amendment to qualify for interlocutory appeal.

## Chapter 57. Bonds and Recognizances

## Subchapter A. General Provisions

- § 5701. Right to bail.
- § 5702. Bail to be governed by general rules.

## Subchapter B. Professional Bondsmen

- § 5741. Definitions.
- § 5742. Registration and licensure required.
- § 5743. Issuance of license.
- § 5744. Office.
- § 5745. Refusal to grant or renew license.
- § 5746. Suspension or revocation of license.
- § 5747. Statements by fidelity or surety companies.
- § 5748. Maximum premiums.
- § 5749. Prohibitions and penalties.

## Chapter 59. Depositions and Witnesses

## Subchapter A. Witnesses Generally

- § 5901. Judicial oath.
- § 5902. Effect of religious beliefs.

## CRIMINAL PROCEEDINGS

- § 5911. Competency of witnesses generally.
- § 5912. Disqualification by perjury.
- § 5913. Spouses as witnesses against each other.
- § 5914. Confidential communications between spouses.
- § 5915. Testimony by spouse in rebuttal.
- § 5916. Confidential communications to attorney.
- § 5917. Notes of evidence at former trial.
- § 5918. Examination of defendant as to other offenses.

## CIVIL MATTERS

- § 5921. Interest not to disqualify.
- § 5922. Disqualification by perjury.
- § 5923. Confidential communications between spouses.
- § 5924. Spouses as witnesses against each other.
- § 5925. Testimony by wife against husband in rebuttal.
- § 5926. Testimony by spouse after attack on character or conduct.
- § 5927. Actions by spouse to recover separate property.
- § 5928. Confidential communications to attorney.
- § 5929. Physicians not to disclose information.
- § 5930. Surviving party as witness, in case of death, mental incapacity, etc.
- § 5931. Incompetent witnesses.
- § 5932. Witness competent to testify against interest; to become competent upon release of interest.
- § 5933. Competency of surviving party.
- § 5934. Notes of evidence at former trial.
- § 5935. Examination of person adversely interested.

## CERTAIN PRIVILEGES AND IMMUNITIES

- § 5941. Persons who may be compelled to testify.
- § 5942. Confidential communications to news reporters.
- § 5943. Confidential communications to clergymen.
- § 5944. Confidential communications to licensed psychologists.
- § 5945. Confidential communications to school personnel.
- § 5946. Confidential communications to certified public accountants.
- § 5947. Competency of witnesses and jurors.

Subchapter B. Securing Attendance of Witnesses in Criminal Proceedings

- § 5961. Short title of subchapter.
- § 5962. Definitions.
- § 5963. Summoning witness in this Commonwealth to testify in another state.
- § 5964. Witness from another state summoned to testify in this Commonwealth.
- § 5965. Exemption from arrest and service of process.

Subchapter C. Rendition of Prisoners as Witnesses in Criminal Proceedings

- § 5971. Short title of subchapter.
- § 5972. Definitions.
- § 5973. Scope of subchapter.
- § 5974. Summoning witness in this Commonwealth to testify in another state.
- § 5975. Court order.
- § 5976. Terms and conditions.
- § 5977. Prisoner from another state summoned to testify in this Commonwealth.
- § 5978. Compliance.
- § 5979. Exemption from arrest and service of process.

Chapter 61. Rules of Evidence

Subchapter A. Documentary Evidence

- § 6101. Scope of subchapter.
- § 6102. Judicial notice of official seals.
- § 6103. Proof of official records.
- § 6104. Effect of official records generally.
- § 6105. Acts of notaries public.
- § 6106. Certified exemplifications of records.
- § 6107. Judicial notice of certain local government ordinances.
- § 6108. Business records.
- § 6109. Photographic copies of business and public records.
- § 6110. Registers kept by religious societies and municipalities.
- § 6111. Handwriting.
- § 6112. Introduction of parol evidence after refusal to produce documents.

Subchapter B. Eminent Domain Matters

- § 6121. Eminent domain matters.

Subchapter C. Blood Tests to Determine Paternity

- § 6131. Short title of subchapter.

- § 6132. Scope of subchapter.
- § 6133. Authority for test.
- § 6134. Selection of experts.
- § 6135. Compensation of experts.
- § 6136. Effect of test results.
- § 6137. Effect on presumption of legitimacy.

#### Subchapter D. Miscellaneous Provisions

- § 6141. Effect of certain settlements.
- § 6142. Pleas in motor vehicle matters.
- § 6143. Vehicle registration number prima facie evidence.
- § 6144. Dying declarations in case of abortion.

### Chapter 63. Juvenile Matters

#### Subchapter A. General Provisions

- § 6301. Short title and purposes of chapter.
- § 6302. Definitions.
- § 6303. Scope of chapter.
- § 6304. Powers and duties of probation officers.
- § 6305. Masters.
- § 6306. Costs and expenses of care of child.
- § 6307. Inspection of court files and records.
- § 6308. Law enforcement records.

#### Subchapter B. Jurisdiction and Custody

- § 6321. Commencement of proceedings.
- § 6322. Transfer from criminal proceedings.
- § 6323. Informal adjustment.
- § 6324. Taking into custody.
- § 6325. Detention of child.
- § 6326. Release or delivery to court.
- § 6327. Place of detention.

#### Subchapter C. Procedures and Safeguards

- § 6331. Release from detention or commencement of proceedings.
- § 6332. Informal detention hearing.
- § 6333. Subpoena.
- § 6334. Petition.
- § 6335. Summons.
- § 6336. Conduct of hearings.
- § 6337. Right to counsel.
- § 6338. Other basic rights.
- § 6339. Investigation and report.
- § 6340. Consent decree.
- § 6341. Adjudication.

**Subchapter D. Disposition of Children Generally**

- § 6351. Disposition of deprived child.
- § 6352. Disposition of delinquent child.
- § 6353. Limitation on length of commitment.
- § 6354. Effect of adjudication.
- § 6355. Transfer to criminal proceedings.
- § 6356. Disposition of mentally ill or mentally retarded child.
- § 6357. Rights and duties of legal custodian.

**Subchapter E. Dispositions Affecting Other Jurisdictions**

- § 6361. Disposition of nonresident child.
- § 6362. Disposition of resident child received from another state.
- § 6363. Ordering foreign supervision.
- § 6364. Supervision under foreign order.
- § 6365. Powers of foreign probation officers.

**Chapter 65. Habeas Corpus**

- § 6501. Writ not to be suspended.
- § 6502. Power to issue writ.
- § 6503. Right to apply for writ.
- § 6504. Return on writ.
- § 6505. Interference with writ prohibited.

**Chapter 67. Support Proceedings****Subchapter A. General Provisions (Reserved)****Subchapter B. Reciprocal Enforcement of Support Orders**

- § 6741. Short title and purposes of subchapter.
- § 6742. Definitions.
- § 6743. Remedies additional to those now existing.
- § 6744. Extent of duties of support.
- § 6745. Interstate rendition.
- § 6746. Conditions of interstate rendition.
- § 6747. Choice of law.
- § 6748. Remedies of state or political subdivision furnishing support.
- § 6749. How duties of support are enforced.
- § 6750. Jurisdiction.
- § 6751. Petition for support.
- § 6752. Officials to represent obligee.
- § 6753. Petition for a minor.
- § 6754. Duty of initiating court.
- § 6755. Costs and fees.
- § 6756. Jurisdiction by arrest.
- § 6757. State information agency.
- § 6758. Duty of the court and officials of this Commonwealth as responding state.

- § 6759. Further duties of court and officials of responding state.
- § 6760. Hearing and continuance.
- § 6761. Immunity from criminal prosecution.
- § 6762. Evidence of husband and wife.
- § 6763. Rules of evidence.
- § 6764. Order of support.
- § 6765. Responding court to transmit copies to initiating court.
- § 6766. Additional powers of responding court.
- § 6767. Paternity.
- § 6768. Additional duties of responding court.
- § 6769. Additional duty of initiating court.
- § 6770. Proceedings not to be stayed.
- § 6771. Application of payments.
- § 6772. Effect of participation in proceeding.
- § 6773. Intrastate application.
- § 6774. Appeals.
- § 6775. Additional remedies.
- § 6776. Registration.
- § 6777. Registry of foreign support orders.
- § 6778. Official to represent obligee.
- § 6779. Registration procedure.
- § 6780. Effect and enforcement of registered order.

## PART VII. CIVIL ACTIONS AND PROCEEDINGS

### Chapter 71. General Provisions

- § 7101. Settlements and other agreements with hospitalized persons.

### Chapter 73. Arbitration

#### Subchapter A. Statutory Arbitration (Reserved)

#### Subchapter B. Common Law Arbitration

- § 7341. Common law arbitration.

#### Subchapter C. Judicial Arbitration

- § 7361. Compulsory arbitration.
- § 7362. Voluntary arbitration of pending judicial matters.

### Chapter 75. Commencement of Actions

#### Subchapter A. General Provisions (Reserved)

#### Subchapter B. Interpleader Compacts

- § 7521. Short title of subchapter.
- § 7522. Interpleader compact.
- § 7523. Duties of the Department of State.
- § 7524. Duties of the Governor.



### Subchapter C. Declaratory Judgments

- § 7531. Short title of subchapter.
- § 7532. General scope of declaratory remedy.
- § 7533. Construction of documents.
- § 7534. Before breach of contract.
- § 7535. Rights of fiduciaries and other persons.
- § 7536. Enumeration not exclusive.
- § 7537. Remedy discretionary.
- § 7538. Supplemental relief.
- § 7539. Issues of fact.
- § 7540. Parties.
- § 7541. Construction of subchapter.

### Subchapter D. Reciprocal Tax Enforcement

- § 7551. Enforcement of taxes imposed by other states.

### Chapter 77. Trial (Reserved)

### Chapter 79. Post-trial Matters (Reserved)

### Chapter 81. Judgments

#### Subchapter A. General Provisions

- § 8101. Interest on judgments.
- § 8102. Contribution among joint judgment debtors.
- § 8103. Deficiency judgments.
- § 8104. Duty of judgment creditor to enter satisfaction.

#### Subchapter B. Exemptions from Execution

- § 8121. Scope of subchapter.
- § 8122. Waiver of exemption.
- § 8123. General monetary exemption.
- § 8124. Exemption of particular goods.
- § 8125. Tangible personal property exhibited at international exhibitions.
- § 8126. Common carriers not liable.
- § 8127. Transfer of claim to avoid policy of Commonwealth.

### Chapter 83. Particular Rights and Immunities

#### Subchapter A. Rights of Action

- § 8301. Death action.
- § 8302. Survival action.
- § 8303. Action for performance of a duty required by law.

#### Subchapter B. Contribution Among Tort-feasors

- § 8321. Short title of subchapter.

- § 8322. Definition.
- § 8323. Scope of subchapter.
- § 8324. Right of contribution.
- § 8325. Effect of judgment.
- § 8326. Effect of release as to other tort-feasors.
- § 8327. Liability to make contribution as affected by release.

#### Subchapter C. Immunities Generally

- § 8331. Medical good Samaritan civil immunity.
- § 8332. Nonmedical good Samaritan civil immunity.
- § 8333. Body fluid and tissue limited civil immunity.
- § 8334. Physicians and nurses civil immunity in mass immunization projects.
- § 8335. Damages for conversion of property of fluctuating value.

#### Subchapter D. Defamation

- § 8341. Single publication limitation.
- § 8342. Justification a defense.
- § 8343. Burden of proof.
- § 8344. Malice or negligence necessary to support award of damages.
- § 8345. No liability when without power of censorship.

#### Chapter 85. Matters Affecting the Commonwealth (Reserved)

### PART VIII. CRIMINAL PROCEEDINGS

#### Chapter 87. General Provisions

- § 8701. Interpreters for the deaf.

#### Chapter 89. Commencement of Proceedings

##### Subchapter A. General Provisions

- § 8901. Intrastate hot pursuit.

##### Subchapter B. Interstate Hot Pursuit

- § 8921. Scope of subchapter.
- § 8922. Authority of officers of another state to arrest in this Commonwealth.
- § 8923. Hearing after arrest.
- § 8924. Construction of subchapter.

##### Subchapter C. Indictment and Information

- § 8931. Indictment and information.

#### Chapter 91. Detainers and Extradition

##### Subchapter A. Agreement on Detainers

- § 9101. Agreement on detainers.

- § 9102. Appropriate court.
- § 9103. Enforcement and cooperation.
- § 9104. Second and subsequent offenses.
- § 9105. Escape.
- § 9106. Duty of warden or other official.
- § 9107. Administrator and information agent.
- § 9108. Transmission of subchapter.

#### Subchapter B. Extradition of Persons Charged with Crime

- § 9121. Short title of subchapter.
- § 9122. Definitions.
- § 9123. Duty of Governor with respect to fugitives from justice.
- § 9124. Form of demand.
- § 9125. Governor may investigate case.
- § 9126. Extradition of persons imprisoned or awaiting trial in another state or who have left the demanding state under compulsion.
- § 9127. Extradition of persons not present in demanding state at time of commission of crime.
- § 9128. Issue by Governor of warrant of arrest.
- § 9129. Manner and place of execution.
- § 9130. Authority of arresting officer.
- § 9131. Rights of accused person.
- § 9132. Penalty for noncompliance.
- § 9133. Confinement in jail.
- § 9134. Arrest prior to requisition.
- § 9135. Arrest without a warrant.
- § 9136. Commitment to await requisition.
- § 9137. Bail.
- § 9138. Extension of time of commitment.
- § 9139. Forfeiture of bail.
- § 9140. Persons under criminal prosecution in this Commonwealth at time of requisition.
- § 9141. Inquiry into guilt or innocence of accused.
- § 9142. Governor may recall warrant or issue another.
- § 9143. Duty of Governor in case of fugitives from this Commonwealth.
- § 9144. Issuance of requisition.
- § 9145. Immunity from service of process in certain civil actions.
- § 9146. Written waiver of extradition proceedings.
- § 9147. Nonwaiver by Commonwealth.
- § 9148. Liability to further criminal prosecutions.

Chapter 93. Trial (Reserved)

Chapter 95. Post-trial Matters (Reserved)

Section 3. Conforming amendment to Title 15.

Section 4. Conforming amendments to Title 18.

- Section 5. Conforming amendment to Title 71.
- Section 6. Notice to Insurance Department.
- Section 7. Existing president judges.
- Section 8. Pending actions and proceedings.
- Section 9. Philadelphia Municipal Court.
- Section 10. Concurrent jurisdiction of Court of Common Pleas of Philadelphia County.
- Section 11. Loan Interest and Protection Law.
- Section 12. Allegheny County appointments.
- Section 13. (Reserved).
- Section 14. Continuation of existing judicial boards, commissions and committees.
- Section 15. Minor Judiciary Education Board.
- Section 16. Boards of viewers.
- Section 17. Landlord and tenant officers and writ servers.
- Section 18. Traffic court writ servers.
- Section 19. Applicability of minor judiciary education requirements.
- Section 20. Minor judiciary education expenses.
- Section 21. Certain judges of Commonwealth Court.
- Section 22. Existing judges of the Traffic Court of Philadelphia.
- Section 23. Existing judicial officers.
- Section 24. Financial matters.
- Section 25. Effect of act on periods of limitation.
- Section 26. Repeals and related provisions.
- Section 27. Effect on certain officers.
- Section 28. Short title.
- Section 29. Effective date.

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

Section 1. Chapter 83 (relating to bases of jurisdiction) of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, added November 15, 1972 (P.L.1063, No.271), is hereby repealed absolutely.

Section 2. Title 42 is amended to read:

TITLE 42  
JUDICIARY AND JUDICIAL PROCEDURE

Part

- I. Preliminary Provisions
- II. Organization [**of Judicial Branch**]
- III. Selection, Retention and Removal of Judicial Officers
- IV. Financial Matters
- V. Administration of Justice Generally
- VI. Actions, [**and**] Proceedings *and Other Matters* Generally
- VII. Civil Actions and Proceedings
- VIII. Criminal Proceedings
- [IX. **General Provisions**]

PART I  
PRELIMINARY PROVISIONS

Chapter

- 1. General Provisions

CHAPTER 1  
GENERAL PROVISIONS

Sec.

- 101. Short title of title.
- 102. Definitions.
- 103. Principles of construction.

§ 101. Short title of title.

This title shall be known and may be cited as the "Judicial Code."

§ 102. Definitions.

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:

"Action." Any action at law or in equity.

"Administrative judge." The administrative judge of a division of a court, determined or selected as prescribed by general rule.

“Administrative Office.” The office of the Court Administrator of Pennsylvania as specified in section 1902 (relating to Administrative Office of Pennsylvania Courts).

“Administrative staff.” All individuals employed in the business of a court, including the personnel of the office of the clerk of the court of common pleas, but the term does not include judicial officers or their personal staff. The term includes the clerks or prothonotaries of the Supreme Court, the Superior Court and the Commonwealth Court and their staffs.

“Affidavit.” Includes an unsworn document containing statements of fact and a statement by the signatory that it is made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

“Appeal.” Any petition or other application to a court for review of subordinate governmental determinations. The term includes an application for certiorari under section 934 (relating to writs of certiorari) or under any other provision of law. Where required by the context, the term includes proceedings on petition for review.

“Appellate court.” Includes the Supreme Court, the Superior Court and the Commonwealth Court.

“Appointive judicial officers.” Arbitrators, auditors, commissioners to take oaths and depositions, custodians, examiners, guardians, masters, receivers, referees, trustees, viewers and other like officers.

“Branch.” As applied to a court of common pleas in a multicounty judicial district, an administrative unit composed of those members of the staff of the court from a particular county within the judicial district.

“Central staff.” All individuals employed in the business of the unified judicial system, but the term does not include district justices or their personal staff or personnel of the courts.

“Clerk.” As applied to a court of common pleas or the Philadelphia Municipal Court, the personnel of the office of the clerk of the court of common pleas, and as applied to any other court, the administrative staff responsible for the receipt of documents transmitted to the court by litigants and the transmission of notice of orders entered by and process issued under the authority of the court.

“Clerk of the courts.” The officer exercising the powers and performing the duties specified in Subchapter C of Chapter 27 (relating to clerks of the courts). The term includes the Clerk of Quarter Sessions of Philadelphia.

“Clerk of the orphans’ court division.” The officer exercising the powers and performing the duties specified in Subchapter D of Chapter 27 (relating to clerks of orphans’ court divisions).

“Commonwealth agency.” Any executive agency or independent agency.

“Commonwealth Court.” The court existing under section 4 of Article V of the Constitution of Pennsylvania and Subchapter C of Chapter 5 (relating to Commonwealth Court of Pennsylvania).

“Commonwealth government.” The government of the Commonwealth, including the courts and other officers or agencies of the unified judicial system, the General Assembly and its officers and agencies, the Governor, and the departments, boards, commissions, authorities and officers and agencies of the Commonwealth, but the term does not include any political subdivision, municipal or other local authority, or any officer or agency of any such political subdivision or local authority.

“Community court.” A court existing in a judicial district under section 6(a) of Article V of the Constitution of Pennsylvania and Subchapter A of Chapter 11 (relating to community courts).

“County.” Includes the City and County of Philadelphia.

“County staff.” System and related personnel elected by the electorate of a county or subject to appointment and removal by officers, other than judicial officers, so elected. The term does not include judicial officers.

“Court.” Includes any one or more of the judges of the court who are authorized by general rule or rule of court, or by law or usage, to exercise the powers of the court in the name of the court.

“Court Administrator of Pennsylvania.” The court administrator appointed by the Supreme Court under section 10(b) of Article V of the Constitution of Pennsylvania and section 1901 (relating to Court Administrator of Pennsylvania).

“Court of common pleas.” The court existing in each judicial district under section 5 of Article V of the Constitution of Pennsylvania and Chapter 9 (relating to organization and jurisdiction of courts of common pleas).

“Determination.” Action or inaction by a government unit which action or inaction is subject to judicial review by a court under section 9 of Article V of the Constitution of Pennsylvania or otherwise. The term includes an order entered by a government unit.

“District justice.” A justice of the peace holding office under section 7(a) of Article V of the Constitution of Pennsylvania and Chapter 15 (relating to district justices).

“Division.” An administrative unit composed of those judges of the court responsible for the transaction of a specified class of the business of the court. In a court having two or more divisions each division of the court is vested with the full jurisdiction of the whole court, but the business of the court may be allocated among the divisions of the court by or pursuant to general rules.

“Executive agency.” The Governor and the departments, boards, commissions, authorities and other officers and agencies of the Commonwealth government, but the term does not include any court or other officer or agency of the unified judicial system, the General Assembly and its officers and agencies, or any independent agency.

“General rule.” A rule or order promulgated by the governing authority.

“Governing authority.”

(1) The Supreme Court; or

(2) any agency or unit of the unified judicial system exercising a power or performing a duty pursuant to section 1721 (relating to delegation of powers).

“Government agency.” Any Commonwealth agency or any political subdivision or municipal or other local authority, or any officer or agency of any such political subdivision or local authority.

“Government unit.” The General Assembly and its officers and agencies, any government agency or any court or other officer or agency of the unified judicial system.

“Independent agency.” Boards, commissions, authorities and other agencies and officers of the Commonwealth government which are not subject to the policy supervision and control of the Governor, but the term does not include any court or other officer or agency of the unified judicial system or the General Assembly and its officers and agencies.

“Indictable offense.” An offense other than a summary offense.

“Issuing authority.” Any judge or district justice of the minor judiciary, subject to the express limitations on jurisdiction specified in this title.

“Judge.” Includes a justice of the Supreme Court. Except with respect to the power to select a president or administrative judge, to appoint and remove the administrative staff of the court and to adopt rules of court and other similar matters, the term includes a senior judge.

“Judicial and related account.” The account required to be established upon the books of certain political subdivisions pursuant to section 3541 (relating to judicial and related account).

“Judicial branch.” The judicial branch specified in section 10(c) of Article V of the Constitution of Pennsylvania.

“Judicial Department.” A term utilized in appropriation statutes to distinguish judicial appropriations from other appropriations.

“Judicial district.” A district established by section 901 (relating to judicial districts) for the election of one or more judges of a court of common pleas.

“Judicial officers.” Judges, district justices and appointive judicial officers.

“Litigant.” A party or any other person legally concerned with the results of a matter.

“Magisterial district.” A district established within a judicial district pursuant to Subchapter A of Chapter 15 (relating to magisterial districts) for the election of a district justice.

“Matter.” Action, proceeding or appeal.

“Minor judiciary.” The community courts, district justices, Philadelphia Municipal Court, Pittsburgh Magistrates Court and Traffic Court of Philadelphia.



“Office of the clerk of the court of common pleas.” A term employed in this title to refer generally to the administrative staff of the courts of common pleas and the Philadelphia Municipal Court responsible for the receipt of documents transmitted to the court by litigants and the transmission of notice of orders entered by and process issued under the authority of the court. The business of such staff shall be divided among the personnel of the offices of the prothonotary, the clerk of the courts and the clerk of the orphans’ court division in the manner provided by or pursuant to Chapter 27 (relating to office of the clerk of the court of common pleas). Except as otherwise provided by statute, the term does not imply the unification of the administration, personnel or operations of any or all of such offices.

“Order.” Includes judgment, decision, decree, sentence and adjudication.

“Participant.” Litigants, witnesses and their counsel.

“Party.” A person who commences or against whom relief is sought in a matter. The term includes counsel for such a person who is represented by counsel.

“Personal staff.” Private secretaries, law clerks and such other personnel as an individual may be authorized by law to select and remove subject to standards and classifications established by the governing authority.

“Personnel of the court.” The judges and staff of the court.

“Personnel of the system.” Judicial officers, personal staff, administrative staff and central staff.

“Philadelphia Municipal Court.” The municipal court existing under section 6(c) of Article V of the Constitution of Pennsylvania and Subchapter B of Chapter 11 (relating to Philadelphia Municipal Court) 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.

“Pittsburgh Magistrates Court.” The court existing under Subchapter C of Chapter 11 (relating to Pittsburgh Magistrates Court).

“President judge.” The president judge of a court determined or selected as provided or as prescribed by law.

“Proceeding.” Includes every declaration, petition or other application which may be made to a court under law or usage or under special statutory authority, but the term does not include an action or an appeal.

“Process.” A document evidencing a command of a court.

“Prothonotary.” The officer exercising the powers and performing the duties specified in Subchapter B of Chapter 27 (relating to prothonotaries).

“Quasi-judicial order.” An order of a government unit, made after notice and opportunity for hearing, which is by law reviewable solely upon the record made before the government unit, and not upon a record made in whole or in part before the reviewing court. This definition has no application to the definition of “tribunal.”

“Related staff.” All individuals employed at public expense who serve the unified judicial system, but the term does not include personnel of the system.

“Rule of court.” A rule promulgated by a court regulating practice or procedure before the promulgating court.

“Section.” An administrative unit of the administrative staff of the court composed of those persons responsible for the support of a class of the business of the court specified by law.

“Senior judge.” A former or retired judge who, with his consent, is assigned on temporary judicial service pursuant to section 4121(b) (relating to assignment of judges).

“Staff of the court.” Appointive judicial officers, the administrative staff and personal staff of the court.

“State.” When used in reference to the different parts of the United States, includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands and other organized territories and possessions of the United States.

“State Law Library.” The Law Library Bureau of the State Library of Pennsylvania.

“Superior Court.” The court existing under section 3 of Article V of the Constitution of Pennsylvania and Subchapter B of Chapter 5 (relating to Superior Court of Pennsylvania).

“Supreme Court.” The court existing under section 2 of Article V of the Constitution of Pennsylvania and Subchapter A of Chapter 5 (relating to Supreme Court of Pennsylvania).

“System.” The unified judicial system.

“System and related personnel.” Personnel of the system and related staff. The term includes district attorneys, public defenders, sheriffs and other officers serving process or enforcing orders, registers of wills, prothonotaries, clerks of the courts, clerks of the orphans’ court division, coroners, jury commissioners, prison and correctional officials, and the personnel of all of the foregoing.

“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.

“Tribunal.” A court, district justice or other judicial officer vested with the power to enter an order in a matter. The term includes a government unit, other than the General Assembly and its officers and agencies, when performing quasi-judicial functions.

“Unified judicial system.” The unified judicial system existing under section 1 of Article V of the Constitution of Pennsylvania and section 301 (relating to unified judicial system).

“Verified.” Includes an unsworn document containing a statement by the signatory that is made subject to the penalties of 18 Pa.C.S. § 4904 (relating to unsworn falsification to authorities).

§ 103. Principles of construction.

(a) Necessary powers conferred.—The provisions of this title shall be construed so as to vest in the unified judicial system and in the personnel of the system power to do all things that are reasonably necessary for the proper execution and administration of their functions within the scope of their respective jurisdiction.

(b) No inference from express grant of powers.—The inclusion in this title of provisions derived from or based on the text of the Constitution of Pennsylvania and the specification in this title of the powers of the unified judicial system is for the avoidance of potential controversy and the convenient codification of the powers of the system from whatever source derived and shall not be construed as a determination by the General Assembly that any of such powers are or are not inherent in the Supreme Court or the other agencies and units of the system under the Constitution of Pennsylvania or otherwise.

## PART II ORGANIZATION [OF JUDICIAL BRANCH]

Subpart

- A. Courts and District Justices
- B. Other Structural Provisions

### SUBPART A COURTS AND DISTRICT JUSTICES

Article

- A. Preliminary Provisions
- B. Appellate Courts
- C. Courts of Common Pleas
- D. Minor Courts
- E. District Justices

### ARTICLE A PRELIMINARY PROVISIONS

Chapter

- 3. General Structure and Powers

### CHAPTER 3 GENERAL STRUCTURE AND POWERS

Subchapter

- A. Unified Judicial System
- B. General Provisions Relating to Courts

### SUBCHAPTER A UNIFIED JUDICIAL SYSTEM

Sec.

- 301. Unified judicial system.

§ 301. Unified judicial system.

The judicial power of the Commonwealth shall be vested in a unified judicial system consisting of the:

- (1) Supreme Court.
- (2) Superior Court.
- (3) Commonwealth Court.
- (4) Courts of common pleas.
- (5) Community courts.
- (6) Philadelphia Municipal Court.
- (7) Pittsburgh Magistrates Court.
- (8) Traffic Court of Philadelphia.
- (9) District justices.

All courts and district justices and their jurisdiction shall be in this unified judicial system.

**SUBCHAPTER B  
GENERAL PROVISIONS RELATING TO COURTS**

Sec.

321. Court of record.
322. Seal.
323. Powers.
324. Sessions and terms of court.
325. Chief Justice and president judges.
326. Quorum.
327. Oaths and acknowledgments.

§ 321. Court of record.

Except as otherwise provided in this subpart every court of this Commonwealth shall be a court of record with all the qualities and incidents of a court of record at common law.

§ 322. Seal.

Each court of this Commonwealth shall have a seal engraved with the name of the court and such other inscription as may be specified by general rule or rule of court. A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

§ 323. Powers.

Every court shall have power to issue, under its judicial seal, every lawful writ and process necessary or suitable for the exercise of its jurisdiction and for the enforcement of any order which it may make and all legal and equitable powers required for or incidental to the exercise of its jurisdiction, and, except as otherwise prescribed by general rules, every court shall have power to make such rules and orders of court as the interest of justice or the business of the court may require.

§ 324. Sessions and terms of court.

Except as otherwise prescribed by general rule or rule of court each court shall be in session as often as its judges shall deem necessary or proper and there shall be no terms of court. Each court shall always be open for the

transaction of judicial business and the court or any judge shall have the same power in vacation to issue injunctions, grant stays and enter other orders as they have while the court is in session. The continued existence or expiration of a session of a court in no way affects the power of a court to do any act or take any proceeding.

§ 325. Chief Justice and president judges.

(a) General rule.—The Chief Justice of Pennsylvania and the president judges of all courts with seven or less judges shall be the judge longest in continuous service on their respective courts. In the event of his resignation from this position the judge next longest in continuous service shall be the Chief Justice of Pennsylvania or the president judge. Should any two or more judges of the same court assume office at the same time, they shall cast lots forthwith for priority of commission, and certify the results to the Governor who shall issue their commissions accordingly.

(b) Courts of eight or more judges.—The president judges of all courts with eight or more judges shall be selected for five-year terms by the members of their respective courts. In the event of a tie vote for the office of president judge, the Supreme Court shall appoint as president judge one of the judges receiving the highest number of votes.

(c) Traffic Court of Philadelphia.—Notwithstanding any other provision of this section, the President Judge of the Traffic Court of Philadelphia shall be appointed by the Governor for a five-year term or at the pleasure of the Governor.

(d) Resignation and temporary inability.—The Chief Justice of Pennsylvania or a president judge may resign such position and remain a member of the court.

(e) Powers of president judge.—Except as otherwise provided or prescribed by this title, by general rule or by order of the governing authority, the president judge of a court shall:

(1) Be the executive and administrative head of the court, supervise the judicial business of the court, promulgate all administrative rules and regulations, make all judicial assignments, and assign and reassign among the personnel of the court available chambers and other physical facilities.

(2) Exercise the powers of the court under section 2301(a)(2) (relating to appointment of personnel).

§ 326. Quorum.

(a) Supreme Court.—A majority of the Supreme Court shall be a quorum of the court.

(b) Other courts.—The quorum requisite to hold a session of any other court shall be specified by general rule.

(c) Inability to assemble quorum.—Where by reason of vacancy, illness, disqualification or otherwise it is impossible to assemble a quorum of a court at the time and place appropriate therefor, sufficient judges shall be temporarily assigned to the court to permit the court to hold a duly convened session and transact the business of the court.

(d) Court en banc.—The composition of a court en banc shall be as specified by general rules.

§ 327. Oaths and acknowledgments.

Each judicial officer, each clerk of court, and such other personnel of the system and jurors as may be designated by or pursuant to general rules may administer oaths and affirmations and take acknowledgments.

ARTICLE B  
APPELLATE COURTS

Chapter

5. Organization of Appellate Courts
7. Jurisdiction of Appellate Courts

CHAPTER 5  
ORGANIZATION OF APPELLATE COURTS

Subchapter

- A. Supreme Court of Pennsylvania
- B. Superior Court of Pennsylvania
- C. Commonwealth Court of Pennsylvania

SUBCHAPTER A  
SUPREME COURT OF PENNSYLVANIA

Sec.

501. Supreme Court.
502. General powers of Supreme Court.
503. Reassignment of matters.
504. Seat of court.

§ 501. Supreme Court.

The Supreme Court of Pennsylvania shall consist of the Chief Justice of Pennsylvania and six associate justices. The court shall be the highest court of this Commonwealth and in it shall be reposed the supreme judicial power of the Commonwealth.

§ 502. General powers of Supreme Court.

The Supreme Court shall have and exercise the powers vested in it by the Constitution of Pennsylvania, including the power generally to minister justice to all persons and to exercise the powers of the court, as fully and amply, to all intents and purposes, as the justices of the Court of King's Bench, Common Pleas and Exchequer, at Westminster, or any of them, could or might do on May 22, 1722. The Supreme Court shall also have and exercise the following powers:

- (1) All powers necessary or appropriate in aid of its original and appellate jurisdiction which are agreeable to the usages and principles of law.
- (2) The powers vested in it by statute, including the provisions of this title.

§ 503. Reassignment of matters.

(a) General rule.—The Supreme Court may by general rule provide for the assignment and reassignment of classes of matters among the several courts of this Commonwealth and the district justices as the needs of justice shall require and all laws shall be suspended to the extent that they are inconsistent with such general rules.

(b) Procedures.—

(1) Rules adopted pursuant to subsection (a) shall be reported to the General Assembly by the Chief Justice at or after the beginning of a regular session thereof, but not later than May 1.

(2) Upon receipt, such rules shall be proposed to each house of the General Assembly as a resolution or resolutions, shall be placed on the calendar of each house for the next legislative day following their receipt, and shall be considered by each house within 120 calendar days of continuous session by the General Assembly.

(3) Such rules shall take effect if they are approved by a majority vote of the duly elected members of each house during such 120-day period, or may be disapproved by either house during that period by a majority vote of the duly elected membership of each house. The effective date of such rules shall be the date of approval of the last of the two houses to act.

(4) Upon the expiration of the 120-day period after the delivery of such rules to the two houses of the General Assembly and the failure to act as provided in paragraphs (2) and (3), such rules shall become effective.

(5) For the purposes of this subsection, continuity of session shall be considered as broken only by an adjournment of the General Assembly sine die; but in the computation of the 120-day period, there shall be excluded the days on which either house is not in session because of an adjournment of more than ten days to a day certain.

(6) Any such rules may, under provisions contained therein, be made operative at a time later than the date on which such rules would otherwise take effect.

§ 504. Seat of court.

The regular sessions of the Supreme Court shall be held in the facility specified in section 3701 (relating to Pennsylvania Judicial Center) and elsewhere as prescribed by general rule.

SUBCHAPTER B  
SUPERIOR COURT OF PENNSYLVANIA

Sec.

541. Superior Court.

542. Powers of Superior Court.

543. Seat of court.

§ 541. Superior Court.

The Superior Court of Pennsylvania shall consist of seven judges.

§ 542. Powers of Superior Court.

The Superior Court shall have all powers necessary or appropriate in aid of its jurisdiction which are agreeable to the usages and principles of law.

§ 543. Seat of court.

The regular sessions of the Superior Court shall be held at the cities of Harrisburg, Philadelphia and Pittsburgh and elsewhere as prescribed by general rule or rule of court.

SUBCHAPTER C  
COMMONWEALTH COURT OF PENNSYLVANIA

Sec.

561. Commonwealth Court.

562. Powers of Commonwealth Court.

563. Seat of court.

564. Evidentiary hearings.

§ 561. Commonwealth Court.

The Commonwealth Court of Pennsylvania shall consist of seven judges.

§ 562. Powers of Commonwealth Court.

The Commonwealth Court shall have power to issue, under its judicial seal, every lawful writ and process necessary or suitable for the exercise of its jurisdiction and for the enforcement of any order which it may make, including such writs and process to or to be served or enforced by system and related personnel as the courts of common pleas are authorized by law or usage to issue. The court shall also have all powers of a court of record possessed by the courts of common pleas and all powers necessary or appropriate in aid of its appellate jurisdiction which are agreeable to the usages and principles of law.

§ 563. Seat of court.

(a) Regular sessions.—The regular sessions of the Commonwealth Court shall be held at the seat of government and elsewhere as provided in subsection (b). Each judge shall be provided with suitable chambers and other facilities at the seat of government. The intention of this provision is to render the court and the judges thereof as available, except as provided in subsection (b) or as otherwise provided in this title, at the seat of government for the conduct of routine and emergency judicial business as would be the case if the jurisdiction of the court were exercised by the Court of Common Pleas of Dauphin County.

(b) Other sessions.—Within the limits of available appropriations, special sessions of the court may be held from time to time for the convenience of parties or witnesses, or both, in the interest of justice, in such judicial districts of this Commonwealth as make available without cost to the Commonwealth suitable courtroom and related physical facilities. The court shall also sit in the cities of Philadelphia and Pittsburgh.



§ 564. Evidentiary hearings.

In any matter which requires the taking of testimony, the President Judge of the Commonwealth Court may assign a judge of the court, or another judge temporarily assigned to the court pursuant to section 4121 (relating to assignment of judges), to sit and receive the evidence, and perform such other duties as may be prescribed by rule or order of court.

CHAPTER 7  
JURISDICTION OF APPELLATE COURTS

Subchapter

- A. General Provisions
- B. Jurisdiction of Supreme Court
- C. Jurisdiction of Superior Court
- D. Jurisdiction of Commonwealth Court

SUBCHAPTER A  
GENERAL PROVISIONS

Sec.

- 701. Scope of subchapter.
- 702. Interlocutory orders.
- 703. Place and form of filing appeals.
- 704. Waiver of objections to jurisdiction.
- 705. Transfers between intermediate appellate courts.
- 706. Disposition of appeals.
- 707. Lien of judgments for money.
- 708. Improvident administrative appeals and other matters.

§ 701. Scope of subchapter.

(a) General rule.—The provisions of this subchapter shall apply to all courts of this Commonwealth, including the courts of common pleas when sitting as appellate courts.

(b) Reassignment of matters.—Any of the provisions of Subchapter B (relating to jurisdiction of Supreme Court), Subchapter C (relating to jurisdiction of Superior Court) and Subchapter D (relating to jurisdiction of Commonwealth Court) shall be subject to and superseded by any inconsistent provisions of any general rule adopted pursuant to section 503 (relating to reassignment of matters).

§ 702. Interlocutory orders.

(a) Appeals authorized by law.—An appeal authorized by law from an interlocutory order in a matter shall be taken to the appellate court having jurisdiction of final orders in such matter.

(b) Interlocutory appeals by permission.—When a court or other government unit, in making an interlocutory order in a matter in which its final order would be within the jurisdiction of an appellate court, shall be of the opinion that such order involves a controlling question of law as to which there is substantial ground for difference of opinion and that an immediate appeal from the order may materially advance the ultimate

termination of the matter, it shall so state in such order. The appellate court may thereupon, in its discretion, permit an appeal to be taken from such order.

(c) Supersedeas.—A petition for permission to appeal under this section shall not stay the proceedings before the lower court or other government unit, unless the lower court or other government unit or the appellate court or a judge thereof shall so order.

§ 703. Place and form of filing appeals.

Appeals, petitions for review, petitions for permission to appeal and petitions for allowance of appeal shall be filed in such office and in such form as may be prescribed by general rule.

§ 704. Waiver of objections to jurisdiction.

(a) General rule.—The failure of an appellee to file an objection to the jurisdiction of an appellate court within such time as may be specified by general rule, shall, unless the appellate court otherwise orders, operate to perfect the appellate jurisdiction of such appellate court, notwithstanding any provision of this title, or of any general rule adopted pursuant to section 503 (relating to reassignment of matters), vesting jurisdiction of such appeal in another appellate court.

(b) Exception.—Subsection (a) shall not apply to any defect in the jurisdiction of an appellate court which arises out of:

(1) The failure to effect a filing within the time provided or prescribed by law.

(2) An attempt to take an appeal from an interlocutory order which has not been made appealable by law or pursuant to section 702(b) (relating to interlocutory appeals by permission).

§ 705. Transfers between intermediate appellate courts.

The Superior Court and the Commonwealth Court shall have power pursuant to general rules, on their own motion or upon petition of any party, to transfer any appeal to the other court for consideration and decision with any matter pending in such other court involving the same or related questions of fact, law or discretion.

§ 706. Disposition of appeals.

An appellate court may affirm, modify, vacate, set aside or reverse any order brought before it for review, and may remand the matter and direct the entry of such appropriate order, or require such further proceedings to be had as may be just under the circumstances.

§ 707. Lien of judgments for money.

Any judgment or other order of the Supreme Court, the Superior Court or the Commonwealth Court for the payment of money shall not be a lien upon real property in any county until it is entered of record in the office of the clerk of the court of common pleas of the county where the property is situated, or in the office of the clerk of the branch of the court of common pleas embracing such county, in the same manner as a judgment transferred from the court of common pleas of another county.

§ 708. Improvident administrative appeals and other matters.

(a) General rule.—No objection to a governmental determination shall be defeated by reason of error in the form of the objection or the office of clerk of court in which the objection is filed.

(b) Appeals.—If an appeal is improvidently taken to a court under any provision of law from the determination of a government unit where the proper mode of relief is an action in the nature of equity, mandamus, prohibition, quo warranto or otherwise, this alone shall not be a ground for dismissal, but the papers whereon the appeal was taken shall be regarded and acted on as a complaint or other proper process commenced against the government unit or the persons for the time being conducting its affairs and as if filed at the time the appeal was taken.

(c) Other matters.—If a complaint in the nature of equity, mandamus, prohibition, quo warranto or other original process is commenced in any court against a government unit or one or more of the persons for the time being conducting its affairs, as such, objecting to a governmental determination by any of them, where the proper mode of relief is an appeal from the determination of the government unit, this alone shall not be a ground for dismissal, but the papers whereon the process against the government unit or any of such persons was commenced shall be regarded and acted on as an appeal from such determination of the government unit and as if filed at the time such process was commenced.

(d) Place of filing.—Section 5103 (relating to transfer of erroneously filed matters) shall also be applicable to an appeal or other matter which is deemed to be filed or commenced under any provision of this section.

## SUBCHAPTER B JURISDICTION OF SUPREME COURT

Sec.

721. Original jurisdiction.

722. Direct appeals from courts of common pleas.

723. Appeals from Commonwealth Court.

724. Allowance of appeals from Superior and Commonwealth Courts.

725. Direct appeals from constitutional and judicial agencies.

726. Extraordinary jurisdiction.

§ 721. Original jurisdiction.

The Supreme Court shall have original but not exclusive jurisdiction of all cases of:

(1) Habeas corpus.

(2) Mandamus or prohibition to courts of inferior jurisdiction.

(3) Quo warranto as to any officer of Statewide jurisdiction.

§ 722. Direct appeals from courts of common pleas.

The Supreme Court shall have exclusive jurisdiction of appeals from final orders of the courts of common pleas in the following classes of cases:

- (1) Felonious homicide.
- (2) The right to public office.
- (3) Matters decided in the orphans' court division.
- (4) Direct criminal contempt in the courts of common pleas and other contempt proceedings in the courts of common pleas relating to orders which are appealable directly to the Supreme Court.
- (5) Supersession of a district attorney by an Attorney General or by a court.
- (6) Matters where the right or power of the Commonwealth or any political subdivision to create or issue indebtedness is drawn in direct question.
- (7) Matters where the court of common pleas has held invalid as repugnant to the Constitution, treaties or laws of the United States, or to the Constitution of this Commonwealth, any treaty or law of the United States or any provision of the Constitution of, or of any statute of, this Commonwealth, or any provision of any home rule charter.
- (8) Matters where the right to practice law is drawn in direct question.

§ 723. Appeals from Commonwealth Court.

(a) General rule.—The Supreme Court shall have exclusive jurisdiction of appeals from final orders of the Commonwealth Court entered in any matter which was originally commenced in said court and which does not constitute an appeal from another court, a district justice or another government unit.

(b) Board of Finance and Revenue matters.—Any final order of the Commonwealth Court entered in any appeal from a decision of the Board of Finance and Revenue shall be appealable to the Supreme Court, as of right, under this section.

§ 724. Allowance of appeals from Superior and Commonwealth Courts.

(a) General rule.—Final orders of the Superior Court and final orders of the Commonwealth Court not appealable under section 723 (relating to appeals from Commonwealth Court) may be reviewed by the Supreme Court upon allowance of appeal by any two justices of the Supreme Court upon petition of any party to the matter. If the petition shall be granted, the Supreme Court shall have jurisdiction to review the order in the manner provided by section 5105(d)(1) (relating to scope of appeal).

(b) Improvident appeals.—If an appeal is improvidently taken to the Supreme Court under section 723 in a case where the proper mode of review is by petition for allowance of appeal under this section, this alone shall not be a ground for dismissal, but the papers whereon the appeal was taken shall be regarded and acted on as a petition for allowance of appeal and as if duly filed at the time the appeal was taken.

§ 725. Direct appeals from constitutional and judicial agencies.

The Supreme Court shall have exclusive jurisdiction of appeals from final orders of the following constitutional and judicial agencies:

(1) Legislative Reapportionment Commission.

(2) Judicial Inquiry and Review Board.

(3) The agency vested with the power to determine whether those members of the minor judiciary required to do so have completed a course of training and instruction in the duties of their respective offices and passed an examination.

(4) The agency vested with the power to admit persons to the bar and the practice of law.

(5) The agency vested with the power to discipline or remove from office attorneys at law.

§ 726. Extraordinary jurisdiction.

Notwithstanding any other provision of law, the Supreme Court may, on its own motion or upon petition of any party, in any matter pending before any court or district justice of this Commonwealth involving an issue of immediate public importance, assume plenary jurisdiction of such matter at any stage thereof and enter a final order or otherwise cause right and justice to be done.

### SUBCHAPTER C JURISDICTION OF SUPERIOR COURT

Sec.

741. Original jurisdiction.

742. Appeals from courts of common pleas.

§ 741. Original jurisdiction.

The Superior Court shall have no original jurisdiction, except in cases of mandamus and prohibition to courts of inferior jurisdiction where such relief is ancillary to matters within its appellate jurisdiction, and except that it, or any judge thereof, shall have full power and authority when and as often as there may be occasion, to issue writs of habeas corpus under like conditions returnable to the said court.

§ 742. Appeals from courts of common pleas.

The Superior Court shall have exclusive appellate jurisdiction of all appeals from final orders of the courts of common pleas, regardless of the nature of the controversy or the amount involved, except such classes of appeals as are by any provision of this chapter within the exclusive jurisdiction of the Supreme Court or the Commonwealth Court.

### SUBCHAPTER D JURISDICTION OF COMMONWEALTH COURT

Sec.

761. Original jurisdiction.

762. Appeals from courts of common pleas.

763. Direct appeals from administrative agencies.

§ 761. Original jurisdiction.

(a) General rule.—The Commonwealth Court shall have original jurisdiction of all civil actions or proceedings:

(1) Against the Commonwealth or any officer thereof, acting in his official capacity, except:

(i) actions or proceedings in the nature of applications for a writ of habeas corpus or post-conviction relief not ancillary to proceedings within the appellate jurisdiction of the court; and

(ii) eminent domain proceedings.

(2) By the Commonwealth or any officer thereof, acting in his official capacity, except eminent domain proceedings.

(3) Original jurisdiction of which is vested in the Commonwealth Court by any statute hereafter enacted.

(b) Concurrent and exclusive jurisdiction.—The jurisdiction of the Commonwealth Court under subsection (a) shall be exclusive except as provided in section 721 (relating to original jurisdiction) and except with respect to actions or proceedings by the Commonwealth or any officer thereof, acting in his official capacity, where the jurisdiction of the court shall be concurrent with the several courts of common pleas.

(c) No waiver of sovereign immunity.—The provisions of subsection (a)(1) relating to actions or proceedings against the Commonwealth shall not be construed as a waiver by the Commonwealth of immunity to suit.

(d) Ancillary matters.—The Commonwealth Court shall have original jurisdiction in cases of mandamus and prohibition to courts of inferior jurisdiction and other government units where such relief is ancillary to matters within its appellate jurisdiction, and it, or any judge thereof, shall have full power and authority when and as often as there may be occasion, to issue writs of habeas corpus under like conditions returnable to the said court. To the extent prescribed by general rule the Commonwealth Court shall have ancillary jurisdiction over any claim or other matter which is related to a claim or other matter otherwise within its exclusive original jurisdiction.

§ 762. Appeals from courts of common pleas.

The Commonwealth Court shall have exclusive jurisdiction of appeals from final orders of the courts of common pleas in any of the following cases, except such classes of appeals as are by section 722 (relating to direct appeals from courts of common pleas) within the exclusive jurisdiction of the Supreme Court:

(1) Commonwealth civil cases.—All civil actions or proceedings to which the Commonwealth or any officer thereof, acting in his official capacity, is a party, except actions or proceedings in the nature of applications for a writ of habeas corpus or post-conviction relief not ancillary to proceedings within the appellate jurisdiction of the court.

(2) Governmental and Commonwealth regulatory criminal cases.—All criminal actions or proceedings for the violation of any:

(i) Rule, regulation or order of any Commonwealth agency.

(ii) Regulatory statute administered by any Commonwealth agency subject to the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law." The term "regulatory statute" as used in this subparagraph does not include any provision of Title 18 (relating to crimes and offenses).

(3) Secondary review of certain appeals from Commonwealth agencies.—All appeals from Commonwealth agencies which may be taken initially to the courts of common pleas by reason of one of the exceptions set forth in section 763(1) (relating to direct appeals from administrative agencies).

(4) Local government civil and criminal matters.—

(i) All actions or proceedings arising under any municipality, institution district, public school, planning or zoning code or under which a municipality or other political subdivision or municipality authority may be formed or incorporated or where is drawn in question the application, interpretation or enforcement of any:

(A) statute regulating the affairs of political subdivisions, municipality and other local authorities or other public corporations or of the officers, employees or agents thereof, acting in their official capacity; or

(B) home rule charter or local ordinance or resolution.

(ii) All appeals from government agencies under the act of December 2, 1968 (P.L.1133, No.353), known as the "Local Agency Law," or otherwise.

(5) Certain private corporation matters.—

(i) All actions or proceedings relating to corporations not-for-profit arising under Title 15 (relating to corporations and unincorporated associations) or where is drawn in question the application, interpretation or enforcement of any provision of the Constitution, treaties or laws of the United States, or the Constitution of Pennsylvania or any statute, regulating in any such case the corporate affairs of any corporation not-for-profit subject to Title 15 or the affairs of the members, security holders, directors, officers, employees or agents thereof, as such.

(ii) All actions or proceedings otherwise involving the corporate affairs of any corporation not-for-profit subject to Title 15 or the affairs of the members, security holders, directors, officers, or employees or agents thereof, as such.

(6) Eminent domain.—All eminent domain proceedings or where is drawn in question the power or right of the acquiring agency to appropriate the condemned property or to use it for the purpose condemned or otherwise.

§ 763. Direct appeals from administrative agencies.

(a) General rule.—The Commonwealth Court shall have exclusive jurisdiction of appeals from final orders of government agencies in the

following cases, except such classes of appeals as are by section 725 (relating to direct appeals from constitutional and judicial agencies) within the exclusive jurisdiction of the Supreme Court:

(1) All appeals from Commonwealth agencies under the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law," or otherwise and including appeals from the Environmental Hearing Board, the Pennsylvania Public Utility Commission, the Unemployment Compensation Board of Review and from any Commonwealth agency having Statewide jurisdiction except matters:

(i) Relating to official inspection station certificates of appointment and the privilege of operating motor vehicles or tractors, including the revocation or suspension of such privileges and matters relating thereto.

(ii) Authorized by the act of April 12, 1951 (P.L.90, No.21), known as the "Liquor Code," to be appealed to the courts of common pleas.

(iii) Concerning birth records authorized by statute to be appealed to the courts of common pleas.

(iv) Authorized by the act of June 15, 1961 (P.L.373, No.207), known as the "Inheritance and Estate Tax Act of 1961," or by any predecessor statute to be appealed to the courts of common pleas.

(v) Authorized by the act of June 21, 1939 (P.L.566, No.284), known as "The Pennsylvania Occupational Disease Act," to be appealed to the courts of common pleas.

(vi) Authorized by the act of July 23, 1970 (P.L.563, No.195), known as the "Public Employe Relations Act," to be appealed to the courts of common pleas.

(2) All appeals jurisdiction of which is vested in the Commonwealth Court by any statute hereafter enacted.

(b) Awards of arbitrators.—The Commonwealth Court shall have exclusive jurisdiction of all petitions for review of an award of arbitrators appointed in conformity with statute to arbitrate a dispute between the Commonwealth and an employee of the Commonwealth. The petition for review shall be deemed an appeal from a government unit for the purposes of section 723 (relating to appeals from Commonwealth Court) and Chapter 55 (relating to limitation of time).

ARTICLE C  
COURTS OF COMMON PLEAS

Chapter

9. Organization and Jurisdiction of Courts of Common Pleas

CHAPTER 9

ORGANIZATION AND JURISDICTION OF COURTS OF COMMON PLEAS

Subchapter

A. Judicial Districts



- B. Organization of Courts of Common Pleas
- C. Jurisdiction of Courts of Common Pleas
- D. Court Divisions

SUBCHAPTER A  
JUDICIAL DISTRICTS

Sec.

901. Judicial districts.

§ 901. Judicial districts.

(a) General rule.—The Commonwealth is divided into 59 judicial districts, numbered and composed as follows:

First.—City and County of Philadelphia.

Second.—County of Lancaster.

Third.—County of Northampton.

Fourth.—County of Tioga.

Fifth.—County of Allegheny.

Sixth.—County of Erie.

Seventh.—County of Bucks.

Eighth.—County of Northumberland.

Ninth.—County of Cumberland.

Tenth.—County of Westmoreland.

Eleventh.—County of Luzerne.

Twelfth.—County of Dauphin.

Thirteenth.—County of Greene.

Fourteenth.—County of Fayette.

Fifteenth.—County of Chester.

Sixteenth.—County of Somerset.

Seventeenth.—Counties of Snyder and Union.

Eighteenth.—County of Clarion.

Nineteenth.—County of York.

Twentieth.—County of Huntingdon.

Twenty-first.—County of Schuylkill.

Twenty-second.—County of Wayne.

Twenty-third.—County of Berks.

Twenty-fourth.—County of Blair.

Twenty-fifth.—County of Clinton.

Twenty-sixth.—Counties of Columbia and Montour.

Twenty-seventh.—County of Washington.

Twenty-eighth.—County of Venango.

Twenty-ninth.—County of Lycoming.

Thirtieth.—County of Crawford.

Thirty-first.—County of Lehigh.

Thirty-second.—County of Delaware.

Thirty-third.—County of Armstrong.

Thirty-fourth.—County of Susquehanna.

Thirty-fifth.—County of Mercer.

Thirty-sixth.—County of Beaver.  
 Thirty-seventh.—Counties of Forest and Warren.  
 Thirty-eighth.—County of Montgomery.  
 Thirty-ninth.—Counties of Franklin and Fulton.  
 Fortieth.—County of Indiana.  
 Forty-first.—Counties of Juniata and Perry.  
 Forty-second.—County of Bradford.  
 Forty-third.—Counties of Monroe and Pike.  
 Forty-fourth.—Counties of Sullivan and Wyoming.  
 Forty-fifth.—County of Lackawanna.  
 Forty-sixth.—County of Clearfield.  
 Forty-seventh.—County of Cambria.  
 Forty-eighth.—County of McKean.  
 Forty-ninth.—County of Centre.  
 Fiftieth.—County of Butler.  
 Fifty-first.—County of Adams.  
 Fifty-second.—County of Lebanon.  
 Fifty-third.—County of Lawrence.  
 Fifty-fourth.—County of Jefferson.  
 Fifty-fifth.—County of Potter.  
 Fifty-sixth.—County of Carbon.  
 Fifty-seventh.—County of Bedford.  
 Fifty-eighth.—County of Mifflin.  
 Fifty-ninth.—Counties of Cameron and Elk.

(b) Change in number or boundaries.—Except as otherwise provided therein, any statute amending subsection (a) so as to change the number or boundaries of the judicial districts of this Commonwealth shall take effect 30 days after the entry of an order of the Supreme Court evidencing the advice and consent of the court to the amendment pursuant to section 14 of Article V of the Constitution of Pennsylvania.

## SUBCHAPTER B ORGANIZATION OF COURTS OF COMMON PLEAS

Sec.

- 911. Courts of common pleas.
- 912. Powers of courts of common pleas.
- 913. Seats of courts.

§ 911. Courts of common pleas.

(a) General rule.—There shall be one court of common pleas for each judicial district of this Commonwealth consisting of the following number of judges:

Judicial District	Number of Judges
First	81
Second	4

Third	4
Fourth	1
Fifth	39
Sixth	5
Seventh	9
Eighth	2
Ninth	2
Tenth	6
Eleventh	7
Twelfth	6
Thirteenth	1
Fourteenth	4
Fifteenth	6
Sixteenth	2
Seventeenth	1
Eighteenth	1
Nineteenth	5
Twentieth	1
Twenty-first	5
Twenty-second	1
Twenty-third	5
Twenty-fourth	2
Twenty-fifth	1
Twenty-sixth	1
Twenty-seventh	5
Twenty-eighth	1
Twenty-ninth	2
Thirtieth	2
Thirty-first	5
Thirty-second	12
Thirty-third	1
Thirty-fourth	1
Thirty-fifth	2
Thirty-sixth	5
Thirty-seventh	1
Thirty-eighth	12
Thirty-ninth	2
Fortieth	2
Forty-first	1
Forty-second	1
Forty-third	2
Forty-fourth	1
Forty-fifth	5
Forty-sixth	1
Forty-seventh	4

Forty-eighth	1
Forty-ninth	1
Fiftieth	2
Fifty-first	1
Fifty-second	2
Fifty-third	2
Fifty-fourth	1
Fifty-fifth	1
Fifty-sixth	1
Fifty-seventh	1
Fifty-eighth	1
Fifty-ninth	1

(b) Single county districts.—In single county judicial districts the court of common pleas of the district shall be known as the “Court of Common Pleas of (the respective) County.”

(c) Multicounty districts.—In multicounty judicial districts the court of common pleas of the district shall be known as the “Court of Common Pleas of the (respective) Judicial District.” There shall be a separate branch of the court in each county comprising the judicial district.

§ 912. Powers of courts of common pleas.

Every court of common pleas shall have power to issue, under its judicial seal, every lawful writ and process to or to be served or enforced by system and related personnel as such courts have been heretofore authorized by law or usage to issue. Every judge of a court of common pleas shall have all the powers of a judge or district justice of the minor judiciary.

§ 913. Seats of courts.

The regular sessions of each court of common pleas shall be held at the county seat of each county comprising the judicial district and elsewhere as prescribed by general rule or rule of court.

### SUBCHAPTER C JURISDICTION OF COURTS OF COMMON PLEAS

Sec.

931. Original jurisdiction and venue.

932. Appeals from minor judiciary.

933. Appeals from administrative agencies.

934. Writs of certiorari.

§ 931. Original jurisdiction and venue.

(a) General rule.—Except where exclusive original jurisdiction of an action or proceeding is by statute or by general rule adopted pursuant to section 503 (relating to reassignment of matters) vested in another court of this Commonwealth, the courts of common pleas shall have unlimited original jurisdiction of all actions and proceedings, including all actions and proceedings heretofore cognizable by law or usage in the courts of common pleas.

(b) Concurrent and exclusive jurisdiction.—The jurisdiction of the courts of common pleas under this section shall be exclusive except with respect to actions and proceedings concurrent jurisdiction of which is by statute or by general rule adopted pursuant to section 503 vested in another court of this Commonwealth or in the district justices.

(c) Venue and process.—The venue of a court of common pleas concerning matters over which jurisdiction is conferred by this section shall be as prescribed by general rule. The process of the court shall extend beyond the territorial limits of the judicial district to the extent prescribed by general rule.

§ 932. Appeals from minor judiciary.

Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each court of common pleas shall have exclusive jurisdiction of appeals from final orders of the minor judiciary established within the judicial district.

§ 933. Appeals from administrative agencies.

(a) General rule.—Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), each court of common pleas shall have jurisdiction of appeals from final orders of government agencies in the following cases:

(1) Appeals from Commonwealth agencies which may be taken initially to the court of common pleas of the judicial district by reason of one of the exceptions set forth in section 763(1) (relating to direct appeals from administrative agencies).

(2) Appeals from government agencies, except Commonwealth agencies, under the act of December 2, 1968 (P.L. 1133, No. 353), known as the “Local Agency Law,” or otherwise.

(b) Awards of arbitrators.—Except as otherwise prescribed by any general rule adopted pursuant to section 503, each court of common pleas shall have jurisdiction of petitions for review of an award of arbitrators appointed in conformity with statute to arbitrate a dispute between a government agency, except a Commonwealth agency, and an employee of such agency. The application shall be deemed an appeal from a government unit for the purposes of section 762(4) (relating to appeals from courts of common pleas) and Chapter 55 (relating to limitation of time).

(c) Concurrent and exclusive jurisdiction.—Except as otherwise provided or prescribed by statute or by general rule adopted pursuant to section 503, the jurisdiction of a court of common pleas of a judicial district under this section shall be exclusive as to a government agency which has jurisdiction only within such judicial district, and shall be concurrent with the courts of common pleas of all judicial districts in which the government agency has jurisdiction where such agency has jurisdiction in more than one judicial district.

§ 934. Writs of certiorari.

Unless and until changed by general rule, the judges of the courts of common pleas, within their respective judicial districts, shall have power,

in addition to the right of appeal under section 9 of Article V of the Constitution of Pennsylvania, to issue writs of certiorari to the minor judiciary.

## SUBCHAPTER D COURT DIVISIONS

Sec.

951. Court divisions.

952. Status of court divisions.

953. Administrative judges of divisions.

§ 951. Court divisions.

(a) Philadelphia County.—The Court of Common Pleas of Philadelphia County shall have the following divisions:

- (1) Trial division.
- (2) Orphans' court division.
- (3) Family court division.

(b) Allegheny County.—The Court of Common Pleas of Allegheny County shall have the following divisions:

- (1) Civil division.
- (2) Criminal division.
- (3) Orphans' court division.
- (4) Family division.

(c) Other separate orphans' court divisions.—The courts of common pleas of Beaver, Berks, Bucks, Cambria, Chester, Dauphin, Delaware, Erie, Fayette, Lackawanna, Lancaster, Lehigh, Luzerne, Montgomery, Schuylkill, Washington, Westmoreland and York counties shall each have a separate orphans' court division.

(d) Judicial districts having no separate orphans' court division.—In each judicial district having no separate orphans' court division, there shall be an orphans' court division composed of the court of common pleas of that judicial district.

(e) Change in size of divisions.—The number of judges constituting a division may be increased or reduced by order of the governing authority.

§ 952. Status of court divisions.

The divisions of a court of common pleas are administrative units composed of those judges of the court responsible for the transaction of specified classes of the business of the court. In a court of common pleas having two or more divisions each division of the court is vested with the full jurisdiction of the whole court, but the business of the court may be allocated among the divisions of the court by or pursuant to general rules.

§ 953. Administrative judges of divisions.

Each division of a court of common pleas shall be presided over by an administrative judge. Each such administrative judge shall assist the president judge of the court in supervising and administering the business of the court and shall be responsible to him.

ARTICLE D  
MINOR COURTS

## Chapter

- 11. Community and Municipal Courts
- 13. Traffic Courts

CHAPTER 11  
COMMUNITY AND MUNICIPAL COURTS

## Subchapter

- A. Community Courts
- B. Philadelphia Municipal Court
- C. Pittsburgh Magistrates Court

SUBCHAPTER A  
COMMUNITY COURTS

## Sec.

- 1101. Community courts.
- 1102. Establishment or discontinuance of community courts.
- 1103. Powers of community courts.
- 1104. Seats of courts.
- 1105. Jurisdiction and venue.
- 1106. Lien of judgments.

## § 1101. Community courts.

(a) General rule.—There shall be one community court for each judicial district of this Commonwealth which has elected to establish and which has not elected to discontinue such a court in the manner provided in this subchapter. The community court shall be a court not of record and shall consist of a number of judges determined by dividing the total population of the judicial district as determined by the last officially reported decennial or special Federal census by 75,000. In any judicial district where the aforesaid division results in a remainder greater than 40,000, the judicial district shall be entitled to an additional community court judge. In no event shall any judicial district have less than two community court judges.

(b) Single county districts.—In single county judicial districts the community court of the district shall be known as the “Community Court of (the respective) County.”

(c) Multicounty districts.—In multicounty judicial districts the community court of the district shall be known as the “Community Court of the (respective) Judicial District.”

## § 1102. Establishment or discontinuance of community courts.

(a) General rule.—The question whether a community court shall be established or discontinued in any judicial district shall be placed upon the ballot in a primary election by petition which shall be in the form prescribed by the officer of the Commonwealth who under law shall have

supervision over elections. The petition shall be filed with that officer and shall be signed by a number of electors equal to 5% of the total votes cast for all candidates for the office occupied by a single official for which the highest number of votes was cast in that judicial district at the last preceding general or municipal election. The manner of signing such petitions, the time of circulating them, the affidavits of the persons circulating them and all other details not contained in this subsection shall be governed by the act of June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania Election Code." The question shall not be placed upon the ballot in a judicial district more than once in any five-year period. The affirmative vote of a majority of the electors of the judicial district voting thereon shall be sufficient to establish or discontinue a community court for the judicial district.

(b) Establishment.—The community court of a judicial district shall be established on the first Monday of January following the municipal election at which the first judges of the court shall be elected. A court when established shall, in accordance with and subject to Article V of the Constitution of Pennsylvania, supplant all district justices or the municipal court and the traffic court, as the case may be, within the judicial district, except that in the fifth judicial district a community court shall not supplant the Pittsburgh Magistrates Court. Upon the expiration of the term of any district justice or judge of the municipal or traffic court, as the case may be, or the abolition of his office in the manner and at such time as is provided by section 3321 (relating to establishment of community courts), in a judicial district in which a community court has been established, the matters then pending and the books, dockets and records thereof shall be transferred to the community court which shall determine and conclude such matters as if it had assumed jurisdiction in the first instance.

(c) Discontinuance.—Where the electors of a judicial district have at a primary election 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 provided by section 3322 (relating to discontinuance of community courts). Thereafter, the office of district justice or judge of the municipal or traffic court, as the case may be, shall be established to replace and supplant such community court on the first Monday of January of the even-numbered year next following the odd-numbered year specified in section 1503(b) (relating to discontinuance of community court) and the number and boundaries of magisterial districts, if any, of each class within such judicial district shall be established in the manner provided by section 1503(b).

#### § 1103. Powers of community courts.

Every judge of a community court shall have all the powers of a judge of the municipal court or traffic court, or of a district justice, as the case may be.



§ 1104. Seats of courts.

The regular sessions of each community court shall be held at such location within the judicial district as may be approved by the president judge of the court of common pleas of the judicial district in compliance with general rules.

§ 1105. Jurisdiction and venue.

(a) General rule.—Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters) each community court shall have the jurisdiction which under law was exercised by the municipal court or traffic court or by district justices, as the case may be, within the judicial district.

(b) Venue and process.—The venue of a community court concerning matters over which jurisdiction is conferred by subsection (a) shall be as prescribed by general rule. The process of the court shall extend beyond the territorial limits of the judicial district to the extent prescribed by general rule.

§ 1106. Lien of judgments.

A judgment of a community court shall not operate as a lien on real property until a transcript of the record showing a final judgment in the community court has been filed in the manner prescribed by general rules in the office of the clerk of the court of common pleas of the county where the property is situated, or in the office of the clerk of the branch of the court of common pleas embracing such county. After such entry the judgment shall, from the date of such entry, be a lien upon real property to the same extent that judgment recovered in the court of common pleas is a lien. No such transcript shall be filed until after 30 days after the entry of final judgment by the community court. No execution against real estate shall issue out of the community court.

SUBCHAPTER B  
PHILADELPHIA MUNICIPAL COURT

Sec.

1121. Philadelphia Municipal Court.

1122. Seat of court.

1123. Jurisdiction and venue.

1124. Lien of judgments.

§ 1121. Philadelphia Municipal Court.

The Philadelphia Municipal Court shall consist of 22 judges.

§ 1122. Seat of court.

The regular sessions of the Philadelphia Municipal Court shall be held at such locations within the first judicial district as may be approved by the president judge of the court in compliance with general rules.

§ 1123. Jurisdiction and venue.

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

(1) Summary offenses, except those within the jurisdiction of the Traffic Court of Philadelphia.

(2) Criminal offenses for which no prison term may be imposed or which are punishable by imprisonment for a term of not more than five years, including indictable offenses under the motor vehicle laws. In cases under this paragraph the defendant shall have no right of trial by jury in the municipal court, but shall have the right of appeal for trial de novo, including the right of trial by jury, to the court of common pleas. The judges of the municipal court exercising jurisdiction under this paragraph shall have the same jurisdiction in probation and parole arising out of sentences imposed by them as judges of the court of common pleas.

(3) Matters arising under the act of April 6, 1951 (P.L.69, No.20), known as "The Landlord and Tenant Act of 1951."

(4) Civil actions wherein the sum demanded does not exceed \$1000, exclusive of interest and costs, in the following classes of actions:

(i) In assumpsit.

(ii) In trespass, including all forms of trespass and trespass on the case.

(iii) For fines and penalties by any government agency.

A plaintiff may waive a portion of his claim of more than \$1000 so as to bring the matter within the jurisdiction of the municipal court. Such waiver shall be revoked automatically if the defendant appeals the final order of the municipal court. In cases under this paragraph the defendant shall have no right of trial by jury in the municipal court, but shall have the right to appeal for trial de novo, including the right of trial by jury, to the court of common pleas, it being the purpose of this paragraph to establish an expeditious small claims procedure whereby it shall not be necessary for the litigants to obtain counsel. Judgments by confession shall not be entered in the municipal court.

(5) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature, including the jurisdiction of a committing magistrate in all criminal proceedings.

(b) Concurrent and exclusive jurisdiction.—The jurisdiction of the municipal court under this section shall be concurrent with the Court of Common Pleas of Philadelphia County except with respect to matters specified in subsection (a)(2), as to which the jurisdiction of the municipal court shall be exclusive except as otherwise prescribed by any general rule adopted pursuant to section 503.

(c) Venue and process.—The venue of the municipal court concerning matters over which jurisdiction is conferred by this section shall be as prescribed by general rule. The process of the court shall extend beyond the territorial limits of the City and County of Philadelphia to the extent prescribed by general rule.

§ 1124. Lien of judgments.

Judgment recovered in the Philadelphia Municipal Court shall be a lien upon property in the same manner and to the same extent that judgment recovered in the Court of Common Pleas of Philadelphia County is a lien. All such judgments shall be indexed in the judgment index or indices of Philadelphia County in the same manner as judgments of the court of common pleas are indexed.

SUBCHAPTER C  
PITTSBURGH MAGISTRATES COURT

Sec.

1141. Pittsburgh Magistrates Court.

1142. Seat of court.

1143. Jurisdiction and venue.

§ 1141. Pittsburgh Magistrates Court.

The Pittsburgh Magistrates Court shall be a court not of record and shall consist of such a number of judges, not less than five nor more than eight, as shall be specified by ordinance of the City of Pittsburgh. The magistrates court shall be the police magistrates authorized to be continued in existence by section 21, Schedule to Article V of the Constitution of Pennsylvania adopted April 23, 1968. Judges of the Pittsburgh Magistrates Court shall be deemed district justices for the purposes of Chapter 33 (relating to discipline, removal and retirement of judicial officers).

§ 1142. Seat of court.

The regular sessions of the Pittsburgh Magistrates Court shall be held at such locations within the City of Pittsburgh as may be designated by ordinance of the City of Pittsburgh.

§ 1143. Jurisdiction and venue.

(a) General rule.—Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters) the Pittsburgh Magistrates Court shall have jurisdiction of all of the following matters:

(1) Criminal complaints accusing any person of the commission of any felony or misdemeanor, where such felony or misdemeanor has been committed within the corporate limits of the City of Pittsburgh, and to issue warrants for the arrest of such person so accused, administer oaths and hold preliminary hearings in all such cases, and commit to jail, or bind over for trial or discharge such accused person, as the evidence produced at such hearing may warrant. The court shall have power to admit to bail as prescribed by general rules.

(2) Arrests upon view, or upon complaint made and warrant issued, by the police of the City of Pittsburgh, of persons who may be found engaged in or be charged with drunkenness, disorderly conduct, selling liquor contrary to law, maintaining a disorderly house or bawdy house, lewd, indecent or lascivious behavior on the streets or elsewhere,

gambling, creating riots or disturbances, vagrants, beggars, prostitutes, disturbers of the public peace, known or reputed pickpockets, burglars, thieves, watch stuffers, cheating, swindling, persons who abuse their families, and suspicious persons who can give no reasonable account of themselves, or violating any of the laws or ordinances of such city.

(3) Civil claims for the recovery of fines and penalties imposed by any ordinance of the City of Pittsburgh, or by any ordinance or regulation relating to housing and health administered and enforced by a county health department where a violation takes place in such city, and cases of summary conviction arising under the laws and ordinances of or applicable to such city and under the laws, ordinances, rules and regulations relating to housing and health administered and enforced by a county department of health where a violation takes place in such city, with full power to hear the said cases, administer oaths or affirmations therein, decide the same, enforce the penalty, collect the fine or commit to prison as the case may be according to the provisions of the law and ordinances applicable thereto.

(4) Matters within the jurisdiction of the court when sitting as the Traffic Court of Pittsburgh.

(b) Venue and process.—The venue of the Pittsburgh Magistrates Court concerning matters over which jurisdiction is conferred by subsection (a) shall be as prescribed by general rule. The process of the court shall extend beyond the territorial limits of the City of Pittsburgh to the extent prescribed by general rule.

## CHAPTER 13 TRAFFIC COURTS

### Subchapter

- A. General Provisions
- B. Traffic Court of Philadelphia
- C. Traffic Court of Pittsburgh

### SUBCHAPTER A GENERAL PROVISIONS

Sec.

- 1301. Seats of traffic courts.
- 1302. Jurisdiction and venue.
- 1303. Signatures and dockets.

§ 1301. Seats of traffic courts.

The regular sessions of a traffic court shall be held at such locations within the political subdivision for which the court is established as may be approved in compliance with general rules by the president judge of the court of common pleas of the judicial district embracing such political subdivision.

§ 1302. Jurisdiction and venue.

(a) General rule.—Except 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:

(1) The act of April 29, 1959 (P.L.58, No.32), known as “The Vehicle Code.”

(2) Any ordinance of any political subdivision enacted pursuant to “The Vehicle Code.”

(b) Concurrent and exclusive jurisdiction.—The jurisdiction of a traffic court under this section shall be exclusive of the courts of common pleas and district justices, except that such jurisdiction shall be concurrent with the district justices whenever the traffic court is closed.

(c) Venue and process.—The venue of a traffic court concerning matters over which jurisdiction is conferred by this section shall be as prescribed by general rule. The process of the court shall extend beyond the territorial limits of the political subdivision for which it is established to the extent prescribed by general rule.

§ 1303. Signatures and dockets.

Facsimile signatures of traffic court judges may be used for all purposes in lieu of their original signatures, except on affidavits for warrants of arrest and on the docket of the traffic court. Traffic court dockets shall contain a record of the disposition of every case and where a fine and costs are imposed shall record the amount of said fine and the amount of costs. The docket shall in all cases, where a summons has been issued, as to each case, be signed by the judge making the disposition or in his name by the clerk of the traffic court.

### SUBCHAPTER B TRAFFIC COURT OF PHILADELPHIA

Sec.

1321. Traffic Court of Philadelphia.

§ 1321. Traffic Court of Philadelphia.

The Traffic Court of Philadelphia shall be a court not of record and shall consist of six judges. The court is established for the City and County of Philadelphia.

### SUBCHAPTER C TRAFFIC COURT OF PITTSBURGH

Sec.

1331. Traffic Court of Pittsburgh.

1332. Operations of traffic court.

§ 1331. Traffic Court of Pittsburgh.

The Traffic Court of Pittsburgh shall be a court not of record and shall be held by such of the judges of the Pittsburgh Magistrates Court as shall be

assigned thereto by the Mayor of the City of Pittsburgh, one of whom shall be designated by the mayor as the presiding magistrate of the traffic court. The court is established for the City of Pittsburgh.

§ 1332. Operations of traffic court.

The presiding magistrate shall preside over and supervise the work of the Traffic Court of Pittsburgh. In the absence of the presiding magistrate designated by the mayor, the judge then temporarily presiding shall have such supervision. The traffic court shall be open for the transaction of business at such times as shall be designated by ordinance of the City of Pittsburgh or prescribed by general rule.

## ARTICLE E DISTRICT JUSTICES

Chapter

15. District Justices

### CHAPTER 15 DISTRICT JUSTICES

Subchapter

- A. Magisterial Districts
- B. District Justices

#### SUBCHAPTER A MAGISTERIAL DISTRICTS

Sec.

- 1501. Definitions.
- 1502. Classification of districts.
- 1503. Reestablishment of districts.

§ 1501. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Court.” The Supreme Court or the court of common pleas of each judicial district under the direction of the Supreme Court.

“Political subdivision.” Any municipality except the City and County of Philadelphia.

“Population.” The number of persons residing within a political subdivision or part thereof as determined by the then current Federal decennial or Federal special census.

“Population density.” The number of persons residing within a political subdivision or part thereof as determined by dividing such number by the land area expressed in square miles as determined in the official publication of the Bureau of Statistics of the Department of Commerce.

§ 1502. Classification of districts.

(a) Second class counties.—The classes of magisterial districts in judicial districts coextensive with counties of the second class shall be determined as follows:

(1) Magisterial districts of the first class shall have a population density of more than 5,000 persons per square mile and a population of not less than 65,000 persons.

(2) Magisterial districts of the second class shall have a population density of more than 500 persons per square mile and a population of between 22,500 and 65,000 persons.

(3) Magisterial districts of the third class shall have a population density of more than 200 persons per square mile and a population of between 12,000 and 22,500 persons.

(4) Magisterial districts of the fourth class shall have a population density of more than 70 persons per square mile and a population of between 7,500 and 12,000 persons.

(5) Magisterial districts of the fifth class shall have a population density of less than 70 persons per square mile and a population of between 4,000 and 7,500 persons.

(b) Other counties.—The classes of magisterial districts in judicial districts not coextensive with counties of the first class or counties of the second class shall be determined as follows:

(1) Magisterial districts of the first class shall have a population density of more than 1,000 persons per square mile and a population of not less than 15,000 persons.

(2) Magisterial districts of the second class shall have a population density of more than 400 persons per square mile and a population of not less than 4,000 persons.

(3) Magisterial districts of the third class shall have a population density of less than 400 persons per square mile and a population of not less than 4,000 persons.

(4) Magisterial districts of the fourth class shall have a population density of less than 400 persons per square mile and a population of between 2,000 and 4,000 persons. The number of magisterial districts of the fourth class within a judicial district shall not be increased.

§ 1503. Reestablishment of districts.

(a) General rule.—In each year following that in which the Federal decennial census is officially reported as required by Federal law the court shall reestablish the number, boundaries and classes of magisterial districts within each judicial district except:

(1) The first judicial district.

(2) Any judicial district where a community court has been established and not discontinued.

The number, boundaries and class of magisterial districts within each judicial district may be revised from time to time as required for the efficient administration of justice within each magisterial district.

(b) Discontinuance of community court.—The court upon the discontinuance of a community court shall establish the number, boundaries and classes of magisterial districts within the judicial district embracing such discontinued community court. Such action shall be completed prior to the first Monday of January of the odd-numbered year next following the primary election at which the discontinuance of the community court is approved.

(c) Standards for establishment of magisterial districts.—In the case of a political subdivision containing within its boundaries two or more magisterial districts, the court shall divide the political subdivision into magisterial districts as nearly equal as possible in population and area, and the court may presume that the population density of each part of a political subdivision is the same population density as for the whole political subdivision. The court in establishing the number and boundaries of magisterial districts shall not subdivide political subdivisions unless either:

- (1) the political subdivision contains two or more noncontiguous parts; or
- (2) the political subdivision contains within its boundaries two or more magisterial districts, in which case wards or other election districts of the political subdivision shall not be subdivided.

## SUBCHAPTER B DISTRICT JUSTICES

Sec.

- 1511. District justices.
- 1512. Seal.
- 1513. Powers of district justices.
- 1514. Offices.
- 1515. Jurisdiction and venue.
- 1516. Lien of judgment.

§ 1511. District justices.

There shall be one district justice in each magisterial district.

§ 1512. Seal.

Each magisterial district shall have a seal, which shall be in the custody of the district justice elected or appointed for such district. The official acts of the district justice shall be authenticated therewith. There shall be engraved on the seal such inscription as may be specified by general rule.

§ 1513. Powers of district justices.

Every district justice shall have power to issue every lawful process to or to be served or enforced by system and related personnel and to make such lawful orders as his official business may require. A district justice may take affidavits and acknowledgments outside his magisterial district but within this Commonwealth.

§ 1514. Offices.

Offices of district justices shall be established in compliance with standards prescribed by general rule.



§ 1515. Jurisdiction and venue.

(a) Jurisdiction.—Except as otherwise prescribed by general rule adopted pursuant to section 503 (relating to reassignment of matters) district justices shall, under procedures prescribed by general rule, have jurisdiction of all of the following matters:

(1) Summary offenses, except those within the jurisdiction of an established and open traffic court.

(2) Matters arising under the act of April 6, 1951 (P.L.69, No.20), known as “The Landlord and Tenant Act of 1951,” which are stated therein to be within the jurisdiction of a justice of the peace.

(3) Civil claims wherein the sum demanded does not exceed \$1,000, exclusive of interest and costs, in the following classes of actions:

(i) In assumpsit, except cases of real contract where the title to real estate may be in question.

(ii) In trespass, including all forms of trespass and trespass on the case.

(iii) For fines and penalties by any government agency.

A plaintiff may waive a portion of his claim of more than \$1,000 so as to bring the matter within the jurisdiction of a district justice. Such waiver shall remain effective except upon appeal by either party or when the judgment is set aside upon certiorari.

(4) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature, including the jurisdiction of a committing magistrate in all criminal proceedings.

(5) Matters jurisdiction of which is vested in district justices by any statute.

(b) Venue and process.—The venue of a district justice concerning matters over which jurisdiction is conferred by subsection (a) shall be as prescribed by general rule. The process of the district justice shall extend beyond the territorial limits of the magisterial district to the extent prescribed by general rule.

§ 1516. Lien of judgment.

A judgment of a district justice shall not operate as a lien on real property until a transcript of the record showing a final judgment of a district justice has been filed in the manner prescribed by general rules in the office of the clerk of the court of common pleas of the county where the property is situated, or in the office of the clerk of the branch of the court of common pleas embracing such county. After such entry the judgment shall, from the date of such entry, be a lien upon real property to the same extent that judgment recovered in the court of common pleas is a lien. No such transcript shall be filed until after 30 days after the entry of final judgment by the district justice. No execution against real estate shall be issued by a district justice.

SUBPART B  
OTHER STRUCTURAL PROVISIONS

## Chapter

17. Governance of the System
19. Administrative Office of Pennsylvania Courts
21. Judicial Boards and Commissions
23. Personnel of the System
25. Representation of Litigants
27. Office of the Clerk of the Court of Common Pleas

CHAPTER 17  
GOVERNANCE OF THE SYSTEM

## Subchapter

- A. General Provisions
- B. Specific Powers of the Governing Authority of the System

SUBCHAPTER A  
GENERAL PROVISIONS

## Sec.

1701. General supervisory and administrative authority of the Supreme Court.
1702. Rule making procedures.

§ 1701. General supervisory and administrative authority of the Supreme Court.

The Supreme Court shall exercise general supervisory and administrative authority over the unified judicial system and in aid thereof shall have the powers specified in Subchapter B (relating to specific powers of the governing authority of the system).

§ 1702. Rule making procedures.

(a) General rule.—Subject to the provisions of subsection (b), the Supreme Court and all agencies or units of the unified judicial system when exercising the power to adopt general rules or other orders in the nature of regulations pursuant to the authority of the Supreme Court under section 1721 (relating to delegation of powers) shall be an agency within the meaning of the act of July 31, 1968 (P.L.769, No.240), known as the “Commonwealth Documents Law,” and shall be subject to all of the provisions of such act except section 205 (relating to approval as to legality). No such general rule or order adopted by the Supreme Court or by such an agency or unit shall take effect prior to publication in the Pennsylvania Bulletin, unless the government unit adopting the general rule or order for good cause finds (and incorporates the finding and a brief statement of the reasons therefor in the order adopting the general rule or order or change therein) that the deferral of the effective date of the general rule or order or change therein beyond the date specified in the order is impracticable or contrary to the public interest.

(b) Scope.—The provisions of subsection (a) shall apply only to a rule or order adopted pursuant to the following provisions of this title or which is otherwise based in whole or in part upon authority conferred by any provision of this title or by other statutory authority:

Section 503 (relating to reassignment of matters).

Section 1722(b) (relating to enforcement and effect of orders and process).

Section 1722(c) (relating to time limitations).

Section 1725 (relating to establishment of fees and charges).

Section 1726 (relating to establishment of taxable costs).

Section 1728 (relating to recognition of related organizations).

The provisions of subsection (a) shall also apply to other rules and orders to the extent prescribed by general rule.

## SUBCHAPTER B SPECIFIC POWERS OF THE GOVERNING AUTHORITY OF THE SYSTEM

Sec.

- 1721. Delegation of powers.
- 1722. Adoption of administrative and procedural rules.
- 1723. General supervisory and administrative authority.
- 1724. Personnel of the system.
- 1725. Establishment of fees and charges.
- 1726. Establishment of taxable costs.
- 1727. Budget and financial matters.
- 1728. Recognition of related organizations.
- 1729. Conferences and institutes.
- 1730. Boards, councils, commissions and committees.

§ 1721. Delegation of powers.

The Supreme Court may from time to time delegate to any agency or unit of the unified judicial system such of the supervisory and administrative powers of the court, including the powers specified in this subchapter, as may be specified by general rule, except that no power based in whole or in part upon authority conferred by any provision of this title or other statutory authority shall be delegated by the Supreme Court to any agency or unit other than:

- (1) A Statewide council which meets the requirements of section 3529(d) (relating to definition).
- (2) The Court Administrator of Pennsylvania.
- (3) Any other government unit within the system created by the Constitution of Pennsylvania or by statute. A body created pursuant to section 1730 (relating to boards, councils, commissions and committees), other than the council specified by paragraph (1), shall not be deemed to be created by statute for the purposes of this paragraph.

§ 1722. Adoption of administrative and procedural rules.

(a) General rule.—The governing authority shall have the power to prescribe and modify general rules governing:

(1) Practice, procedure and the conduct of all courts, district justices and all officers serving process or enforcing orders of any court or district justice and for admission to the bar and to practice law, and the administration of all courts and the supervision of all officers of the judicial branch, if such rules are consistent with the Constitution of Pennsylvania and neither abridge, enlarge nor modify the substantive rights of any litigant, nor affect the right of the General Assembly to determine the jurisdiction of any court or district justice, nor suspend nor alter any statute of limitation or repose. All statutes shall be suspended to the extent that they are inconsistent with rules prescribed under this paragraph.

(2) The prescription of canons of ethics applicable to judges and the prescription of rules or canons applicable to the activities of all other personnel of the system.

(3) Procedure under section 18 of Article V of the Constitution of Pennsylvania and Subchapter C of Chapter 33 (relating to discipline and removal by Judicial Inquiry and Review Board).

(4) Procedure under section 18 of Article V of the Constitution of Pennsylvania for the suspension, removal, discipline and compulsory retirement of district justices.

(5) Any matter which is specifically authorized by statute to be governed by general rules.

A governing authority other than the Supreme Court shall not have power to prescribe general rules for assignment or reassignment of classes of matters among the several courts and district justices under section 503 (relating to reassignment of matters) or otherwise.

(b) Enforcement and effect of orders and process.—To the extent, if any, that such powers shall not be conferred by the provisions of subsection (a)(1) and (5), the governing authority shall have power to prescribe and modify general rules, consistent with this title and any other applicable un repealed statute, governing:

(1) The effect of judgments and other orders of, and the right to and effect of attachments and other process issuing out of, a tribunal, and the manner of the enforcement of any thereof, including the time during which and the property with respect to which they shall be a lien, the relative priority of liens and other claims, stays of execution which may or shall be granted, satisfaction of judgments and dissolution of attachments, and all other matters relating to judgments and other orders and attachments and other process which have been regulated heretofore by statute.

(2) The powers and duties of system and related personnel serving process or enforcing orders, insofar as such powers and duties relate to the custody of and the judicial sale or other disposition of property of

judgment debtors and other property within the jurisdiction of a tribunal. Any such system or related personnel who shall comply with the provisions of such rules shall be free from all liability to any person with respect to action in pursuance of such rules.

A statute shall be repealed for the purposes of this subsection only if it has been expressly repealed absolutely or insofar as inconsistent with general rules prescribed pursuant to this subsection.

(c) Time limitations.—The governing authority shall have power to prescribe and modify general rules:

(1) On any subject covered by Subchapter D of Chapter 55 (relating to appeals).

(2) Specifying the time within which a matter must be commenced under section 708 (relating to improvident administrative appeals and other matters) or otherwise objecting to a determination of a government unit.

The provisions of Chapter 55 (relating to limitation of time) and all other statutes shall be suspended to the extent that they are inconsistent with rules prescribed under this subsection. The intention of this subsection is to authorize the governing authority to develop and maintain uniformity in time periods within the scope of this subsection by eliminating statutory time limitations which are inconsistent with the general pattern of similar time limitations then in effect.

§ 1723. General supervisory and administrative authority.

The governing authority shall exercise general supervisory and administrative authority over all courts and district justices.

§ 1724. Personnel of the system.

(a) General rule.—Except as provided in subsection (b), the governing authority shall exercise general supervisory and administrative authority over the personnel of the system, including the power to:

(1) Standardize the qualifications for employment, and all titles, salaries and wages of appointed personnel of the system. In establishing such standards the governing authority may:

(i) Take into consideration the location of the work and the conditions under which the service is rendered.

(ii) Establish different standards for different kinds, grades and classes of similar work or service.

(iii) Adopt by reference in whole or in part the then current regulations of the Executive Board promulgated under section 709(a) of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," and the related personnel rules.

(2) Approve or disapprove the establishment of sections, bureaus, offices and other administrative units within the system, to investigate duplication of work of the several administrative units within the system and offices employing related personnel and the efficiency of the organization and administration thereof, and to adopt measures applicable to personnel of the system for the better coordination of the work of the unified judicial system and other government units.

(3) Approve or disapprove the number and grade of authorized positions within the personnel of the system, except such positions the compensation of which is fixed by statute.

(4) Approve or disapprove, in like manner as the Executive Board, the payment of extra compensation to personnel of the system who are employed at fixed compensation.

(5) Determine, from time to time, the hours when the office of the clerk and the administrative and central offices of the system shall open and close.

(6) Approve or disapprove extensions of leaves of absence, with pay, for personnel of the system.

(7) Promulgate rules and regulations defining the expenses for which the personnel of the system and members of advisory committees may be reimbursed.

(8) Approve or disapprove recommendations for the bonding of the personnel of the system, to fix the amounts of the bonds of all such personnel required to give such bond, and to require any bond to be executed by a surety.

(9) Approve or disapprove the establishment of offices by any administrative unit within the personnel of the system at any place other than the facilities specified in section 3701 (relating to Pennsylvania Judicial Center) and section 3721 (relating to county judicial center).

(10) Regulate the employment of and the charges made by official court reporters for transcript and similar services when such official court reporters are employed by the unified judicial system.

(b) Exception.—Nothing in subsection (a) shall apply to county staff or shall affect the existing powers of the salary boards of the several counties of this Commonwealth.

§ 1725. Establishment of fees and charges.

(a) General rule.—The governing authority shall fix by general rule the filing fees for the commencement of any matter before any court or district justice and the fees which clerks and officers serving process or enforcing orders shall be entitled to collect for services performed. No person shall demand or receive any fee or charge for any service within the scope of his office or employment except as fixed or authorized by the governing authority pursuant to this section. In fixing fees the governing authority shall be guided by the following considerations:

(1) The unified judicial system is established for the good order of society and the correction of injustice, and no person should have right and justice denied or delayed by reason of poverty.

(2) The number and type of fees should be minimized to the end that the schedule of fees may be simple and understandable to the public and amenable to modern accounting systems and controls.

(3) Except as otherwise provided by statute, that portion of the yield of the fees payable to the counties should be approximate to, but not in excess of the net revenues receivable by the counties under the prior provisions of law.

(b) Procedure.—Rules adopted pursuant to subsection (a) shall take effect only in the manner provided by section 503(b) (relating to procedures).

§ 1726. Establishment of taxable costs.

The governing authority shall prescribe by general rule the standards governing the imposition and taxation of costs, including the items which constitute taxable costs, the litigants who shall bear such costs, and the discretion vested in the courts to modify the amount and responsibility for costs in specific matters. All system and related personnel shall be bound by such general rules. In prescribing such general rules, the governing authority shall be guided by the following considerations, among others:

(1) Attorney's fees are not an item of taxable costs except to the extent authorized by section 2503 (relating to right of participants to receive counsel fees).

(2) The prevailing party should recover his costs from the unsuccessful litigant except where the:

(i) Costs relate to the existence, possession or disposition of a fund and the costs should be borne by the fund.

(ii) Question involved is a public question or where the applicable law is uncertain and the purpose of the litigants is primarily to clarify the law.

(iii) Application of the rule would work substantial injustice.

(3) The imposition of actual costs or a multiple thereof may be used as a penalty for violation of general rules or rules of court.

§ 1727. Budget and financial matters.

The governing authority shall have power to:

(1) Review the tentative budget request of the system prepared by the Administrative Office pursuant to section 3522 (relating to preparation of tentative budget request), to make such modifications therein as in its judgment are necessary or desirable, and to approve a final budget request of the system pursuant to Subchapter B of Chapter 35 (relating to Judicial Department budget and finance).

(2) Approve or disapprove requests for the purchase from funds appropriated to the system of goods or services by personnel of the system, including the rental of space, and requests for the construction or modification of Commonwealth facilities to be utilized by the system.

§ 1728. Recognition of related organizations.

(a) General rule.—The governing authority shall have power on application to identify the several conferences or associations which are the most broadly representative of each of the following groups:

(1) Judges of the courts of common pleas, community courts and Philadelphia Municipal Court.

(2) District justices.

(3) Members of the bar of the Supreme Court.

(4) Such other conferences or associations of system and related personnel as may be recognized by the governing authority.

If the governing authority shall approve the organic law of the conference or association insofar as it relates to matters affecting the system, the governing authority may by general rule designate the applicant as the recognized conference or association of such group for the purposes of this title and any other provision of law.

(b) Changes in recognition.—The governing authority may transfer recognition from one conference or association of a group to another such conference or association whenever the governing authority shall find that the circumstances warrant such change and shall revoke the designation of any conference or association if it shall find that such conference or association would not be designated a recognized conference or association if then making application therefor.

(c) Expenses.—The governing authority may authorize the payment of the expenses of personnel of the system incident to participation in the work of a recognized conference or association and may make grants for the support of the work thereof.

§ 1729. Conferences and institutes.

The governing authority shall have power by general rule or by order to provide for the organization and convening on a regular or special basis of a Judicial Conference of Pennsylvania, institutes and joint councils on sentencing, and such other informational and educational conferences and institutes as the governing authority may find to be necessary or desirable for the prompt, fair and efficient administration of justice, and to require the attendance of such personnel of the system as shall be designated by or pursuant to such general rules or orders. The governing authority may cooperate with other states and the Federal Government in the convening, organization and maintenance of conferences and institutes authorized by this section.

§ 1730. Boards, councils, commissions and committees.

The governing authority shall have power by general rules or by order to establish and discontinue boards, councils, commissions, committees or other bodies composed of personnel of the system and other persons to consider, report or take action on any subject specified in such general rules or order affecting the organization or operation of the unified judicial system and the offices related to and serving the system.

## CHAPTER 19

### ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS

Sec.

1901. Court Administrator of Pennsylvania.

1902. Administrative Office of Pennsylvania Courts.

1903. Staff.

§ 1901. Court Administrator of Pennsylvania.

The Supreme Court shall appoint and may remove a Court Administrator of Pennsylvania.



§ 1902. Administrative Office of Pennsylvania Courts.

A reference in any statute to the Administrative Office of Pennsylvania Courts shall be deemed a reference to the Court Administrator of Pennsylvania who shall, either personally, by deputy, by other duly authorized personnel of the system, or by duly authorized agent, exercise the powers and perform the duties by statute vested in and imposed upon the Administrative Office.

§ 1903. Staff.

The Supreme Court may appoint such subordinate administrators and staff as may be necessary and proper for the prompt and proper disposition of the business of all courts and district justices.

CHAPTER 21  
JUDICIAL BOARDS AND COMMISSIONS

Subchapter

- A. Judicial Inquiry and Review Board
- B. Judicial Qualifications Commission (Reserved)
- C. Jury Selection Commissions
- D. Minor Judiciary Education Board
- E. Boards of Viewers

SUBCHAPTER A  
JUDICIAL INQUIRY AND REVIEW BOARD

Sec.

- 2101. Judicial Inquiry and Review Board.
- 2102. Composition of board.
- 2103. Organization.
- 2104. Staff.
- 2105. Powers and duties.

§ 2101. Judicial Inquiry and Review Board.

(a) General rule.—The Judicial Inquiry and Review Board shall consist of nine persons selected as provided in this subchapter.

(b) Seal.—The Judicial Inquiry and Review Board shall have a seal engraved with its name and such other inscription as may be specified by general rule. A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

§ 2102. Composition of board.

(a) General rule.—The Judicial Inquiry and Review Board shall consist of:

- (1) Two judges of the Superior Court selected by the Supreme Court.
- (2) Three judges of the courts of common pleas selected by the Supreme Court, no two or more of such judges shall be from the same judicial district.
- (3) Two nonjudge members of the bar of the Supreme Court selected by the Governor.

(4) Two nonlawyer electors selected by the Governor.

(b) Terms of office.—The members of the board shall serve for terms of four years, except that a member, rather than his successor, shall continue to participate in any hearing in progress at the end of his term. A vacancy on the board shall be filled by the respective appointing authority for the balance of the term. The respective appointing authority may remove a member only for cause. No member shall serve more than four consecutive years, but he may be reappointed after a lapse of one year.

(c) Restriction on political activity.—A member of the board may not hold office in a political party or a political organization.

(d) Compensation.—Members selected by the Governor shall receive such fees or salary as shall be fixed by the governing authority.

#### § 2103. Organization.

Annually the Judicial Inquiry and Review Board shall elect a chairman and other officers of the board, who shall hold office at the pleasure of the board. The board shall act only with the concurrence of a majority of its members.

#### § 2104. Staff.

The Judicial Inquiry and Review Board, or the chairman of the board, as may be prescribed by general rule, shall appoint and may remove an executive director and such administrative staff of the board as may be authorized by the governing authority.

#### § 2105. Powers and duties.

The Judicial Inquiry and Review Board shall exercise the powers and perform the duties vested in and imposed upon the board by section 18 of Article V of the Constitution of Pennsylvania and Subchapter C of Chapter 33 (relating to discipline and removal by Judicial Inquiry and Review Board) and any other powers and duties vested in and imposed upon the board by law.

### SUBCHAPTER B JUDICIAL QUALIFICATIONS COMMISSION (Reserved)

### SUBCHAPTER C JURY SELECTION COMMISSIONS

Sec.

2121. Jury selection commissions.

2122. Composition of jury selection commissions.

2123. Staff.

2124. Powers and duties.

§ 2121. Jury selection commissions.

(a) General rule.—The jury selection commission in each county of this Commonwealth shall consist of three or more persons selected as provided in this subchapter or as provided by home rule charter.

(b) Home rule charter counties.—The provisions of this subchapter shall be subject to any inconsistent provisions of any home rule charter. § 2122. Composition of jury selection commissions.

(a) General rule.—Except in the first judicial district, the jury selection commission shall consist of two jury commissioners elected as provided in this section and a judge of the court of common pleas of the judicial district embracing the county designated from time to time by the president judge of such court. The judge so designated shall be the chairman of the commission.

(b) Election of commissioners.—The jury commissioners shall be elected as provided in this subsection and, to the extent not inconsistent with this subsection, as provided by the act of July 28, 1953 (P.L.723, No.230), known as the “Second Class County Code” and the act of August 9, 1955 (P.L.323, No.130), known as “The County Code,” as the case may be, and the act of June 3, 1937 (P.L.1333, No.320), known as the “Pennsylvania Election Code.” Any jury commissioner shall be eligible for reelection for any number of terms. The two persons elected as jury commissioners shall not be of the same political party. The candidate for the office who receives the highest number of votes shall be one of the jury commissioners, and the other shall be that candidate not being of the same political party as the first who receives the next highest number of votes.

(c) Filling of vacancy.—In case of the inability of a jury commissioner, by sickness, death, or other unavoidable cause, to discharge the duties of his office, or in case of neglect or refusal to serve, the president judge of the court of common pleas of the judicial district shall appoint a suitable person to perform the duties of the office during the period of inability.

(d) Philadelphia.—In the first judicial district the jury selection commission shall consist of the sheriff and the judges of the Court of Common Pleas of Philadelphia County.

(e) Quorum.—A jury selection commission may act by any two of its members.

§ 2123. Staff.

The jury selection commission shall appoint and may remove a clerk and such administrative staff of the commission as may be authorized pursuant to law.

§ 2124. Powers and duties.

Each jury selection commission shall exercise the powers and perform the duties vested in and imposed upon such commissions by Subchapter B of Chapter 45 (relating to selection and custody of jurors) and any other powers and duties vested in and imposed upon such commissions by law.

#### SUBCHAPTER D MINOR JUDICIARY EDUCATION BOARD

Sec.

2131. Minor Judiciary Education Board.

2132. Composition of board.

- 2133. Organization.
- 2134. Staff.
- 2135. Powers and duties.

§ 2131. Minor Judiciary Education Board.

(a) General rule.—The Minor Judiciary Education Board shall consist of seven members selected as provided in this subchapter.

(b) Seal.—The Minor Judiciary Education Board shall have a seal engraved with its name and such other inscription as may be specified by general rule. A facsimile or preprinted seal may be used for all purposes in lieu of the original seal.

§ 2132. Composition of board.

(a) General rule.—The Minor Judiciary Education Board shall consist of the following appointed by the Governor with the consent of a majority of the members elected to the Senate:

- (1) Three persons who shall be judges of the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia or district justices.
- (2) Three members of the bar of the Supreme Court.
- (3) One lay elector.

(b) Terms of office.—The members of the board shall serve for terms of five years and until a successor has been appointed and qualified. A vacancy on the board shall be filled for the balance of the term.

(c) Compensation.—Members of the board shall receive such fees or salary as shall be fixed by the governing authority in the manner provided by section 503(b) (relating to procedures).

§ 2133. Organization.

Annually the Minor Judiciary Education Board shall elect a chairman and other officers of the board, who shall hold office at the pleasure of the board. The board shall act only with the concurrence of a majority of its members.

§ 2134. Staff.

The Administrative Office shall provide such staff assistance as the Minor Judiciary Education Board may require.

§ 2135. Powers and duties.

The Minor Judiciary Education Board shall exercise the powers and perform the duties vested in and imposed upon the board by Subchapter B of Chapter 31 (relating to qualifications of certain minor judiciary) and any other powers and duties vested in and imposed upon the board by law.

## SUBCHAPTER E BOARDS OF VIEWERS

Sec.

- 2141. Boards of viewers.
- 2142. Composition of boards.
- 2143. Staff.
- 2144. Powers and duties.

§ 2141. Boards of viewers.

The boards of viewers in each county of this Commonwealth shall consist of three or more persons selected as provided in this subchapter.

§ 2142. Composition of boards.

(a) General rule.—The court of common pleas of the judicial district embracing the county shall appoint to the board of viewers of the county such a number of persons as shall be necessary for the proper performance of the duties imposed upon the board. At least one-third of the members of the board of viewers shall be attorneys at law and each member shall be a resident of the county unless the court is unable to complete the membership of the board from residents of the county, in which event the court may appoint residents of adjacent counties. In the City and County of Philadelphia the board of viewers may be appointed from among the Board of Revision of Taxes. Additional qualifications for membership on boards of viewers may be established by general rule or rule of court.

(b) Terms of office.—The members of boards of viewers shall serve for a term of not less than three nor more than six years, as stated in the appointment, whether such appointment is for an original or partly expired term. All appointments shall be subject to the power of the court of common pleas to remove members of the board without cause and to appoint successors.

§ 2143. Staff.

Each board of viewers shall be provided with such staff as may be necessary.

§ 2144. Powers and duties.

Each board of viewers shall exercise the powers and perform the duties vested in and imposed upon such boards by law.

## CHAPTER 23 PERSONNEL OF THE SYSTEM

Sec.

2301. Appointment of personnel.

2302. Maintenance of adequate county staff.

§ 2301. Appointment of personnel.

(a) General rule.—Subject to any inconsistent general rules or statutory provisions each:

(1) Judge and district justice may appoint and fix the duties of necessary personal staff.

(2) Court may appoint and fix the compensation and duties of necessary administrative staff and fix the compensation of personal staff.

(3) Other agency or unit of the unified judicial system may appoint and fix the compensation and duties of necessary central staff and personal staff.

(b) Oath of office.—Each member of a judicial board or commission and each other person who is appointed to an office shall, before entering upon the duties of his office, take and subscribe the oath or affirmation specified in section 3151 (relating to oath of office).

(c) County staff unaffected.—The provisions of subsection (a) are intended solely to codify and consolidate former statutory provisions on the same subject and nothing in such subsection shall be construed to limit, modify or deny the existing powers or prerogatives of county staff or other officers, other than judges, elected by the electorate of a county, to appoint and to fix the reasonable compensation of such classes of personnel as such county officers have heretofore been authorized to do by law.

§ 2302. Maintenance of adequate county staff.

Whenever necessary, it shall be the duty of county officers to appoint or detail such county staff as shall enable the judges of the courts embracing the county to properly transact the business before their respective courts.

## CHAPTER 25 REPRESENTATION OF LITIGANTS

### Subchapter

- A. General Provisions
- B. Attorneys and Counsellors

### SUBCHAPTER A GENERAL PROVISIONS

#### Sec.

- 2501. Appearance in person or by counsel.
- 2502. Certain persons not to appear as counsel.
- 2503. Right of participants to receive counsel fees.

§ 2501. Appearance in person or by counsel.

(a) Civil matters.—In all civil matters before any tribunal every litigant shall have a right to be heard, by himself and his counsel, or by either of them.

(b) Criminal matters.—In all criminal prosecutions the accused has a right to be heard by himself and his counsel.

§ 2502. Certain persons not to appear as counsel.

(a) General rule.—No attorney at law who is a member of the staff of a court shall appear as counsel in such court and no attorney at law shall appear in any court or in any matter in violation of any general rule relating to the practice of law or the conduct of courts, district justices and officers serving process or enforcing orders of courts.

(b) Law clerks.—Except as otherwise prescribed by general rules, a law clerk serving on the personal staff of a judge of a court of common pleas may appear in such court as an attorney at law before other judges of such court notwithstanding the provisions of subsection (a).

**§ 2503. Right of participants to receive counsel fees.**

The following participants shall be entitled to a reasonable counsel fee as part of the taxable costs of the matter:

- (1) The holder of bonds of a private corporation who successfully recovers due and unpaid interest, the liability for the payment of which was denied by the corporation.
- (2) A garnishee who enters an appearance in a matter which is discontinued prior to answer filed.
- (3) A garnishee who is found to have in his possession or control no indebtedness due to or other property of the debtor except such, if any, as has been admitted by answer filed.
- (4) A possessor of property claimed by two or more other persons, if the possessor interpleads the rival claimants, disclaims all interest in the property and disposes of the property as the court may direct.
- (5) The prevailing party in an interpleader proceeding in connection with execution upon a judgment.
- (6) Any participant who is awarded counsel fees as a sanction against another participant for violation of any general rule which expressly prescribes the award of counsel fees as a sanction for dilatory, obdurate or vexatious conduct during the pendency of any matter.
- (7) Any participant who is awarded counsel fees as a sanction against another participant for dilatory, obdurate or vexatious conduct during the pendency of a matter.
- (8) Any participant who is awarded counsel fees out of a fund within the jurisdiction of the court pursuant to any general rule relating to an award of counsel fees from a fund within the jurisdiction of the court.
- (9) Any participant who is awarded counsel fees because the conduct of another party in commencing the matter or otherwise was arbitrary, vexatious or in bad faith.
- (10) Any other participant in such circumstances as may be specified by statute heretofore or hereafter enacted.

**SUBCHAPTER B  
ATTORNEYS AND COUNSELLORS**

Sec.

2521. Office of attorney at law.  
2522. Oath of office.  
2523. Persons specially admitted by local rules.  
2524. Penalty for unauthorized practice of law.  
2525. Unauthorized solicitation prohibited.

**§ 2521. Office of attorney at law.**

Persons admitted to the bar of the courts of this Commonwealth and to practice law pursuant to general rules shall thereby hold the office of attorney at law.

§ 2522. Oath of office.

Before entering upon the duties of his office, each attorney at law shall take and subscribe the following oath or affirmation before a person authorized to administer oaths:

"I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity, as well to the court as to the client, that I will use no falsehood, nor delay the cause of any person for lucre or malice."

Any person refusing to take the oath or affirmation shall forfeit his office.

§ 2523. Persons specially admitted by local rules.

Any person specially admitted to practice law on or before April 23, 1968 may continue to practice in the court of common pleas or in that division of the court of common pleas and the Philadelphia Municipal Court which substantially includes the practice for which such person was previously specially admitted.

§ 2524. Penalty for unauthorized practice of law.

Any person who within this Commonwealth shall practice law, or who shall hold himself out to the public as being entitled to practice law, or use or advertise the title of lawyer, attorney at law, attorney and counsellor at law, counsellor, or the equivalent in any language, in such a manner as to convey the impression that he is a practitioner of the law of any jurisdiction, without being an attorney at law or a corporation complying with the act of July 9, 1970 (P.L.461, No.160), known as the "Professional Corporation Law," commits a misdemeanor of the third degree.

§ 2525. Unauthorized solicitation prohibited.

(a) Offense defined.—Any person not an attorney at law who shall solicit or procure through solicitation a retainer, power of attorney or any agreement, written or oral, authorizing an attorney at law to perform or render legal services, or who shall solicit any person in this Commonwealth to institute any action or proceeding for damages in which the compensation of any attorney at law for instituting or prosecuting such suit, shall directly or indirectly, depend upon the amount of the recovery therein, commits a misdemeanor of the third degree.

(b) Exception.—Subsection (a) shall not prohibit any bona fide labor organization from giving legal advice to its members in matters arising out of their employment or prohibit any person from engaging in any associational activity which is protected under the Constitution of the United States.

## CHAPTER 27

### OFFICE OF THE CLERK OF THE COURT OF COMMON PLEAS

#### Subchapter

- A. General Provisions
- B. Prothonotaries
- C. Clerks of the Courts
- D. Clerks of Orphans' Court Divisions



SUBCHAPTER A  
GENERAL PROVISIONS

Sec.

2701. Scope and purpose of chapter.

2702. Place of filing of documents.

2703. Notice of transfer of functions and duties.

2704. Responsibility for entry, maintenance and certification of data.

§ 2701. Scope and purpose of chapter.

(a) Purpose.—The purpose of this chapter is to facilitate the prompt, fair and efficient administration of justice by specifying the respective powers and duties of prothonotaries, clerks of the courts and clerks of orphans' court divisions.

(b) Effect of other provisions of law.—The provisions of this chapter shall be subject to any inconsistent statute, home rule charter or optional plan of government, and to any inconsistent general rule or rule of court heretofore or hereafter adopted pursuant to and subject to the limitations of constitutional authority.

§ 2702. Place of filing of documents.

Where jurisdiction of any matter is by law vested in a court of common pleas or in the Philadelphia Municipal Court, all applications for relief or other documents relating to the matter shall be filed in or transferred to the office of the clerk of the court of common pleas and handled by the appropriate office specified by or pursuant to this chapter.

§ 2703. Notice of transfer of functions and duties.

Whenever pursuant to section 2756(b)(2) (relating to exceptions) a clerk of the courts files a waiver of any functions and duties ordinarily incident to his office, the order of court appointing another officer or other person to perform such functions and duties entered pursuant to this chapter shall not be valid for any purpose until filed in the Administrative Office. The Administrative Office shall cause all such orders to be published in the Pennsylvania Code.

§ 2704. Responsibility for entry, maintenance and certification of data.

The prothonotary, clerk of the courts and clerk of the orphans' court division shall be responsible for the accurate and timely creation, maintenance and certification of the record of matters pending before or determined by the courts of common pleas and the Philadelphia Municipal Court, including data and reports relating thereto.

SUBCHAPTER B  
PROTHONOTARIES

Sec.

2731. Prothonotary.

2732. Selection of prothonotary.

2733. Seal.

2734. Office of the prothonotary.

2735. Staff.

2736. Matters or documents filed in the office of the prothonotary.

2737. Powers and duties of the office of the prothonotary.

2738. Criminal, probate, estates and fiduciary matters.

§ 2731. Prothonotary.

(a) General rule.—In each county of this Commonwealth there shall be one prothonotary for the court of common pleas, who shall be known as the “Prothonotary of (the respective) County.”

(b) Multicounty judicial districts.—In multicounty judicial districts the prothonotary shall be the prothonotary of the branch of the court of common pleas established for the county.

(c) Philadelphia.—In the first judicial district there shall be one prothonotary for the Court of Common Pleas of Philadelphia County and the Philadelphia Municipal Court, who shall be known as the “Prothonotary of Philadelphia.”

§ 2732. Selection of prothonotary.

(a) General rule.—The prothonotary of each county shall be selected, and may be removed, in the manner provided by the act of July 28, 1953 (P.L.723, No.230), known as the “Second Class County Code,” or the act of August 9, 1955 (P.L.323, No.130), known as “The County Code,” as the case may be.

(b) Philadelphia.—The Prothonotary of Philadelphia shall be appointed by the Court of Common Pleas of Philadelphia County.

§ 2733. Seal.

The prothonotary shall have custody of a counterpart of the seal of the court or courts for which he is the prothonotary.

§ 2734. Office of the prothonotary.

(a) General rule.—There shall be an office of the prothonotary in each county of this Commonwealth, which shall be supervised by the prothonotary of the county who shall, either personally, by deputy or by other duly authorized employees or agents of the office, exercise the powers, and perform the duties by law vested in and imposed upon the prothonotary or the office of the prothonotary.

(b) Facilities and services.—The office of the prothonotary shall be provided with all necessary accommodations, goods and services pursuant to section 3722 (relating to general facilities and services furnished by county).

§ 2735. Staff.

(a) General rule.—The prothonotary may appoint and remove such deputies and other administrative staff of the office of the prothonotary as may be necessary.

(b) Solicitor.—The prothonotary may appoint and remove a solicitor, who shall be a member of the bar of the Supreme Court. The solicitor shall advise upon all legal matters that may be submitted by the prothonotary to him, and shall conduct any litigation when required to do so by the prothonotary.

(c) Compensation and duties.—The prothonotary, except as otherwise provided by statute or home rule charter or optional plan of government, may fix the compensation and duties of the staff of the office of the prothonotary. Where the compensation of the staff of the office of the prothonotary is fixed by a county salary board, the prothonotary shall be a member of the salary board for such purpose.

§ 2736. Matters or documents filed in the office of the prothonotary.

All matters or documents required or authorized to be filed in the office of the clerk of the court of common pleas shall be filed in the office of the prothonotary except:

(1) Matters or documents specified in section 2756 (relating to matters or documents filed in the office of the clerk of the courts).

(2) Matters or documents specified in section 2776 (relating to matters or documents filed in the office of the clerk of the orphans' court division).

§ 2737. Powers and duties of the office of the prothonotary.

The office of the prothonotary shall have the power and duty to:

(1) Administer oaths and affirmations and take acknowledgments pursuant to section 327 (relating to oaths and acknowledgments), but shall not be compelled to do so in any matters not pertaining to the proper business of the office.

(2) Affix and attest the seal of the court or courts to all the process thereof and to the certifications and exemplifications of all documents and records pertaining to the office of the prothonotary and the business of the court or courts of which it is the prothonotary.

(3) Enter all civil judgments.

(4) Enter all satisfactions of civil judgments.

(5) Exercise the authority of the prothonotary as an officer of the court.

(6) Exercise such other powers and perform such other duties as may now or hereafter be vested in or imposed upon the office by law, home rule charter, order or rule of court, or ordinance of a county governed by a home rule charter or optional plan of government.

§ 2738. Criminal, probate, estates and fiduciary matters.

(a) General rule.—The personnel of the office of the prothonotary shall exercise the powers and perform the duties vested in or imposed upon the office of the clerk of the court of common pleas by:

(1) Subchapter C (relating to clerks of the courts) where no separate clerk of the courts is authorized for the county.

(2) Subchapter D (relating to clerks of orphans' court divisions) where no separate clerk of the orphans' court division is authorized for the county.

(b) Criminal matters.—Except as provided in subsection (a)(1), the office of the prothonotary shall not exercise the powers and perform the duties of the office of the clerk of the courts.

(c) Probate, estates and fiduciary matters.—Except as provided in subsection (a)(2), the office of the prothonotary shall not exercise the powers and perform the duties of the office of the clerk of the orphans' court division.

### SUBCHAPTER C CLERKS OF THE COURTS

Sec.

2751. Clerk of the courts.

2752. Selection of clerk of the courts.

2753. Seal.

2754. Office of the clerk of the courts.

2755. Staff.

2756. Matters or documents filed in the office of the clerk of the courts.

2757. Powers and duties of the office of the clerk of the courts.

§ 2751. Clerk of the courts.

(a) General rule.—In each county of this Commonwealth there shall be a clerk of the courts for the court of common pleas who shall be known as the "Clerk of the Courts of (the respective) County."

(b) Multicounty judicial districts.—In multicounty judicial districts the clerk of the courts shall be the clerk of the courts of the branch of the court of common pleas established for the county.

(c) Philadelphia.—In the first judicial district there shall be a clerk of the courts for the Court of Common Pleas of Philadelphia County and the Philadelphia Municipal Court, who shall be known as the "Clerk of Quarter Sessions of Philadelphia."

§ 2752. Selection of clerk of the courts.

(a) General rule.—The clerk of the courts of each county shall be selected, and may be removed, in the manner provided by the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code" or the act of August 9, 1955 (P.L.323, No.130), known as "The County Code," as the case may be. The office shall be combined with another county office when so provided

(b) Philadelphia.—The Clerk of Quarter Sessions of Philadelphia shall be selected, and may be removed, in the manner provided by statute or home rule charter.

§ 2753. Seal.

The clerk of the courts shall have custody of a counterpart of the seal of the court or courts for which he is the clerk of the courts.

§ 2754. Office of the clerk of the courts.

(a) General rule.—There shall be an office of the clerk of the courts in each county of this Commonwealth, which shall be supervised by the clerk of the courts of the county who shall, either personally, by deputy, or by other duly authorized employees or agents of the office, exercise the powers and perform the duties by law vested in and imposed upon the clerk of the courts or the office of the clerk of the courts.

(b) Facilities and services.—The office of the clerk of the courts shall be provided with all necessary accommodations, goods and services pursuant to section 3722 (relating to general facilities and services furnished by county).

§ 2755. Staff.

(a) General rule.—The clerk of the courts may appoint and remove such deputies and other administrative staff of the office of the clerk of the courts as may be necessary.

(b) Solicitor.—The clerk of the courts may appoint and remove a solicitor, who shall be a member of the bar of the Supreme Court. The solicitor shall advise upon all legal matters that may be submitted by the clerk of the courts to him, and shall conduct any litigation when required to do so by the clerk of the courts.

(c) Compensation and duties.—The clerk of the courts, except as otherwise provided by statute or home rule charter or optional plan of government, may fix the compensation and duties of the staff of the office of the clerk of the courts. Where the compensation of the staff of the office of the clerk of the courts is fixed by a county salary board, the clerk of the courts shall be a member of the salary board for such purpose.

§ 2756. Matters or documents filed in the office of the clerk of the courts.

(a) General rule.—All applications for relief or other documents relating to the following matters shall be filed in or transferred to the office of the clerk of the courts:

(1) Criminal matters including all related motions and filings.

(2) Road, liquor, municipal and other miscellaneous civil matters formerly within the jurisdiction of the Courts of Oyer and Terminer, General Jail Delivery, and Quarter Sessions of the Peace.

(3) Other matters to the extent provided by law or the local ordinance or resolution creating or recognizing the cause of action.

(b) Exceptions.—

(1) Subsection (a)(2) and (3) shall not be applicable in the fifth judicial district.

(2) The clerk of the courts of any county may file in the office of the prothonotary of the county and in the Administrative Office a written waiver of all or any part of subsection (a)(2) and (3), whereupon the provisions so waived shall not be applicable in the county.

§ 2757. Powers and duties of the office of the clerk of the courts.

The office of the clerk of the courts shall have the power and duty to:

(1) Administer oaths and affirmations and take acknowledgments pursuant to section 327 (relating to oaths and acknowledgments), but shall not be compelled to do so in any matter not pertaining to the proper business of the office.

(2) Affix and attest the seal of the court or courts to all the process thereof and to the certifications and exemplifications of all documents and records pertaining to the office of the clerk of the courts and the business of the court or courts of which it is the clerk of the courts.

- (3) Enter all criminal judgments.
- (4) Exercise the authority of the clerk of the courts as an officer of the court.
- (5) Exercise such other powers and perform such other duties as may now or hereafter be vested in or imposed upon the office by law, home rule charter, order or rule of court, or ordinance of a county governed by a home rule charter or optional plan of government.

#### SUBCHAPTER D CLERKS OF ORPHANS' COURT DIVISIONS

Sec.

- 2771. Clerk of the orphans' court division.
- 2772. Selection of clerk of the orphans' court division.
- 2773. Seal.
- 2774. Office of the clerk of the orphans' court division.
- 2775. Staff.
- 2776. Matters or documents filed in the office of the clerk of the orphans' court division.
- 2777. Powers and duties of the office of the clerk of the orphans' court division.

§ 2771. Clerk of the orphans' court division.

(a) General rule.—In each county of this Commonwealth there shall be one clerk of the orphans' court division, who shall be known as the "Clerk of the Orphans' Court Division of the Court of Common Pleas of (the respective) County."

(b) Multicounty judicial districts.—In multicounty judicial districts the clerk of the orphans' court division shall be the clerk of the orphans' court division of the branch of the court of common pleas established for the county.

§ 2772. Selection of clerk of the orphans' court division.

(a) General rule.—The clerk of the orphans' court division of each county shall be selected, and may be removed, in the manner provided by the act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code," or the act of August 9, 1955 (P.L.323, No.130), known as "The County Code," as the case may be. The office shall be combined with another county office when so provided by statute.

(b) Philadelphia.—The Register of Wills of Philadelphia shall serve ex officio as Clerk of the Orphans' Court Division of the Court of Common Pleas of Philadelphia County.

§ 2773. Seal.

The clerk of the orphans' court division shall have custody of a counterpart of the seal of the court for which he is the clerk of the orphans' court division.

§ 2774. Office of the clerk of the orphans' court division.

(a) General rule.—There shall be an office of the clerk of the orphans' court division in each county of this Commonwealth, which shall be

supervised by the clerk of the orphans' court division of the county who shall, either personally, by deputy, or by other duly authorized employees or agents of the office, exercise the powers, and perform the duties by law vested in and imposed upon the clerk of the orphans' court division or the office of the clerk of the orphans' court division.

(b) Facilities and services.—The office of the clerk of the orphans' court division shall be provided with all necessary accommodations, goods and services pursuant to section 3722 (relating to general facilities and services furnished by county).

§ 2775. Staff.

(a) General rule.—The clerk of the orphans' court division, with the consent and approval of the court, may appoint and remove such deputies and other administrative staff of the office as may be necessary.

(b) Compensation and duties.—The clerk of the orphans' court division, except as otherwise provided by statute or home rule charter or optional plan of government, may fix the compensation and duties of the staff of the office of the clerk of the orphans' court division. Where the compensation of the staff of the office of the clerk of the orphans' court division is fixed by a county salary board, the clerk of the orphans' court division shall be a member of the salary board for such purpose.

§ 2776. Matters or documents filed in the office of the clerk of the orphans' court division.

All matters to be heard or determined in the orphans' court division of a court of common pleas shall be filed in or transferred to the office of the clerk of the orphans' court division.

§ 2777. Powers and duties of the office of the clerk of the orphans' court division.

The office of the clerk of the orphans' court division shall have the power and duty to:

(1) Administer oaths and affirmations and take acknowledgments pursuant to section 327 (relating to oaths and acknowledgments), but shall not be compelled to do so in any matter not pertaining to the proper business of the office.

(2) Affix and attest the seal of the court to all the process thereof and to the certifications and exemplifications of all documents and records pertaining to the office of the clerk of the orphans' court division and the business of the division.

(3) Enter all orders of the court determined in the division.

(4) Enter all satisfactions of judgments entered in the office.

(5) Exercise the authority of the clerk of the orphans' court division as an officer of the court.

(6) Exercise such other powers and perform such other duties as may now or hereafter be vested in or imposed upon the office by law, home rule charter, order or rule of court, or ordinance of a county governed by a home rule charter, or optional plan of government.

PART III  
SELECTION, RETENTION AND REMOVAL OF JUDICIAL  
OFFICERS

## Chapter

- 31. Selection and Retention of Judicial Officers
- 33. Discipline, Removal and Retirement of Judicial Officers

CHAPTER 31  
SELECTION AND RETENTION OF JUDICIAL OFFICERS

## Subchapter

- A. Qualifications Generally
- B. Qualifications of Certain Minor Judiciary
- C. Selection of Judicial Officers
- D. Tenure and Compensation

SUBCHAPTER A  
QUALIFICATIONS GENERALLY

## Sec.

3101. Qualifications of judicial officers generally.

§ 3101. Qualifications of judicial officers generally.

Judges and district justices shall be citizens of this Commonwealth. Judges, except judges of the Pittsburgh Magistrates Court and the Traffic Court of Philadelphia, shall be members of the bar of the Supreme Court. Judges of the Supreme, Superior and Commonwealth Courts, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within this Commonwealth. Other judges and district justices, for a period of one year preceding their election or appointment and during their continuance in office, shall reside within their respective districts, except when temporarily assigned to another district pursuant to law.

SUBCHAPTER B  
QUALIFICATIONS OF CERTAIN MINOR JUDICIARY

## Sec.

- 3111. Definitions.
- 3112. Course of instruction and examination required.
- 3113. Content of course of instruction and examination.
- 3114. Admission of interested persons.
- 3115. Certification of successful completion of course.
- 3116. Effect of failure to obtain certificate.
- 3117. Expenses.
- 3118. Rules and regulations.



§ 3111. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Board.” The board existing under Subchapter D of Chapter 21 (relating to Minor Judiciary Education Board).

“Judge.” A judge of the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia.

§ 3112. Course of instruction and examination required.

District justices and judges who are not members of the bar of the Supreme Court shall complete a course of training and instruction in the duties of their respective offices and pass an examination prior to assuming office.

§ 3113. Content of course of instruction and examination.

(a) General rule.—The board shall prescribe and approve the subject matter and the examination for the course of training and instruction required by this subchapter. The Administrative Office shall, subject to the direction of the board, administer the course of training and instruction and conduct the examination. The Administrative Office shall conduct the course and examination at such times, at such places and in such manner as the regulations of the board may prescribe. The board shall make the course of instruction available at such times so as to insure that any district justice or judge elected or appointed may qualify to assume office as soon as possible.

(b) Content of course.—The course of training and instruction shall not exceed four weeks in duration and shall consist of a minimum of 40 hours of class instruction in civil and criminal law, including evidence and procedure, in the case of all such officials except judges of the Traffic Court of Philadelphia, in which case it shall consist of a minimum of 20 hours of class instruction in summary proceedings and laws relating to motor vehicles. Where it is economically unfeasible to conduct a class, the Administrative Office shall provide equivalent instruction by correspondence.

§ 3114. Admission of interested persons.

In addition to those required by this subchapter to complete the course of training and instruction and successfully pass an examination prior to assuming office, any interested person may apply to the Administrative Office to be enrolled in the course of instruction and take the examination. Any such interested person who successfully completes the course and passes the examination, and who subsequently is elected or appointed to the office of district justice or judge may secure a certificate from the Administrative Office as provided in section 3115 (relating to certification of successful completion of course) without again taking the course of training and instruction and passing the examination required by this subchapter.

§ 3115. Certification of successful completion of course.

Upon the successful completion of the course of training and instruction and examination, the Administrative Office shall issue to a person elected or appointed as a district justice or judge a certificate in the form prescribed by the board, certifying that such person is qualified to perform his duties as required by the Constitution of Pennsylvania. Such certificate shall be filed in the office of the clerk of the court of common pleas of the judicial district embracing the district to be served by the district justice or judge.

§ 3116. Effect of failure to obtain certificate.

In the event that any district justice or judge fails to file the certificate provided for by section 3115 (relating to certification of successful completion of course) in the manner therein provided within nine months after his election or appointment, his office shall become vacant, and such vacancy shall be filled as provided in this chapter.

§ 3117. Expenses.

(a) District justices and judges.—The course of training and instruction required of district justices and judges by this subchapter shall be provided at the expense of the Commonwealth. Any person elected or appointed to the office of district justice or judge shall receive such per diem and expenses for each day of actual attendance at class instruction as shall be fixed by the governing authority in the manner provided by section 503(b) (relating to procedures). Until such person has successfully completed the course of training and instruction and passed the examination, he shall not receive any salary from the Commonwealth.

(b) Other persons.—Any other person who, within two years of the date of his successful completion of the examination, is elected or appointed to the office of district justice or judge, shall be reimbursed for his expenses as though he had been eligible to receive such expenses at the time he was enrolled in the course of training and instruction.

§ 3118. Rules and regulations.

The Administrative Office shall have the power to promulgate, with the approval of the board, such rules and regulations as are necessary to carry out its duties under this subchapter.

## SUBCHAPTER C SELECTION OF JUDICIAL OFFICERS

Sec.

3131. Selection of judicial officers for regular terms.

3132. Vacancies in office.

3133. Commonwealth Court judges.

3134. Community court judges.

3135. Increase in number of judges.

§ 3131. Selection of judicial officers for regular terms.

(a) Judges and district justices generally.—Except as provided in subsection (d) judges and district justices shall be elected for a regular term

of office at the municipal election next preceding the commencement of their respective regular terms of office by the electors of this Commonwealth or the respective districts in which they are to serve.

(b) Retention election.—Any of the following may file a declaration for candidacy for retention election with the Secretary of the Commonwealth on or before the first Monday of January of the year preceding the year in which his term of office expires:

(1) a person elected to the Philadelphia Municipal Court pursuant to this section, or corresponding provisions of prior law, who becomes a judge of the Community Court of Philadelphia County pursuant to section 3321(b)(1) (relating to establishment of community courts);

(2) a person elected to the Community Court of Philadelphia County pursuant to this section who becomes a judge of the Philadelphia Municipal Court pursuant to section 3322(b) (relating to discontinuance of community courts); or

(3) a person appointed to the Commonwealth Court pursuant to the former provisions of section 3(a) of the act of January 6, 1970 (1969 P.L.434, No.185), known as “The Commonwealth Court Act.”

If no declaration is filed, a vacancy shall exist upon the expiration of the term of office of such judge, to be filled by election under subsection (c). If a judge files a declaration, his name shall be submitted to the electors without party designation, as a separate judicial question or in a separate column or line on voting machines, at the municipal election immediately preceding the expiration of the term of office of the judge, to determine only the question whether he shall be retained in office. If a majority is against retention, a vacancy shall exist upon the expiration of his term of office, to be filled by appointment under section 3132(a) (relating to vacancies in office). If a majority favors retention, the judge shall serve for a regular term of office provided for in section 3152 (relating to tenure of judicial officers), unless sooner removed or retired. At the expiration of such regular term such judge shall be eligible for retention as provided in section 3153 (relating to retention elections), subject only to the retirement provisions of this part. Section 3133 (relating to Commonwealth Court judges) shall not be applicable to an election conducted pursuant to this subsection.

(c) Other elections.—Except as provided in subsection (b) judges and district justices shall be elected as provided in the act of June 3, 1937 (P.L.1333, No.320), known as the “Pennsylvania Election Code.”

(d) Pittsburgh Magistrates Court.—The judges of the Pittsburgh Magistrates Court shall be appointed by the Mayor of the City of Pittsburgh with the advice and consent of the Council of the City of Pittsburgh. All of such judges shall not be of the same political party.

(e) Appointive judicial officers.—Subject to any inconsistent general rules or other inconsistent provisions of law, appointive judicial officers shall be appointed and their duties shall be fixed by the court in which they are to serve.

§ 3132. Vacancies in office.

(a) General rule.—Except as provided in subsection (b), a vacancy in the office of judge or district justice shall be filled by appointment by the Governor. The appointment shall be with the advice and consent of two-thirds of the members elected to the Senate, except in the case of district justices which shall be by a majority. The person so appointed shall serve for an initial term ending on the first Monday of January following the next municipal election more than ten months after the vacancy occurs.

(b) Pittsburgh Magistrates Court.—A vacancy in the office of judge of the Pittsburgh Magistrates Court shall be filled as provided in section 3131(d) (relating to Pittsburgh Magistrates Court).

(c) Retention vacancies.—The provisions of subsection (a) shall not apply either in the case of a vacancy to be filled by retention election as provided in section 3131(b) (relating to retention election) or section 3153 (relating to retention elections) or in case of a vacancy created by failure of a judge to file a declaration for retention election as provided in section 3131(b) or section 3153.

(d) Vacancies following initial term.—In case of a vacancy occurring at the expiration of an appointive term under subsection (a), the vacancy shall be filled by election as provided in section 3131 (relating to selection of judicial officers for regular terms).

§ 3133. Commonwealth Court judges.

Whenever two or more judges of the Commonwealth Court are to be elected pursuant to section 3131(c) (relating to selection of judicial officers for regular terms) at the same election, each qualified elector shall vote for no more than:

(1) one-half of the number of judges to be elected, if the total number to be elected is even; or

(2) the smallest number constituting a majority of the total number of judges to be elected, if the total number to be elected is odd.

The persons having the highest number of votes, up to the total number of judges to be elected, shall be elected.

§ 3134. Community court judges.

If the electors approve the establishment of a community court at the primary election in a municipal election year, the first judges of the court shall be elected at that municipal election. The nominees for election shall be determined in the same manner as is then 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. If the electors approve the establishment of a community court at the primary election in a general election year, the first judges of the court shall be nominated at the primary election preceding the next following municipal election and shall be elected at such municipal election.

§ 3135. Increase in number of judges.

Whenever the number of judges of a court is increased by statute, unless otherwise expressly provided by statute, the additional judicial positions

thereby created shall be deemed to be vacancies occurring on the effective date of the statute, and shall be filled in the manner and for the initial term provided in this chapter for other vacancies on such court.

#### SUBCHAPTER D TENURE AND COMPENSATION

Sec.

3151. Oath of office.

3152. Tenure of judicial officers.

3153. Retention elections.

3154. Compensation of judicial officers.

§ 3151. Oath of office.

Each judicial officer shall, before entering on the duties of his office, take and subscribe the following oath or affirmation before a person authorized to administer oaths:

“I do solemnly swear (or affirm) that I will support, obey and defend the Constitution of the United States and the Constitution of this Commonwealth and that I will discharge the duties of my office with fidelity.”

Any person refusing to take the oath or affirmation shall forfeit his office. A judicial officer shall be sworn upon his appointment or election, and after each retention election, and thereafter need not be sworn in any matter referred to him.

§ 3152. Tenure of judicial officers.

(a) Judges and district justices.—The regular term of office of judges and district justices shall be as follows:

(1) Judges of the Philadelphia Municipal Court and the Traffic Court of Philadelphia—Six years.

(2) Judges of the Pittsburgh Magistrates Court—Four years.

(3) All other judges—Ten years.

(4) District justices—Six years.

(b) Effect of changes.—The tenure of any judge shall not be affected by changes in judicial districts or by reduction in the number of judges. Where a multicounty judicial district is divided by statute into two or more districts or where a county is transferred by statute from one judicial district to another, a judge shall continue to be or shall become a judge of that judicial district which embraces the county of his residence at the effective date of the change.

(c) Appointive judicial officers.—Except as otherwise provided or prescribed by law, appointive judicial officers shall hold office at the pleasure of the appointing authority.

§ 3153. Retention elections.

(a) General rule.—A judge elected under section 3131 (relating to selection of judicial officers for regular terms) or retained under this section may file a declaration of candidacy for retention election with the Secretary of the Commonwealth on or before the first Monday of January of the year

preceding the year in which his term of office expires. If no declaration is filed, a vacancy shall exist upon the expiration of the term of office of such judge, to be filled by election under section 3131(c).

(b) Judicial ballot.—If a judge files a declaration, his name shall be submitted to the electors without party designation, as a separate judicial question or in a separate column or line on voting machines, at the municipal election immediately preceding the expiration of the term of office of the judge, to determine only the question whether he shall be retained in office.

(c) Results of election.—If a majority is against retention, a vacancy shall exist upon the expiration of his term of office, to be filled by appointment under section 3132(a) (relating to vacancies in office). If a majority favors retention, the judge shall serve for the regular term of office provided for in section 3152 (relating to tenure of judicial officers), unless sooner removed or retired. At the expiration of each term a judge shall be eligible for retention as provided in this section, subject only to the retirement provisions of this part.

§ 3154. Compensation of judicial officers.

(a) Judges and district justices.—Judges and district justices shall be compensated in the amount fixed by or pursuant to statute out of funds appropriated to the unified judicial system. Their compensation shall not be diminished during their terms of office, unless by law applying generally to all salaried officers of the Commonwealth.

(b) Appointive judicial officers.—Except as otherwise expressly provided by statute:

(1) The compensation of appointive judicial officers whose compensation has heretofore by law been fixed by the county salary board, by the county staff or by other officers, other than judges, elected by the electorate of a county, shall continue to be fixed in the same manner and by the same authority.

(2) The compensation of all other appointive judicial officers shall, except as otherwise prescribed by the governing authority, be fixed by the appointing authority.

### CHAPTER 33 DISCIPLINE, REMOVAL AND RETIREMENT OF JUDICIAL OFFICERS

#### Subchapter

- A. Standards of Conduct
- B. Establishment and Discontinuance of Courts
- C. Discipline and Removal by Judicial Inquiry and Review Board
- D. Retirement

SUBCHAPTER A  
STANDARDS OF CONDUCT

Sec.

3301. Constitutional restrictions.

3302. Additional restrictions.

3303. Additional compensation prohibited.

3304. Acting as collection agent or paid arbitrator prohibited.

3305. Automatic removal upon conviction or disbarment.

3306. Automatic removal upon nonjudicial candidacy.

3307. Automatic suspension of judicial officer under impeachment.

§ 3301. Constitutional restrictions.

Judges shall devote full time to their judicial duties, and shall not engage in the practice of law, hold office in a political party or political organization, or hold an office or position of profit in the government of the United States, the Commonwealth or any municipal corporation or political subdivision thereof, except in the armed service of the United States or the Commonwealth.

§ 3302. Additional restrictions.

Judges shall not engage in any activity prohibited by this subchapter or any other provision of law and shall not violate any canon of ethics prescribed by general rule. District justices and appointive judicial officers shall be governed by rules or canons prescribed by general rule.

§ 3303. Additional compensation prohibited.

No judicial officer shall be paid or accept for the performance of any judicial duty or for any service connected with his office, any fee, emolument or perquisite other than the salary and expenses provided or prescribed by law.

§ 3304. Acting as collection agent or paid arbitrator prohibited.

(a) Collection agent.—No judge or district justice shall act as agent for a person in the collection of a claim or judgment for money.

(b) Arbitrator.—No judge or district justice shall receive any fee or emolument for performing the duties of an arbitrator.

§ 3305. Automatic removal upon conviction or disbarment.

A judge or district justice convicted of misbehavior in office by a court, disbarred as a member of the bar of the Supreme Court or removed under Subchapter C (relating to discipline and removal by Judicial Inquiry and Review Board) shall forfeit automatically his judicial office and thereafter be ineligible for judicial office.

§ 3306. Automatic removal upon nonjudicial candidacy.

A judge who shall file for nomination for or election to any public office other than a judicial office shall forfeit automatically his judicial office.

§ 3307. Automatic suspension of judicial officer under impeachment.

No judge or district justice against whom impeachment proceedings are pending in the Senate shall exercise any of the duties of his office until he shall have been acquitted.

SUBCHAPTER B  
ESTABLISHMENT AND DISCONTINUANCE OF COURTS

Sec.

3321. Establishment of community courts.

3322. Discontinuance of community courts.

§ 3321. Establishment of community courts.

(a) General rule.—In a judicial district which establishes a community court, a person serving as a district justice at such time:

(1) may complete his term exercising the jurisdiction provided or prescribed by law and with the compensation provided by or pursuant to statute; and

(2) upon completion of his term, his office is abolished and no judicial function of the kind theretofore exercised by a district justice shall thereafter be exercised other than by the community court.

(b) Philadelphia.—If a community court is established in the City and County of Philadelphia:

(1) The judges of the Philadelphia Municipal Court shall become judges of the Community Court of Philadelphia County and their tenure shall not be otherwise affected.

(2) The office of judge of the Traffic Court of Philadelphia is abolished effective upon the establishment of the community court.

(3) No jurisdiction of the kind theretofore exercised exclusively by the municipal and traffic courts shall thereafter be exercised other than by the community court.

§ 3322. Discontinuance of community courts.

(a) General rule.—In a judicial district which discontinues a community court, a person serving as a judge of the community court at such time:

(1) may complete his term exercising the jurisdiction provided or prescribed by law and with the compensation provided by or pursuant to statute; and

(2) upon completion of his term, his office is abolished and no judicial function of the kind theretofore exercised by the community court shall thereafter be exercised other than by the court of common pleas and the district justices of the judicial district.

(b) Philadelphia.—If the Community Court of Philadelphia County is discontinued the judges of that court shall become judges of the Philadelphia Municipal Court and their tenure shall not be otherwise affected.

SUBCHAPTER C  
DISCIPLINE AND REMOVAL BY  
JUDICIAL INQUIRY AND REVIEW BOARD

Sec.

3331. Power of discipline or removal.



3332. Investigation and hearing.

3333. Recommendation to and action by Supreme Court.

3334. Proceedings confidential.

§ 3331. Power of discipline or removal.

(a) Judges.—Under the procedure provided in this subchapter, any judge may be suspended, removed from office or otherwise disciplined for violation of Subchapter A (relating to standards of conduct), misconduct in office, neglect of duty, failure to perform his duties, or conduct which prejudices the proper administration of justice or brings the judicial office into disrepute and may be retired for disability seriously interfering with the performance of his duties.

(b) District justices.—The suspension, removal, discipline and compulsory retirement of district justices shall be governed by general rule.

§ 3332. Investigation and hearing.

(a) Investigation.—The Judicial Inquiry and Review Board shall keep informed as to matters relating to grounds for suspension, removal, discipline, or compulsory retirement of judges. It shall receive complaints or reports, formal or informal, from any source pertaining to such matters, and shall make such preliminary investigations as it deems necessary.

(b) Hearing.—The board, after such investigation, may order a hearing concerning the suspension, removal, discipline or compulsory retirement of a judge. The orders of the board for attendance of or testimony by witnesses or for the production of documents at any hearing or investigation shall be enforceable by contempt proceedings.

(c) Privilege.—The filing of papers with and the giving of testimony before the board shall be privileged.

§ 3333. Recommendation to and action by Supreme Court.

(a) Recommendation by board.—If, after hearing, the Judicial Inquiry and Review Board finds good cause therefor, it shall recommend to the Supreme Court the suspension, removal, discipline or compulsory retirement of the judge.

(b) Action by Supreme Court.—The Supreme Court shall review the record of the proceedings of the board on the law and facts and may permit the introduction of additional evidence. It shall order suspension, removal, discipline or compulsory retirement, or wholly reject the recommendation, as it finds just and proper. Upon an order for compulsory retirement, the judge shall be retired with the same rights and privileges as if he were retired under Subchapter D (relating to retirement).

(c) Effect of order.—Upon an order for suspension or removal, the judge shall be suspended or removed from office, and his salary shall cease from the date of such order.

§ 3334. Proceedings confidential.

All papers filed with and proceedings before the Judicial Inquiry and Review Board shall be confidential but upon being filed by the board in the Supreme Court, the record shall lose its confidential character.

SUBCHAPTER D  
RETIREMENT

Sec.

3351. Automatic retirement on age.

3352. Pension rights.

§ 3351. Automatic retirement on age.

Judges and district justices shall be retired upon attaining the age of 70 years.

§ 3352. Pension rights.

(a) General rule.—Former and retired judges and district justices shall receive such compensation as shall be provided by or pursuant to statute. No compensation shall be paid to any judge or district justice who is suspended or removed from office under Subchapter C (relating to discipline and removal by Judicial Inquiry and Review Board) or under Article VI of the Constitution of Pennsylvania.

(b) Definition.—As used in this section “former” means a judge or district justice serving by appointment or election who vacates his office upon the expiration of his term or who resigns his office.

PART IV  
FINANCIAL MATTERS

Chapter

35. Budget and Finance

37. Facilities and Supplies

CHAPTER 35  
BUDGET AND FINANCE

Subchapter

A. General Provisions

B. Judicial Department Budget and Finance

C. County Finance

D. Money Paid into Court

SUBCHAPTER A  
GENERAL PROVISIONS

Sec.

3501. Definitions.

3502. Financial regulations.

3503. Penalties.

§ 3501. Definitions.

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

“Appropriated through the budget of the Judicial Department to a political subdivision.” An appropriation through the budget of the Judicial Department direct from the General Fund to the treasury of a political subdivision under circumstances where, except as provided by section 3726 (relating to manner of expenditure of local funds), the manner of the expenditure of the appropriation is within the control of officers of the political subdivision and the judges of the courts established for or embracing such political subdivision.

“Appropriated to the unified judicial system.” An appropriation to the Judicial Department other than one appropriated through the budget of the Judicial Department to a political subdivision.

“Budget respondent.” The courts, district justices, other agencies or units of the unified judicial system, the Director of Finance of the City of Philadelphia, the county controllers or county auditors of other counties of this Commonwealth, the Treasurer of the City of Pittsburgh, and any other government unit from which the Administrative Office is authorized to obtain information relating to the budget of the Judicial Department.

“Judicial and related functions.” All of the following functions:

- (1) Organization and operation of courts and district justices and all offices of system and related personnel.
- (2) Organization and operation of penal, correctional and probation facilities and services.

The term does not include any function relating to the detection of crime, the apprehension of persons suspected of criminal conduct (except in connection with the enforcement of bench warrants, injunctions or other judicial orders in specific matters), the maintenance of public peace or other police functions.

§ 3502. Financial regulations.

(a) General rule.—The governing authority may promulgate regulations relating to forms and accounting methods to be utilized in connection with funds appropriated to the unified judicial system and all fees, costs, grants, moneys paid into court and all other unappropriated funds handled by system and related personnel other than county staff, defining for such accounting purposes terms not otherwise defined in this title, specifying the time and manner of making remittances and disbursements of moneys by system and related personnel other than county staff, and fixing bonding requirements of system and related personnel other than county staff.

(b) County staff.—The Department of Community Affairs, with the approval of the governing authority, may promulgate regulations relating to forms and accounting methods to be utilized in connection with the judicial and related accounts to be maintained pursuant to this part, defining for accounting purposes terms not otherwise defined, used in this part in connection with judicial and related accounts, specifying the time and manner of making remittances and disbursements of moneys under this part by county staff and fixing bonding requirements of county staff handling moneys which are subject to this part.

**§ 3503. Penalties.**

Any person who fails to remit any fines, penalties, forfeitures, fees, cash or other moneys received by him within the time and in the manner specified by regulations promulgated pursuant to section 3502 (relating to financial regulations) or any person who willfully violates any such regulations commits a misdemeanor of the third degree.

**SUBCHAPTER B  
JUDICIAL DEPARTMENT BUDGET AND FINANCE**

**Sec.**

- 3521. Development of budget information.
- 3522. Preparation of tentative budget request.
- 3523. Adoption of final budget request.
- 3524. Form of Judicial Department appropriation.
- 3525. List of employees to be furnished.
- 3526. Release of funds.
- 3527. Estimates of current expenditures by Administrative Office.
- 3528. Fiscal period.
- 3529. Audits of affairs of unified judicial system.
- 3530. Preparation of requisitions.

**§ 3521. Development of budget information.**

(a) General rule.—The Administrative Office shall annually obtain and prepare information for the preparation of a budget for the Judicial Department within such time as to comply with the requirements of section 601 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929." The Administrative Office shall distribute to the courts, district justices, other agencies or units of the unified judicial system, the Director of Finance of the City and County of Philadelphia, the county controllers and county auditors of other counties of this Commonwealth, and the Treasurer of the City of Pittsburgh the proper blanks necessary for the preparation of the budget estimates, with a request that such blanks be returned with the information desired, not later than a date specified by the Administrative Office. Such blanks shall be in such form as shall be prescribed by the Administrative Office to procure, as to functions to be funded in whole or in part through appropriations through the budget of the Judicial Department, any or all information pertaining to the revenues and expenditures for the preceding fiscal years, and for the current fiscal year, the previous appropriations made by the General Assembly, the expenditures therefrom, encumbrances thereon, the amount unencumbered and unexpended, an itemized estimate of the revenues and expenditures of the current fiscal year, and for the succeeding year, and an estimate of the revenues and amounts needed for such functions. Such blanks shall also request the budget respondent to accompany them with a

statement in writing, giving the facts, and an explanation of and reasons for the estimates of receipts and expenditures for the succeeding year contained upon the blanks returned.

(b) **Duty to respond.**—It shall be the duty of each budget respondent to comply, not later than the date specified by the Administrative Office, with any and all requests made by the Administrative Office in connection with the budget.

(c) **Additional information.**—The Administrative Office may, under the direction of the governing authority, make further inquiries and investigations as to the financial needs, expenditures, estimates, or revenues, of any recipient of funds appropriated to the unified judicial system or through the budget of the Judicial Department to a political subdivision, including such information relating to judicial and related functions as the Administrative Office may specify.

§ 3522. Preparation of tentative budget request.

(a) **General rule.**—The Administrative Office shall collate and examine all information received pursuant to section 3521(a) (relating to development of budget information), shall consult with the governing authority and the Budget Secretary, and shall prepare and submit to the governing authority for review and approval a tentative budget request for the Judicial Department covering all funds appropriated to the unified judicial system or through the budget of the Judicial Department to a political subdivision.

(b) **Revision of information.**—The tentative budget request submitted by the Administrative Office may increase or decrease any amount submitted pursuant to section 3521(a). In such case the amount of such increase or decrease and the reasons therefor shall be specified in detail in a written report of the Administrative Office which shall be presented to the governing authority with the tentative budget and which shall be furnished to each affected budget respondent.

§ 3523. Adoption of final budget request.

(a) **General rule.**—The governing authority shall review the tentative budget request submitted by the Administrative Office pursuant to section 3522 (relating to preparation of tentative budget request). After giving opportunity for hearing to each budget respondent whose estimate submitted pursuant to section 3521(a) (relating to development of budget information) would be altered by the final budget request of the Judicial Department, the governing authority shall make such modifications in the tentative budget request of the Judicial Department as in its judgment are necessary or desirable, and shall adopt a final budget request of the Judicial Department for transmission to the Budget Secretary.

(b) **Transmission to Budget Secretary.**—Following adoption of a final budget request by the governing authority, the Administrative Office shall transmit such request to the Budget Secretary within the time and in the manner required by section 601 of the act of April 9, 1929 (P.L.177, No.175), known as “The Administrative Code of 1929.”

§ 3524. Form of Judicial Department appropriation.

The budget request of the Judicial Department shall be prepared in a manner comparable to the request of an administrative department.

§ 3525. List of employees to be furnished.

(a) General rule.—The Administrative Office shall, on June 15 of each year, transmit to the Department of the Auditor General, the Treasury Department, and the Budget Secretary a complete list, as of June 1 preceding, of the names of all persons, except day-laborers, entitled to receive compensation directly from the Commonwealth from funds appropriated to the unified judicial system. Such list shall show the position occupied by each such person, the date of birth and voting residence of such person, the salary at which or other basis upon which such person is entitled to be paid, the date when such person entered the service of the Commonwealth, whether such person has been continuously employed by the Commonwealth since that date and all periods of service and positions held as an employee of the Commonwealth, or such part of such information as the Governor may prescribe.

(b) Interim changes.—Each month thereafter, the Administrative Office shall certify to the Department of the Auditor General, the Treasury Department, and the Budget Secretary any changes in the annual list of employees last transmitted to them which shall have occurred during the preceding month.

(c) Public information.—The information received by the Department of the Auditor General, the Treasury Department, and the Budget Secretary under this section shall be public information.

§ 3526. Release of funds.

(a) General rule.—Each recipient of funds appropriated to the unified judicial system shall, from time to time, as requested by the Administrative Office, prepare and submit to the Administrative Office, for approval or disapproval by the governing authority, an estimate of the amount of money required for each activity or function to be carried on by such recipient during the ensuing month, quarter, or such other period as the governing authority shall prescribe. If such estimate does not meet with the approval of the governing authority, it shall be revised in accordance with the directions of the governing authority and resubmitted for approval.

(b) Observance of approved estimate.—After the approval of any such estimate, it shall be unlawful for the recipient of funds appropriated to the unified judicial system to expend any appropriation or part thereof, except in accordance with such estimate, unless the estimate is revised with the approval of the governing authority.

(c) Penalty.—If any recipient to which subsections (a) and (b) apply shall fail or refuse to submit to the Administrative Office estimates of expenditures as required by this section, the governing authority may order the Administrative Office to withhold disbursement of any funds appropriated to the unified judicial system for such recipient, and thereupon the Administrative Office shall withhold disbursement of any such funds until further order of the governing authority.

§ 3527. Estimates of current expenditures by Administrative Office.

The Administrative Office shall, from time to time, as requested by the Governor, prepare and submit to the Governor estimates of the amounts of money required for each activity or function to be carried on by the unified judicial system during the ensuing month, quarter, or such other period as the Governor shall prescribe.

§ 3528. Fiscal period.

All books and accounts kept by the Administrative Office and other personnel of the system shall be kept as of the fiscal year or period established by section 608 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929."

§ 3529. Audits of affairs of unified judicial system.

(a) General rule.—It shall be the duty of the judicial auditing agency to retain a certified public accountant to make all audits of transactions after their occurrence which may be necessary in connection with the administration of the financial affairs of the unified judicial system or of any functions of a political subdivision funded in whole or in part through the budget of the Judicial Department. At least one such audit shall be made each year and special audits may be made whenever they appear necessary in the judgment of the judicial auditing agency.

(b) Governmental audits.—Where the transactions specified in subsection (a) are audited by the Department of the Auditor General or by an official of a political subdivision charged with auditing responsibility, the judicial auditing agency shall accept a report thereof in lieu of the audit required by subsection (a) unless in the judgment of the judicial auditing agency the circumstances warrant an additional audit by a certified public accountant retained by the auditing agency.

(c) Scope.—Subsections (a) and (b) shall apply to fees, costs, grants, moneys paid into court and all other unappropriated funds handled by system and related personnel and to all funds appropriated to the Judicial Department.

(d) Definition.—As used in this section the term "judicial auditing agency" means a body established or designated by the governing authority as the judicial auditing agency for the purposes of this section. The judicial auditing agency shall include:

- (1) A judge of the Superior Court selected by the Superior Court.
- (2) A judge of the Commonwealth Court selected by the Commonwealth Court.
- (3) The President Judge of the Court of Common Pleas of Philadelphia County.
- (4) The President Judge of the Court of Common Pleas of Allegheny County.

§ 3530. Preparation of requisitions.

The Administrative Office shall prepare, or cause to be prepared by an officer of the interested government unit designated by the Administrative

Office, requisitions for moneys appropriated to the unified judicial system or appropriated through the budget of the Judicial Department to a political subdivision, and shall present such requisitions to the Treasury Department pursuant to section 1501 of the act of April 9, 1929 (P.L.343, No.176), known as "The Fiscal Code."

SUBCHAPTER C  
COUNTY FINANCE

Sec.

3541. Judicial and related account.

3542. Receipts.

3543. Credits to account.

3544. Disbursements.

3545. Debits to account.

3546. Relief from liability for loss of property if expenses not paid.

§ 3541. Judicial and related account.

The Treasurer of the City and County of Philadelphia, the treasurer of each other county of this Commonwealth, and the Treasurer of the City of Pittsburgh shall establish and maintain on the books of their respective political subdivisions an account to be known as the judicial and related account. The account shall exist for accounting purposes only and nothing in this part shall require the actual segregation of the moneys of the account from the general funds of the political subdivision.

§ 3542. Receipts.

(a) General rule.—There shall be paid to the respective political subdivisions required by this subchapter to maintain a judicial and related account all:

(1) Fees established under section 1725 (relating to establishment of fees and charges) to which a government agency is entitled and which by law have heretofore been paid or credited to such political subdivision.

(2) Costs which the political subdivision is entitled to receive pursuant to general rules prescribed under section 1726 (relating to establishment of taxable costs).

(3) Fines and forfeitures as follows:

(i) All fines forfeited, recognizances and other forfeitures imposed, lost or forfeited in the Pittsburgh Magistrates Court or the Pittsburgh Traffic Court shall be paid to the City of Pittsburgh.

(ii) All fines forfeited, recognizances and other forfeitures imposed, lost or forfeited for violation of any ordinance of any political subdivision, or which under 18 Pa.C.S. § 1101(b) (relating to disposition of fines) or under the act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code," or under any other statute, are to be paid to any specified political subdivision, shall be paid to such political subdivision.

(iii) All other fines forfeited, recognizances and other forfeitures imposed, lost or forfeited in the courts of common pleas, community



court or Philadelphia Municipal Court established for a judicial district embracing a county or in a magisterial district within the county, shall be paid to such county.

(4) Other amounts required by statute to be paid to a political subdivision.

(b) Allocation in multicounty districts.—In judicial districts embracing two or more counties the fines, forfeitures, fees and costs collected with respect to the court of common pleas or community court of the judicial district which cannot be identified with respect to a particular county shall be paid over to each county according to an allocation based on population in the ratio which the population of each of the several counties comprising the judicial district bears to the total population of the judicial district as last officially certified.

(c) Fines in the nature of private compensation.—The provisions of subsection (a) shall not affect the disposition of fines authorized by law to effect restitution, for the support of legal dependents, or otherwise for purposes not augmenting the public revenues.

§ 3543. Credits to account.

Each political subdivision required by this subchapter to maintain a judicial and related account shall credit to such account:

(1) Contributions and payments by the Federal Government for the maintenance of judicial and related functions of the political subdivisions.

(2) Appropriations by the General Assembly to the political subdivision for the maintenance of judicial and related functions of the political subdivision.

(3) Amounts received pursuant to section 3542 (relating to receipts).

(4) Income and receipts with respect to the operation of penal, correctional and probation facilities and services maintained by the political subdivision.

§ 3544. Disbursements.

(a) General rule.—There shall be paid by the respective political subdivisions required by this subchapter to maintain a judicial and related account:

(1) Salaries, fees and expenses of system and related personnel which by statute are required to be paid by the political subdivision.

(2) Salaries, fees and expenses of jurors, witnesses and all other persons paid under authority of law by the political subdivision for the maintenance of judicial and related functions.

(3) Any amounts required by statute to be paid to the Commonwealth from any of the sources of income specified in section 3542 (relating to receipts).

(b) Allocation in multicounty districts.—In judicial districts embracing two or more counties, the expenses of the court of common pleas and the community court of the judicial district, and the salary, fees

and expenses of the staff of such courts, except county staff, shall be paid by each county according to an allocation based on population in the ratio which the population of each of the several counties comprising the judicial district bears to the total population of the judicial district as last officially certified.

§ 3545. Debits to account.

(a) General rule.—Each political subdivision required by this subchapter to maintain a judicial and related account shall debit to such account:

(1) Amounts paid pursuant to section 3544 (relating to disbursements).

(2) Any amounts required by statute to be paid from any of the sources of income specified in section 3543 (relating to credits to account).

(b) Accommodations.—Expenses under this section include the costs of leased accommodations and the fair rental value of accommodations provided in facilities owned by the political subdivision.

§ 3546. Relief from liability for loss of property if expenses not paid.

Any officer enforcing orders of a tribunal shall be relieved from any liability for the loss, destruction, removal of or damage to any personal property, or for any injury to any real property, levied upon, seized or taken into possession by virtue of any process if the person lodging such process with him shall refuse to advance or secure upon demand the reasonable fees and expenses incident to the seizure, safe keeping and proper protection of such property.

#### SUBCHAPTER D MONEY PAID INTO COURT

Sec.

3561. Money paid into court.

§ 3561. Money paid into court.

All money paid into court shall be held in the custody of such officer, shall be invested in such manner, and shall be withdrawn from deposit, as shall be provided by general rules.

#### CHAPTER 37 FACILITIES AND SUPPLIES

Subchapter

- A. Statewide Facilities and Services
- B. District and County Facilities and Services

#### SUBCHAPTER A STATEWIDE FACILITIES AND SERVICES

Sec.

3701. Pennsylvania Judicial Center (Reserved).

- 3702. General facilities and services furnished by Administrative Office.
- 3703. Local chamber facilities.
- 3704. Local facilities for holding sessions of Statewide courts.

§ 3701. Pennsylvania Judicial Center (Reserved).

§ 3702. General facilities and services furnished by Administrative Office.

The Administrative Office, either directly or where appropriate in the case of equipment, materials and supplies, through the Department of General Services, shall furnish all personnel of the system entitled thereto with all necessary accommodations, goods and services which are not furnished by another government unit. Nothing in this section shall be construed to shift the liability for furnishing any accommodations, goods and services to the Commonwealth and where it is necessary for the Administrative Office to furnish any accommodations, goods or services for which the Commonwealth is not liable the cost thereof shall be paid by the defaulting government unit.

§ 3703. Local chamber facilities.

(a) General rule.—Each county shall furnish for each judge of the appellate courts of this Commonwealth who resides therein chamber facilities in conformity with general rules for such judge and his personal staff:

(1) in the county judicial center of such county; or

(2) if no such accommodations are available in the county judicial center, like accommodations in such building as may be selected by the county with the approval of the judge concerned.

(b) Exception.—Subsection (a) shall not apply to any county in which the Pennsylvania Judicial Center may be located.

§ 3704. Local facilities for holding sessions of Statewide courts.

(a) General rule.—The City and County of Philadelphia and the County of Allegheny shall furnish the personnel of the appellate courts of this Commonwealth with such accommodations and facilities as may be required by order of the governing authority.

(b) Exception.—Subsection (a) shall not apply to any county in which the Pennsylvania Judicial Center may be located.

## SUBCHAPTER B DISTRICT AND COUNTY FACILITIES AND SERVICES

Sec.

3721. County judicial center.

3722. General facilities and services furnished by county.

3723. Other facilities and services furnished by Administrative Office.

3724. County law libraries.

3725. Standards of local facilities and services.

3726. Manner of expenditure of local funds.

**§ 3721. County judicial center.**

(a) General rule.—There shall be maintained at the county seat of each county a facility known as the county judicial center. The facility shall provide accommodations and supporting facilities and services for the following functions, agencies and units of or related to the unified judicial system in conformity with general rules:

(1) One or more courtrooms for the holding of sessions of the court of common pleas of the district, including related conference and other facilities.

(2) Chamber facilities for judges of the court of common pleas and their personal staff.

(3) The office of the clerk of the court of common pleas of the district and the administrative staff of the court, including the offices of the prothonotary, clerk of the courts and clerk of the orphans' court division.

(4) The district court administrator.

(5) The county law library.

(6) The offices of jury commissioners, register of wills, sheriff, district attorney and public defender.

(7) The offices of the bar association of the county.

(8) In the City and County of Philadelphia, courtrooms, related conference and other facilities and chamber facilities for the minor judiciary.

(9) Such other functions, agencies and units of or related to the unified judicial system as may be designated by the governing authority.

(b) Multisite locations.—The facilities of the county judicial center may be located either at a common site or at multiple sites, as required by local circumstances and conditions.

**§ 3722. General facilities and services furnished by county.**

Except as otherwise provided by statute, each county shall continue to furnish to the court of common pleas and community court embracing the county, to the minor judiciary established for the county and to all personnel of the system, including central staff entitled thereto, located within the county, all necessary accommodations, goods and services which by law have heretofore been furnished by the county.

**§ 3723. Other facilities and services furnished by Administrative Office.**

The Administrative Office, either directly or where appropriate in the case of equipment, materials and supplies, through the Department of General Services, shall furnish all personnel of the system entitled thereto located within a county, with all necessary accommodations, goods and services which are not by section 3722 (relating to general facilities and services furnished by county) or any other provision of statute required to be or which have heretofore been furnished by another government unit.

**§ 3724. County law libraries.**

County law libraries, including libraries maintained by bar associations or independent library corporations, or both, shall receive from the county

such necessary funds, accommodations, goods and services, as shall be specified by general rules or orders adopted by the governing authority after consideration of the recommendations from time to time of the State Law Library. Any such general rules or orders shall take effect only in the manner provided by section 503(b) (relating to procedures). All such county law libraries shall be operated in conformity with general rules or rules of the court of common pleas of the judicial district embracing the county and shall be open to the general public.

§ 3725. Standards of local facilities and services.

All accommodations, goods and services furnished to personnel of the system by a county or any other government agency shall be furnished in conformity with general rules.

§ 3726. Manner of expenditure of local funds.

Notwithstanding any other provision of this title, unless and until otherwise provided by statute or by express order of the Supreme Court pursuant to and subject to the limitations of constitutional authority, the manner of the expenditure of moneys credited to the judicial and related account of a political subdivision, including moneys appropriated through the budget of the Judicial Department to a political subdivision, shall be within the control of officers of the political subdivision and the courts established for or embracing such political subdivision.

## PART V ADMINISTRATION OF JUSTICE GENERALLY

### Chapter

- 41. Administration of Justice
- 43. Dockets, Indices and Other Records
- 45. Juries and Jurors (Reserved)

## CHAPTER 41 ADMINISTRATION OF JUSTICE

### Subchapter

- A. General Provisions
- B. Temporary Assignment of Judges and District Justices
- C. Contempt of Court

## SUBCHAPTER A GENERAL PROVISIONS

### Sec.

4101. Coordination of activities.

§ 4101. Coordination of activities.

The several courts and district justices, all other system and related personnel, executive agencies and political subdivisions shall devise a practical and working basis for cooperation and coordination of activities,

facilitating the performance of their respective duties and eliminating duplicating and overlapping of functions, and shall, so far as practical, cooperate with each other in the use of employees, land, buildings, quarters, facilities, services and equipment. Any agency or unit of the unified judicial system may empower or require an employee of any other government unit, subject to the consent of such other government unit, to perform any duty which might be required by such agency or unit of the system of its own employees, and any other government unit may empower or require an employee of any agency or unit of the system, subject to the consent of such agency or unit of the system, to perform any duty which might be required by such other government unit of its own employees.

**SUBCHAPTER B**  
**TEMPORARY ASSIGNMENT OF JUDGES AND DISTRICT JUSTICES**

Sec.

- 4121. Assignment of judges.
- 4122. Assignment of district justices.
- 4123. Assignment procedure.

§ 4121. Assignment of judges.

(a) General rule.—Subject to general rules any judge may be temporarily assigned to another court and may there hear and determine any matter with like effect as if duly commissioned to sit in such other court.

(b) Senior judges.—(Reserved).

(c) Exception.—Only a judge who is a member of the bar of the Supreme Court shall be temporarily assigned to a court to which only members of the bar of the Supreme Court may be appointed or elected pursuant to section 3101 (relating to qualifications of judicial officers generally). A judge of the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia may be temporarily assigned to a magisterial district with the same effect as an assignment pursuant to section 4122 (relating to assignment of district justices).

§ 4122. Assignment of district justices.

Subject to general rules any district justice may be temporarily assigned to any other magisterial district or the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia, and may there hear and determine any matter with like effect as if duly commissioned to sit in such other district or in such court.

§ 4123. Assignment procedure.

The procedure for effecting temporary assignments of judges and district justices, the kind, amount and method of payment for travel, lodgings and subsistence, and all other matters related to such temporary assignments, shall be governed by general rules.

SUBCHAPTER C  
CONTEMPT OF COURT

Sec.

- 4131. Classification of penal contempts.
- 4132. Punishment for contempt.
- 4133. Imprisonment for failure to pay fine.
- 4134. Publication out of court.
- 4135. Criminal contempt.

§ 4131. Classification of penal contempts.

The power of the several courts of this Commonwealth to issue attachments and to inflict summary punishments for contempts of court shall be restricted to the following cases:

- (1) The official misconduct of the officers of such courts respectively.
- (2) Disobedience or neglect by officers, parties, jurors or witnesses of or to the lawful process of the court.
- (3) The misbehavior of any person in the presence of the court, thereby obstructing the administration of justice.

§ 4132. Punishment for contempt.

The punishment of imprisonment for contempt as provided in section 4131 (relating to classification of penal contempts) shall extend only to such contempts as shall be committed in open court, and all other contempts shall be punished by fine only.

§ 4133. Imprisonment for failure to pay fine.

The court may order the sheriff or other proper officer of any county to take into custody and commit to jail any person fined for a contempt, until such fine shall be paid or discharged. If such person shall be unable to pay such fine, he may be committed to prison by the court for not exceeding three months.

§ 4134. Publication out of court.

(a) General rule.—No publication out of court respecting the conduct of judges, district justices, other system or related personnel, jurors or participants in connection with any matter pending before any tribunal shall be construed as a contempt of court on the part of the author, publisher or other person connected with such publication.

(b) Civil and criminal liability not affected.—If any publication specified in subsection (a) shall improperly tend to bias the minds of the public, or of the tribunal, other system or related personnel, jurors or participants in connection with any matter pending before any tribunal, any person who may be aggrieved thereby may proceed against the persons responsible for the publication by appropriate civil or criminal action or proceeding as in other cases of wrongful publication.

§ 4135. Criminal contempt.

(a) General rule.—In all cases where a person shall be charged with indirect criminal contempt for violation of a restraining order or injunction

issued by a court or judge, the accused shall enjoy:

(1) The rights as to admission to bail that are accorded to persons accused of crime.

(2) The right to be notified of the accusation and a reasonable time to make a defense, provided the alleged contempt is not committed in the immediate view or presence of the court.

(3) (i) Upon demand, the right to a speedy and public trial by an impartial jury of the judicial district wherein the contempt shall have been committed.

(ii) The requirement of subparagraph (i) shall not be construed to apply to contempts committed in the presence of the court or so near thereto as to interfere directly with the administration of justice, or to apply to the misbehavior, misconduct, or disobedience of any officer of the court in respect to the writs, orders, or process of the court.

(4) The right to file with the court a demand for the retirement of the judge sitting in the proceeding, if the contempt arises from an attack upon the character or conduct of such judge, and if the attack occurred otherwise than in open court. Upon the filing of any such demand, the judge shall thereupon proceed no further but another judge shall be designated by the court. The demand shall be filed prior to the hearing in the contempt proceeding.

(b) Punishment.—Punishment for a contempt specified in subsection (a) may be by fine not exceeding \$100 or by imprisonment not exceeding 15 days in the jail of the county where the court is sitting, or both, in the discretion of the court. Where a person is committed to jail for the nonpayment of such a fine, he shall be discharged at the expiration of 15 days, but where he is also committed for a definite time, the 15 days shall be computed from the expiration of the definite time.

## CHAPTER 43 DOCKETS, INDICES AND OTHER RECORDS

### Subchapter

- A. Establishment, Maintenance and Effect of Judicial Records
- B. Disposition of Obsolete Records

### SUBCHAPTER A ESTABLISHMENT, MAINTENANCE AND EFFECT OF JUDICIAL RECORDS

#### Sec.

- 4301. Establishment and maintenance of judicial records.
- 4302. Effect of records as notice.
- 4303. Effect of judgment as lien.
- 4304. Notice of Federal pending actions (Reserved).
- 4305. Federal judgments.
- 4306. Enforcement of foreign judgments.



§ 4301. Establishment and maintenance of judicial records.

(a) General rule.—All system and related personnel shall establish and maintain such records as shall be required by law.

(b) Supervision by Administrative Office.—All system and related personnel engaged in clerical functions shall establish and maintain all dockets, indices and other records and make and file such entries and reports, at such times, in such manner and pursuant to such procedures and standards as may be prescribed by the Administrative Office of Pennsylvania Courts with the approval of the governing authority. All such procedures and standards shall be uniform to the maximum extent practicable so as to facilitate the temporary assignment of personnel of the system, other than county staff, within the unified judicial system.

§ 4302. Effect of records as notice.

(a) Real property.—Except as otherwise provided by law, every document affecting title to or any other interest in real property situated in any county which is filed in the office of the clerk of the court of common pleas of the county, or in the office of the clerk of the branch of the court of common pleas embracing such county in the manner required by the laws, procedures or standards in effect at the date of such filing shall be constructive notice to all persons of the filing and full contents of such document.

(b) Other documents.—Documents relating to the pendency of a matter before any court filed in the office of the clerk of any court or other office within or related to and serving the unified judicial system shall be constructive notice to such persons, of such information and for such duration as may be provided or prescribed by statute or by general rule adopted pursuant to section 1722(b) (relating to enforcement and effect of orders and process).

§ 4303. Effect of judgment as lien.

(a) General rule.—Any judgment or other order of a court of common pleas for the payment of money shall be a lien upon real property situated in a county on the conditions, to the extent and with the priority provided or prescribed by statute or by general rule adopted pursuant to section 1722(b) (relating to enforcement and effect of orders and process) when it is entered of record in the office of the clerk of the court of common pleas of the county, or in the office of the clerk of the branch of the court of common pleas embracing such county. Any other order of a court of common pleas shall be a lien upon real and personal property situated within any county embraced within the judicial district on the conditions, to the extent and with the priority provided or prescribed by statute or general rule adopted pursuant to section 1722(b).

(b) Transfer of domestic judgments.—An order of any court of this Commonwealth which is a lien on property situated within any county of this Commonwealth pursuant to subsection (a) shall be a lien upon property situated within any other county to the same extent as if resulting from an order of the court of common pleas of such other county upon

compliance with such transfer and filing procedures as may be prescribed by general rule.

§ 4304. Notice of Federal pending actions (Reserved).

§ 4305. Federal judgments.

(a) General rule.—Every judgment of a United States district court within this Commonwealth shall, as provided by 28 United States Code § 1962 (relating to lien), be a lien on property located within this Commonwealth in the same manner, to the same extent and under the same conditions as a judgment of a court of common pleas of this Commonwealth and shall cease to be a lien in the same manner and time.

(b) Authorization for filing of Federal judgments entered in other districts.—Any judgment of a United States district court established for a district embracing counties of this Commonwealth other than the county in which the property is located may be registered, recorded, filed, docketed, indexed or otherwise conformed to the rules and requirements relating to judgments of the courts of common pleas.

§ 4306. Enforcement of foreign judgments.

(a) Short title of section.—This section shall be known and may be cited as the “Uniform Enforcement of Foreign Judgments Act.”

(b) Filing and status of foreign judgments.—A copy of any foreign judgment including the docket entries incidental thereto authenticated in accordance with act of Congress or this title may be filed in the office of the clerk of any court of common pleas of this Commonwealth. The clerk shall treat the foreign judgment in the same manner as a judgment of any court of common pleas of this Commonwealth. A judgment so filed shall be a lien as of the date of filing and shall have the same effect and be subject to the same procedures, defenses and proceedings for reopening, vacating, or staying as a judgment of any court of common pleas of this Commonwealth and may be enforced or satisfied in like manner.

(c) Notice of filing.—

(1) At the time of the filing of the foreign judgment, the judgment creditor or his attorney shall make and file with the office of the clerk of the court of common pleas an affidavit setting forth the name and last known post office address of the judgment debtor, and the judgment creditor. In addition, such affidavit shall include a statement that the foreign judgment is valid, enforceable and unsatisfied.

(2) Promptly upon the filing of the foreign judgment and the affidavit, the clerk shall mail notice of the filing of the foreign judgment to the judgment debtor at the address given and shall make a note of the mailing in the docket. The notice shall include the name and post office address of the judgment creditor and the attorney for the judgment creditor, if any, in this Commonwealth. In addition, the judgment creditor may mail a notice of the filing of the judgment to the judgment debtor and may file proof of mailing with the clerk. Lack of mailing notice of filing by the clerk shall not affect the enforcement proceedings if proof of mailing by the judgment creditor has been filed.

(d) Stay.—

(1) If the judgment debtor shows the court of common pleas that an appeal from the foreign judgment is pending or will be taken, or that a stay of execution has been granted, the court shall stay enforcement of the foreign judgment until the appeal is concluded, the time for appeal expires, or the stay of execution expires or is vacated, upon proof that the judgment debtor has furnished the security for the satisfaction of the judgment required by the State in which it was rendered.

(2) If the judgment debtor shows the court of common pleas any ground upon which enforcement of a judgment of any court of common pleas of this Commonwealth would be stayed, the court shall stay enforcement of the foreign judgment for an appropriate period, upon requiring the same security for satisfaction of the judgment which is required in this Commonwealth.

(e) Optional procedure.—The right of a judgment creditor to bring an action to enforce his judgment instead of proceeding under this section remains unimpaired.

(f) Definition.—As used in this section “foreign judgment” means any judgment, decree, or order of a court of the United States or of any other court requiring the payment of money which is entitled to full faith and credit in this Commonwealth.

## SUBCHAPTER B DISPOSITION OF OBSOLETE RECORDS

Sec.

- 4321. Record retention schedules.
- 4322. Destruction and disposition of obsolete records.
- 4323. Form of permanent recordation.
- 4324. Copies of destroyed records.
- 4325. Duplicate permanent records.
- 4326. Original records meriting special care.
- 4327. Transfer of custody to local museum upon application.

§ 4321. Record retention schedules.

(a) General rule.—The governing authority, after consultation with the County Records Committee, shall by general rule prescribe schedules setting forth the conditions under which the records provided for in Subchapter A (relating to establishment, maintenance and effect of judicial records) may be disposed of, either with or without the establishment of a permanent copy thereof.

(b) Requirements for schedules.—Such schedules shall distinguish clearly between records of temporary value and records of permanent value, and no schedule shall be prescribed or revised which will permit the destruction of records of permanent value unless a permanent copy thereof is required to be maintained as provided in this subchapter. Such schedules insofar as they affect the records maintained by related staff, shall be

consistent with the schedules prescribed by the County Records Committee.

§ 4322. Destruction and disposition of obsolete records.

(a) General rule.—Any person required to maintain records pursuant to Subchapter A (relating to establishment, maintenance and effect of judicial records) may destroy such records in conformity with this subchapter and the general rules prescribed hereunder. No such person shall be held liable on his official bond, or in the way of damages for loss, or in any other manner, civil or criminal, because of the destruction of records as authorized pursuant to this subchapter.

(b) Historical documents.—Any original records which are of historical value as may be determined by the City Archivist, in the case of City and County of Philadelphia, or by the Pennsylvania Historical and Museum Commission, in the case of any other county, shall be transferred to the Pennsylvania Historical and Museum Commission or to such other depositories as may be designated by the commission.

§ 4323. Form of permanent recordation.

Records which are classified as records of permanent value shall, prior to destruction or other removal from the office of the person having custody thereof, be processed in conformity with general rules so that they may be reproduced by any photostatic, photographic, microphotographic, microfilm, video tape, magnetic tape, or other mechanical process which produces a clear, accurate and permanent copy, microcopy or reproduction of the original, in accordance with standards not less than those approved for permanent records by the National Bureau of Standards.

§ 4324. Copies of destroyed records.

The photostatic, photographic, microphotographic, microfilmed or otherwise reproduced copy of any record destroyed or disposed of as authorized pursuant to this subchapter, or a certified copy thereof, shall be admissible in evidence in any matter, and shall have the same force and effect as though the original record had been produced and proved. It shall be the duty of the person who would have had custody of the original record, had it not been destroyed pursuant to law, to prepare enlarged, typed or photographic copies of such reproduced records whenever their production is required.

§ 4325. Duplicate permanent records.

In order to provide insurance for the more actively used working copies against damage or loss through wear or disaster, duplicate copies of all permanent records designated by the Administrative Office shall be maintained at such locations as shall be approved by the Administrative Office. Such designations insofar as they relate to the records maintained by related staff, shall be subject to the approval of the County Records Committee.

§ 4326. Original records meriting special care.

If, in the opinion of the person having custody of an original record, such

original possesses sufficient value that it merits special care, he shall make a permanent copy of the record, which shall be officially certified and placed on file in lieu of the original record, and, with the approval of the Administrative Office, he shall transfer the original to the custody of such officer as shall be designated by the Administrative Office for permanent preservation.

§ 4327. Transfer of custody to local museum upon application.

(a) General rule.—Any nonprofit public, quasi-public, or private association or corporation situated within the county where the historical documents are filed, which maintains a museum, building or facilities used for the exhibit of historical writings, and which shall have adequate facilities for the display and preservation of such documents, may petition the court of common pleas of the judicial district embracing the county wherein such document or documents are filed for the transfer of the custody of such documents for the purpose of their public display. Upon the filing of any petition, the court shall fix a time for a hearing, and prescribe such notice to be given as shall acquaint similar organizations with the filing of the petition. Any other association or corporation meeting the requirements of this subsection may intervene in the proceedings with the same effect as if it had been the original petitioner, and the court, after hearing, may award custody of any historical document or documents to any of the petitioners for such term and upon such conditions as the court shall prescribe.

(b) Permanent copy substituted for original.—Upon the granting of a petition transferring custody of any historical documents, the officer from whose custody it was removed shall substitute in his files a certified permanent copy of such document, which shall be of the same force and effect as the original document.

(c) Petition for return of document.—The appropriate county officer may at any time, without cause, petition the court for the return of any historical document, the custody of which had been previously transferred to any person pursuant to subsection (a).

(d) Order for return on motion of court.—The court, after having taken jurisdiction of the transfer of any historical document, may, without cause, and upon its own motion, order the person having such temporary custody to return such document to the appropriate office wherein it had been originally filed.

(e) Definition.—As used in this section “historical document” means any document formerly belonging to a decedent or any other person, which document is more than 50 years old and which is in the custody of a register of wills, the recorder of deeds, the clerk of any court or the prothonotary, except documents relating to adoption, divorce or custody.

CHAPTER 45  
JURIES AND JURORS  
(Reserved)

PART VI  
ACTIONS, [AND] PROCEEDINGS *AND OTHER MATTERS*  
GENERALLY

Chapter

- 51. Preliminary Provisions
- 53. Bases of Jurisdiction and Interstate and International Procedure
- 55. Limitation of Time
- 57. Bonds and Recognizances
- 59. Depositions and Witnesses
- 61. Rules of Evidence
- 63. Juvenile Matters
- 65. Habeas Corpus
- 67. Support Proceedings

CHAPTER 51  
PRELIMINARY PROVISIONS

Sec.

- 5101. Remedy to exist for legal injury.
- 5102. Place and form of filing applications for relief.
- 5103. Transfer of erroneously filed matters.
- 5104. Trial by jury.
- 5105. Right to appellate review.
- 5106. Change of venue.

§ 5101. Remedy to exist for legal injury.

(a) General rule.—Every person for a legal injury done him in his lands, goods, person, or reputation shall have remedy by due course of law, and right and justice administered without sale, denial or delay.

(b) No waiver of sovereign immunity.—The provisions of subsection (a) shall not be construed as a waiver by the Commonwealth of immunity to suit.

§ 5102. Place and form of filing applications for relief.

Applications for relief to any court under section 5101 (relating to remedy to exist for legal injury) or under any other provision of law, or documents relating to a matter before a district justice, shall be filed in such office and in such form as may be prescribed by general rule or rule of court.

§ 5103. Transfer of erroneously filed matters.

(a) General rule.—If an appeal or other matter is taken to or brought in a court or magisterial district which does not have jurisdiction of the appeal or other matter, the court or district justice shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper court or magisterial district of this Commonwealth, where the appeal or other matter shall be treated as if originally filed in the transferee court or magisterial district on the date first filed in a court or magisterial district.

(b) Federal cases.—Subsection (a) shall also apply to any matter transferred or remanded by any United States district court for a district embracing any part of this Commonwealth.

(c) Interdivisional transfers.—If an appeal or other matter is taken to, brought in, or transferred to a division of a court to which such matter is not allocated by law, the court shall not quash such appeal or dismiss the matter, but shall transfer the record thereof to the proper division of the court, where the appeal or other matter shall be treated as if originally filed in the transferee division on the date first filed in a court or magisterial district.

§ 5104. Trial by jury.

(a) General rule.—Trial by jury shall be as heretofore, and the right thereof shall remain inviolate. Trial by jury may be waived in the manner prescribed by general rules.

(b) Civil verdicts.—In any civil case a verdict rendered by at least five-sixths of the jury shall be the verdict of the jury and shall have the same effect as a unanimous verdict of the jury.

§ 5105. Right to appellate review.

(a) General rule.—There is a right of appeal under this subsection from the final order (including an order defined as a final order by general rule) of every:

(1) Court or district justice of this Commonwealth to the court having jurisdiction of such appeals.

(2) Government unit which is an administrative agency within the meaning of section 9 of Article V of the Constitution of Pennsylvania to the court having jurisdiction of such appeals. An order is appealable under this paragraph notwithstanding the fact that it is not appealable under the act of June 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency Law," or the act of December 2, 1968 (P.L.1133, No.353), known as the "Local Agency Law."

(b) Successive appeals.—Except as otherwise provided in this subsection, the rights conferred by subsection (a) are cumulative, so that a litigant may as a matter of right cause a final order of any tribunal in any matter which itself constitutes an appeal to such tribunal, to be further reviewed by the court having jurisdiction of appeals from such tribunal. Except as provided in section 723 (relating to appeals from the Commonwealth Court) there shall be no right of appeal from the Superior Court or the Commonwealth Court to the Supreme Court under this section or otherwise.

(c) Interlocutory appeals.—There shall be a right of appeal from such interlocutory orders of tribunals and other government units as may be specified by law. The governing authority shall be responsible for a continuous review of the operation of section 702(b) (relating to interlocutory appeals by permission) and shall from time to time establish by general rule rights to appeal from such classes of interlocutory orders, if any, from which appeals are regularly allowed pursuant to section 702(b).

## (d) Scope of appeal.—

(1) Except as otherwise provided in this subsection an appeal under this section shall extend to the whole record, with like effect as upon an appeal from a judgment entered upon the verdict of a jury in an action at law and the scope of review of the order shall not be limited as on broad or narrow certiorari.

(2) An order which is appealable by reason of subsection (a)(2), but which would not be appealable under the act of June 4, 1945 (P.L.1388, No.442), known as the “Administrative Agency Law,” or the act of December 2, 1968 (P.L.1133, No.353), known as the “Local Agency Law,” or under any other corresponding provision of law, shall not be reversed or modified on appeal unless the appellant would be entitled to equivalent relief upon an action in the nature of equity, replevin, mandamus or quo warranto or upon a petition for declaratory judgment or for a writ of certiorari or prohibition or otherwise objecting to such order.

(3) Nothing in this subsection shall supersede any general rule or rule of court or any unsuspended statute authorizing or requiring an appellate court to receive additional evidence or to hear the appeal de novo.

(4) Except as otherwise provided by general rule, an appeal from a final order of the minor judiciary shall be de novo under procedures established by general rule.

(e) Supersedeas.—An appeal shall operate as a supersedeas to the extent and upon the conditions provided or prescribed by law.

## § 5106. Change of venue.

The power to change the venue in civil and criminal cases shall be vested in the courts, to be exercised in such manner as shall be provided or prescribed by law.

CHAPTER 53  
BASES OF JURISDICTION AND INTERSTATE  
AND INTERNATIONAL PROCEDURE

## Subchapter

- A. General Provisions
- B. Interstate and International Procedure

SUBCHAPTER A  
GENERAL PROVISIONS

## Sec.

- 5301. Persons.
- 5302. Land.
- 5303. Chattels.
- 5304. Documents.
- 5305. Corporate shares.
- 5306. Obligations.
- 5307. Status.



**§ 5301. Persons.**

(a) General rule.—The existence of any of the following relationships between a person and this Commonwealth shall constitute a sufficient basis of jurisdiction to enable the tribunals of this Commonwealth to exercise general personal jurisdiction over such person, or his personal representative in the case of an individual, and to enable such tribunals to render personal orders against such person or representative:

(1) Individuals.—

(i) Presence in this Commonwealth at the time when process is served.

(ii) Domicile in this Commonwealth at the time when process is served.

(iii) Consent, to the extent authorized by the consent.

(2) Corporations.—

(i) Incorporation under the laws of this Commonwealth.

(ii) Consent, to the extent authorized by the consent.

(iii) The carrying on of a continuous and systematic part of its general business within this Commonwealth.

(3) Partnerships, limited partnerships, partnership associations, professional associations, unincorporated associations and similar entities.—

(i) Formation under the laws of this Commonwealth.

(ii) Consent, to the extent authorized by the consent.

(iii) The carrying on of a continuous and systematic part of its general business within this Commonwealth.

(b) Scope of jurisdiction.—When jurisdiction over a person is based upon this section any cause of action may be asserted against him, whether or not arising from acts enumerated in this section.

**§ 5302. Land.**

The tribunals of this Commonwealth shall have jurisdiction over land situated within this Commonwealth whether or not the persons owning or claiming interests therein are subject to the jurisdiction of the tribunals of this Commonwealth.

**§ 5303. Chattels.**

The tribunals of this Commonwealth shall have jurisdiction over chattels situated within this Commonwealth whether or not the persons owning or claiming interests therein are subject to the jurisdiction of the tribunals of this Commonwealth.

**§ 5304. Documents.**

The tribunals of this Commonwealth shall have jurisdiction over documents which are within this Commonwealth whether or not the persons owning or claiming interests therein are subject to the jurisdiction of the tribunals of this Commonwealth.

**§ 5305. Corporate shares.**

The tribunals of this Commonwealth shall have jurisdiction, whether or not the persons owning or claiming interests in the shares or share

certificates are subject to the jurisdiction of the tribunals of this Commonwealth:

(1) Over shares in a corporation incorporated under the laws of this Commonwealth (subject to the limitations of the act of April 6, 1953 (P.L.3, No.1), known as the "Uniform Commercial Code").

(2) Over share certificates which are located within this Commonwealth.

(3) Over shares in a corporation represented by share certificates located within this Commonwealth if the law of the jurisdiction of incorporation embodies the share in the share certificates.

#### § 5306. Obligations.

The tribunals of this Commonwealth shall have jurisdiction over obligations owed by persons who are subject to the jurisdiction of the tribunals of this Commonwealth whether or not the persons to whom the obligations are owed are subject to the jurisdiction of the tribunals of this Commonwealth.

#### § 5307. Status.

The judicial jurisdiction over status granted to the courts of this Commonwealth by the Constitution and statutes of this Commonwealth may be exercised:

(1) to the extent permitted by the Constitution of the United States, except as limited by the Constitution and laws of this Commonwealth; and

(2) in the manner permitted by the laws of this Commonwealth.

### SUBCHAPTER B

#### INTERSTATE AND INTERNATIONAL PROCEDURE

Sec.

5321. Short title of subchapter.

5322. Bases of personal jurisdiction over persons outside this Commonwealth.

5323. Service of process on persons outside this Commonwealth.

5324. Assistance to tribunals and litigants outside this Commonwealth with respect to service.

5325. When and how a deposition may be taken outside this Commonwealth.

5326. Assistance to tribunals and litigants outside this Commonwealth with respect to depositions.

5327. Determination of foreign law.

5328. Proof of official records.

5329. Other provisions of law unaffected.

#### § 5321. Short title of subchapter.

This subchapter shall be known and may be cited as the "Uniform Interstate and International Procedure Act."

§ 5322. Bases of personal jurisdiction over persons outside this Commonwealth.

(a) General rule.—A tribunal of this Commonwealth may exercise personal jurisdiction over a person (or the personal representative of a deceased individual who would be subject to jurisdiction under this subsection if not deceased) who acts directly or by an agent, as to a cause of action or other matter arising from such person:

(1) Transacting any business in this Commonwealth. Without excluding other acts which may constitute transacting business in this Commonwealth, any of the following shall constitute transacting business for the purposes of this paragraph:

(i) The doing by any person in this Commonwealth of a series of similar acts for the purpose of thereby realizing pecuniary benefit or otherwise accomplishing an object.

(ii) The doing of a single act in this Commonwealth for the purpose of thereby realizing pecuniary benefit or otherwise accomplishing an object with the intention of initiating a series of such acts.

(iii) The shipping of merchandise directly or indirectly into or through this Commonwealth.

(iv) The engaging in any business or profession within this Commonwealth, whether or not such business requires license or approval by any government unit of this Commonwealth.

(v) The ownership, use or possession of any real property situate within this Commonwealth.

(2) Contracting to supply services or things in this Commonwealth.

(3) Causing harm or tortious injury by an act or omission in this Commonwealth.

(4) Causing harm or tortious injury in this Commonwealth by an act or omission outside this Commonwealth.

(5) Having an interest in, using, or possessing real property in this Commonwealth.

(6) Contracting to insure any person, property, or risk located within this Commonwealth at the time of contracting, or being a person who controls, or who is a director, officer, employee or agent of a person who controls, an insurance company incorporated in this Commonwealth.

(7) Accepting appointment or exercising powers under the authority of this Commonwealth as a:

(i) Personal representative of a decedent.

(ii) Guardian of a minor or incompetent.

(iii) Trustee or other fiduciary.

(8) Executing any bond of any of the persons specified in paragraph (7).

(9) Making application to any government unit for any certificate, license, permit, registration or similar instrument or authorization or exercising any such instrument or authorization.

(10) Committing any violation within the jurisdiction of this Commonwealth of any statute, home rule charter, local ordinance or resolution, or rule or regulation promulgated thereunder by any government unit.

(b) Exercise of full constitutional power over nonresidents.—In addition to the provisions of subsection (a) the jurisdiction of the tribunals of this Commonwealth shall extend to all persons who are not within the scope of section 5301 (relating to persons) to the fullest extent allowed under the Constitution of the United States and may be based on the most minimum contact with this Commonwealth allowed under the Constitution of the United States.

(c) Scope of jurisdiction.—When jurisdiction over a person is based solely upon this section, only a cause of action or other matter arising from acts enumerated in subsection (a), or from acts forming the basis of jurisdiction under subsection (b), may be asserted against him.

(d) Service outside this Commonwealth.—When the exercise of personal jurisdiction is authorized by this section, service of process may be made outside this Commonwealth.

(e) Inconvenient forum.—When a tribunal finds that in the interest of substantial justice the matter should be heard in another forum, the tribunal may stay or dismiss the matter in whole or in part on any conditions that may be just.

§ 5323. Service of process on persons outside this Commonwealth.

(a) Manner of service.—When the law of this Commonwealth authorizes service of process outside this Commonwealth, the service, when reasonably calculated to give actual notice, may be made:

(1) By personal delivery in the manner prescribed for service within this Commonwealth.

(2) In the manner provided or prescribed by the law of the place in which the service is made for service in that place in an action in any of its courts of general jurisdiction.

(3) By any form of mail addressed to the person to be served and requiring a signed receipt.

(4) As directed by the foreign authority in response to a letter rogatory.

(5) As directed by a court.

(b) Proof of service.—Proof of service outside this Commonwealth may be made by affidavit of the individual who made the service or in the manner provided or prescribed by the law of this Commonwealth, the order pursuant to which the service is made, or the law of the place in which the service is made for proof of service in an action in any of its courts of general jurisdiction. When service is made by mail, proof of service shall include a receipt signed by the addressee or other evidence of personal delivery to the addressee satisfactory to the tribunal.

(c) Individuals eligible to make service.—Service outside this Commonwealth may be made by an individual permitted to make service

of process under the law of this Commonwealth or under the law of the place in which the service is made or who is designated by a tribunal of this Commonwealth.

(d) Certain individuals to be served.—When the law of this Commonwealth requires that in order to effect service one or more designated individuals be served, service outside this Commonwealth under section 5322 (relating to bases of personal jurisdiction over persons outside this Commonwealth) must be made upon the designated individual or individuals.

§ 5324. Assistance to tribunals and litigants outside this Commonwealth with respect to service.

(a) General rule.—A court of record of this Commonwealth may order service upon any person who is domiciled or can be found within this Commonwealth of any document issued in connection with a matter in a tribunal outside this Commonwealth. The order may be made upon application of any interested person or in response to a letter rogatory issued by a tribunal outside this Commonwealth and shall direct the manner of service.

(b) Court order not necessary.—Service in connection with a matter in a tribunal outside this Commonwealth may be made within this Commonwealth without an order of court.

(c) Effect on recognition of order.—Service under this section does not, of itself, require the recognition or enforcement of an order rendered outside this Commonwealth.

§ 5325. When and how a deposition may be taken outside this Commonwealth.

(a) General rule.—A deposition to obtain testimony or documents or other things in a matter pending in this Commonwealth may be taken outside this Commonwealth:

(1) On reasonable notice in writing to all parties, setting forth the time and place for taking the deposition, the name and address of each person to be examined, if known, and if not known, a general description sufficient to identify him or the particular class or group to which he belongs and the name or descriptive title of the person before whom the deposition will be taken. The deposition may be taken before a person authorized to administer oaths in the place in which the deposition is taken by the law thereof or by the law of this Commonwealth or the United States.

(2) Before a person commissioned by the tribunal of this Commonwealth. The person so commissioned has the power by virtue of his commission to administer any necessary oath.

(3) Pursuant to a letter rogatory issued by the court. A letter rogatory may be addressed “To the Appropriate Authority in (here name the state or country).”

(4) In any manner before any person, at any time or place, or upon any notice stipulated by the parties. A person designated by the

stipulation has the power by virtue of his designation to administer any necessary oath.

(b) Commission or letter rogatory.—A commission or a letter rogatory shall be issued after notice and application to the court, and on terms that are just and appropriate. It is not requisite to the issuance of a commission or a letter rogatory that the taking of the deposition in any other manner is impracticable or inconvenient, and both a commission and a letter rogatory may be issued in proper cases. Evidence obtained in a foreign country in response to a letter rogatory need not be excluded merely for the reason that it is not a verbatim transcript or that the testimony was not taken under oath or for any similar departure from the requirements for depositions taken within this Commonwealth.

(c) Deposition prior to commencement of matter.—When no matter is pending, a tribunal of this Commonwealth may authorize a deposition to be taken outside this Commonwealth of any person regarding any matter that may be cognizable in any tribunal of this Commonwealth. Subject to general rules, the tribunal may prescribe the manner in which and the terms upon which the deposition shall be taken.

§ 5326. Assistance to tribunals and litigants outside this Commonwealth with respect to depositions.

(a) General rule.—A court of record of this Commonwealth may order a person who is domiciled or is found within this Commonwealth to give his testimony or statement or to produce documents or other things for use in a matter pending in a tribunal outside this Commonwealth. The order may be made upon the application of any interested person or in response to a letter rogatory and may prescribe the practice and procedure, which may be wholly or in part the practice and procedure of the tribunal outside this Commonwealth, for taking the testimony or statement or producing the documents or other things. To the extent that the order does not prescribe otherwise, the practice and procedure shall be in accordance with that of the court of this Commonwealth issuing the order. The order may direct that the testimony or statement be given, or document or other thing produced, before a person appointed by the court. The person appointed shall have power to administer any necessary oath.

(b) Voluntary compliance.—A person within this Commonwealth may voluntarily give his testimony or statement or produce documents or other things for use in a matter before a tribunal outside this Commonwealth.

§ 5327. Determination of foreign law.

(a) Notice.—A party who intends to raise an issue concerning the law of any jurisdiction or governmental unit thereof outside this Commonwealth shall give notice in his pleadings or other reasonable written notice.

(b) Materials to be considered.—In determining the law of any jurisdiction or governmental unit thereof outside this Commonwealth, the tribunal may consider any relevant material or source, including

testimony, whether or not submitted by a party or admissible under the rules of evidence.

(c) Court decision and review.—The court, not jury, shall determine the law of any governmental unit outside this Commonwealth. The determination of the tribunal is subject to review on appeal as a ruling on a question of law.

§ 5328. Proof of official records.

(a) Domestic record.—An official record kept within the United States, or any state, district, commonwealth, territory, insular possession thereof, or the Panama Canal Zone, the Trust Territory of the Pacific Islands, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied by a certificate that the officer has the custody. The certificate may be made by a judge of a court of record having jurisdiction in the governmental unit in which the record is kept, authenticated by the seal of the court, or by any public officer having a seal of office and having official duties in the governmental unit in which the record is kept, authenticated by the seal of his office.

(b) Foreign record.—A foreign official record, or an entry therein, when admissible for any purpose, may be evidenced by an official publication or copy thereof, attested by a person authorized to make the attestation, and accompanied by a final certification as to the genuineness of the signature and official position:

- (1) of the attesting person; or
- (2) of any foreign official whose certificate of genuineness of signature and official position either:
  - (i) relates to the attestation; or
  - (ii) is in a chain of certificates of genuineness of signature and official position relating to the attestation.

A final certification may be made by a secretary of embassy or legation, consul general, consul, vice consul, or consular agent of the United States, or a diplomatic or consular official of the foreign country assigned or accredited to the United States. If reasonable opportunity has been given to all parties to investigate the authenticity and accuracy of the documents, the tribunal may, for good cause shown, admit an attested copy without final certification or permit the foreign official record to be evidenced by an attested summary with or without a final certification.

(c) Alternative method for certain domestic and foreign records.—The statutes, codes, written laws, executive acts, or legislative or judicial proceedings of any domestic or foreign jurisdiction or governmental unit thereof may also be evidenced by any publication proved to be commonly accepted as proof thereof in the tribunals having jurisdiction in that governmental unit.

(d) Lack of record.—A written statement that after diligent search no record or entry of a specified tenor is found to exist in the records

designated by the statement, authenticated as provided in this section in the case of a domestic record, or complying with the requirements of this section for a summary in the case of a record in a foreign country, is admissible as evidence that the records contain no such record or entry. § 5329. Other provisions of law unaffected.

Except as otherwise provided in this subchapter, this subchapter does not repeal or modify any law of this Commonwealth:

(1) Authorizing the exercise of jurisdiction on any basis other than the bases specified in section 5322 (relating to bases of personal jurisdiction over persons outside this Commonwealth).

(2) Permitting a procedure for service or for obtaining testimony, documents, or other things for use in this Commonwealth or in a tribunal outside this Commonwealth other than the procedures prescribed in section 5323 (relating to service of process on persons outside this Commonwealth) through section 5326 (relating to assistance to tribunals and litigants outside this Commonwealth with respect to depositions).

(3) Authorizing the determination of foreign law or the proof of official records or any entry or lack of entry therein by any method other than the methods prescribed in section 5327 (relating to determination of foreign law) and section 5328 (relating to proof of official records).

## CHAPTER 55 LIMITATION OF TIME

### Subchapter

- A. General Provisions
- B. Civil Actions and Proceedings
- C. Criminal Proceedings
- D. Appeals

## SUBCHAPTER A GENERAL PROVISIONS

### Sec.

- 5501. Scope of chapter.
- 5502. Method of computing periods of limitation generally.
- 5503. Commencement of matters.
- 5504. Judicial extension of time.
- 5505. Modification of orders.

### § 5501. Scope of chapter.

(a) General rule.—An action, proceeding or appeal must be commenced within the time specified in or pursuant to this chapter unless in the case of an action or proceeding a different time is prescribed by this title or another statute or, in the case of a civil action or proceeding, a shorter time which is not manifestly unreasonable is prescribed by written agreement.



(b) Uniform Commercial Code.—The provisions of the act of April 6, 1953 (P.L.3, No.1), known as the “Uniform Commercial Code,” to the extent that they are inconsistent with this chapter, shall control over the provisions of this chapter.

§ 5502. Method of computing periods of limitation generally.

(a) General rule.—The time within which a matter must be commenced under this chapter shall be computed, except as otherwise provided by subsection (b) or by any other provision of this chapter, from the time the cause of action accrued, the criminal offense was committed or the right of appeal arose.

(b) Implementing court rules.—Subsection (a) may be made more specifically applicable to particular classes of matters by general rules defining the acts, omissions or events from which the limitation shall be computed. Rules adopted pursuant to this section shall take effect only in the manner provided by section 503(b) (relating to procedures).

§ 5503. Commencement of matters.

(a) General rule.—A matter is commenced for the purposes of this chapter when a document embodying the matter is filed in an office authorized by section 5103 (relating to transfer of erroneously filed matters) or by any other provision of law to receive such document.

(b) Implementing court rules.—Subsection (a) may be made more specifically applicable to particular classes of matters, including interparty claims therein, by general rules further defining the document which shall constitute the commencement of a matter.

§ 5504. Judicial extension of time.

(a) General rule.—Except as provided in section 1722 (c) (relating to time limitations) or in subsection (b) of this section, the time limited by this chapter shall not be extended by order, rule or otherwise.

(b) Fraud.—The time limited by this chapter may be extended to relieve fraud or its equivalent, but there shall be no extension of time as a matter of indulgence or with respect to any criminal proceeding.

§ 5505. Modification of orders.

Except as otherwise provided or prescribed by law, a court upon notice to the parties may modify or rescind any order within 30 days after its entry, notwithstanding the prior termination of any term of court, if no appeal from such order has been taken or allowed.

## SUBCHAPTER B CIVIL ACTIONS AND PROCEEDINGS

Sec.

5521. Limitations on foreign claims.

5522. Six months limitation.

5523. One year limitation.

5524. Two year limitation.

5525. Four year limitation.

5526. Five year limitation.

- 5527. Six year limitation.
- 5528. Fifteen year limitation.
- 5529. Twenty year limitation.
- 5530. Twenty-one year limitation.
- 5531. No limitation.
- 5532. Absence or concealment.
- 5533. (Reserved).
- 5534. War.
- 5535. Effect of other actions and proceedings.
- 5536. Construction projects.

§ 5521. Limitations on foreign claims.

(a) Short title of section.—This section shall be known and may be cited as the “Uniform Statute of Limitations on Foreign Claims Act.”

(b) General rule.—The period of limitation applicable to a claim accruing outside this Commonwealth shall be either that provided or prescribed by the law of the place where the claim accrued or by the law of this Commonwealth, whichever first bars the claim.

(c) Definition.—As used in this section “claim” means any right of action which may be asserted in a civil action or proceeding and includes, but is not limited to, a right of action created by statute.

§ 5522. Six months limitation.

(a) Notice prerequisite to action against government unit.—Within six months from the date that any injury was sustained or any cause of action accrued, any person who is about to commence any civil action or proceeding within this Commonwealth or elsewhere against a government unit for damages on account of any injury to his person shall file in the office of the government unit, a statement in writing, signed by or in his behalf, setting forth:

- (1) The name of the person to whom the cause of action has accrued.
- (2) The name and residence of the person injured.
- (3) The date and hour of the accident.
- (4) The approximate location where the accident occurred.
- (5) The name and address of any attending physician.

If the statement provided for by this subsection is not filed, any civil action or proceeding commenced against the government unit more than six months after the date of injury shall be dismissed and the person to whom any such cause of action accrued for any personal injury shall be forever barred from proceeding further thereon within this Commonwealth or elsewhere. The court shall excuse compliance with this requirement upon a showing of reasonable excuse for failure to file such statement.

(b) Commencement of action required.—The following actions and proceedings must be commenced within six months:

- (1) An action against any officer of any government unit for anything done in the execution of his office, except an action subject to another limitation specified in this subchapter.

(2) A petition for the establishment of a deficiency judgment following sale of the collateral of the debtor under the provisions of section 8103 (relating to deficiency judgments).

(3) Any action subject to section 6-111 (relating to limitation of action and levies) of the act of April 6, 1953 (P.L.3, No.1), known as the "Uniform Commercial Code."

§ 5523. One year limitation.

The following actions and proceedings must be commenced within one year:

(1) An action for libel, slander or invasion of privacy.

(2) An action upon a statute for a civil penalty or forfeiture, where the action is given to a person other than a government unit.

(3) An action upon a bond given as security by a party in any matter, except a bond given by a condemnor in an eminent domain proceeding.

(4) An action upon any payment or performance bond.

§ 5524. Two year limitation.

The following actions and proceedings must be commenced within two years:

(1) An action for assault, battery, false imprisonment, false arrest, malicious prosecution or malicious abuse of process.

(2) An action to recover damages for injuries to the person or for the death of an individual caused by the wrongful act or neglect or unlawful violence or negligence of another.

(3) An action for taking, detaining or injuring personal property, including actions for specific recovery thereof.

(4) An action for waste or trespass of real property.

(5) An action upon a statute for a civil penalty or forfeiture, where the action is given to a government unit.

(6) An action against any officer of any government unit for the nonpayment of money or the nondelivery of property collected upon execution or otherwise in his possession.

§ 5525. Four year limitation.

The following actions and proceedings must be commenced within four years:

(1) An action upon a contract, under seal or otherwise, for the sale, construction or furnishing of tangible personal property or fixtures.

(2) Any action subject to section 2-725 (relating to statute of limitations in contracts for sale) of the act of April 6, 1953 (P.L.3, No.1), known as the "Uniform Commercial Code."

(3) An action upon an express contract not founded upon an instrument in writing.

(4) An action upon a contract implied in law, except an action subject to another limitation specified in this subchapter.

§ 5526. Five year limitation.

The following actions and proceedings must be commenced within five years:

(1) An action for revival of a judgment lien on real property.

(2) An action for specific performance of a contract for sale of real property or for damages for noncompliance therewith.

(3) An action to enforce any equity of redemption or any implied or resulting trust as to real property.

§ 5527. Six year limitation.

The following actions and proceedings must be commenced within six years:

(1) An action upon a judgment or decree of any court of the United States or of any state.

(2) An action upon a contract, obligation or liability founded upon a bond, note or other instrument in writing, except an action subject to another limitation specified in this subchapter.

(3) An action upon any official bond.

(4) A proceeding in inverse condemnation, if property has been injured but no part thereof has been taken, or if the condemnor has made payment in accordance with section 407(a) or (b) (relating to possession and payment of compensation) of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code."

(5) An action to set aside a judicial sale of property.

(6) Any civil action or proceeding which is neither subject to another limitation specified in this subchapter nor excluded from the application of a period of limitation by section 5531 (relating to no limitation).

§ 5528. Fifteen year limitation.

Except as otherwise provided by section 17 (relating to periods of limitation) of the act of August 9, 1971 (P.L.286, No.74), known as the "Disposition of Abandoned and Unclaimed Property Act," an action for escheat, or for payment into the State Treasury without escheat, must be commenced within 15 years after the property sought in such action shall have first escheated or become escheatable or payable into the State Treasury under any statute.

§ 5529. Twenty year limitation.

An execution against personal property must be issued within 20 years after the entry of the judgment upon which the execution is to be issued.

§ 5530. Twenty-one year limitation.

(a) General rule.—The following actions and proceedings must be commenced within 21 years:

(1) An action for the possession of real property.

(2) An action for the payment of any ground rent, annuity or other charge upon real property, or any part or portion thereof. If this paragraph shall operate to bar any payment of such a rent, annuity or charge, the rent, annuity or charge to which the payment relates shall be extinguished and no further action may be commenced with respect to subsequent payments.

(3) A proceeding in inverse condemnation, if property has been taken and the condemnor has not made payment in accordance with

section 407(a) or (b) (relating to possession and payment of compensation) of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code."

(b) Entry upon land.—No entry upon real property shall toll the running of the period of limitation specified in subsection (a)(1), unless a possessory action shall be commenced therefor within one year after entry. Such an entry and commencement of a possessory action, without recovery therein, shall not toll the running of such period of limitation in respect of another possessory action, unless such other possessory action is commenced within one year after the termination of the first.

§ 5531. No limitation.

The following actions and proceedings may be commenced at any time notwithstanding any other provision of this subchapter except section 5521 (relating to limitations on foreign claims):

(1) An action against an attorney at law by or on behalf of a client to enforce any implied or resulting trust as to real property.

(2) An action by the Commonwealth, a county or an institution district against the real or personal property of persons who were public charges, including mental patients, to recover the cost of their maintenance and support.

(3) An action by the Commonwealth, a county or an institution district against the real or personal property of persons who were legally liable to pay for the maintenance and support of persons who were public charges, including mental patients, to recover the cost of their maintenance and support.

§ 5532. Absence or concealment.

(a) General rule.—If, when a cause of action accrues against a person, he is without this Commonwealth, the time within which the action or proceeding must be commenced shall be computed from the time he comes into or returns to this Commonwealth. If, after a cause of action has accrued against a person, he departs from this Commonwealth and remains continuously absent therefrom for four months or more, or he resides within this Commonwealth under a false name which is unknown to the person entitled to commence the action or proceeding, the time of his absence or residence within this Commonwealth under such a false name is not a part of the time within which the action or proceeding must be commenced.

(b) Exception.—Subsection (a) does not apply in any of the following cases:

(1) While there is in force a designation, voluntary or involuntary, made pursuant to law, of a person to whom process may be delivered within this Commonwealth with the same effect as if served personally within this Commonwealth.

(2) While a foreign corporation has one or more officers or other persons in this Commonwealth on whom process against such corporation may be served.

(3) While jurisdiction over the person of the defendant can be obtained without personal delivery of process to him within this Commonwealth.

(c) Fraudulent concealment.—In the case of a civil action or proceeding against the trustee of an express or implied trust, the time within which such an action or proceeding by or on behalf of a beneficiary on account of fraud must be commenced shall be computed from the discovery of the fraud, or when, by reasonable diligence, the person defrauded might have discovered the fraud. This subsection shall not prevent a bona fide purchaser for value from pleading the applicable statute of limitations.

§ 5533. (Reserved).

§ 5534. War.

(a) Cause of action accruing in foreign country.—Where a cause of action, whether originally accrued in favor of a resident or nonresident of this Commonwealth, accrued in a foreign country with which the United States or any of its allies were then or subsequently at war, or territory then or subsequently occupied by the government of such foreign country, the time which elapsed between the commencement of the war, or of such occupation, and the termination of hostilities with such country, or of such occupation, is not a part of the time within which the civil action or proceeding must be commenced, notwithstanding any other provision of this subchapter.

(b) Alien a party.—Where a person is unable to commence an action or proceeding within this Commonwealth because any party is an alien subject or citizen of a foreign country at war with the United States or any of its allies, whether the cause of action accrued during or prior to the war, the time which elapsed between the commencement of the war and the termination of hostilities with such country is not a part of the time within which the civil action or proceeding must be commenced, notwithstanding any other provision of this subchapter.

(c) Nonenemy in enemy country or enemy-occupied territory.—Where a person entitled to commence an action or proceeding, other than a person entitled to the benefits of subsection (b), is a resident of, or a sojourner in, a foreign country with which the United States or any of its allies are at war, or territory occupied by the government of such foreign country, the period of such residence or sojourn during which the war continues or the territory is so occupied is not a part of the time within which the civil action or proceeding must be commenced, notwithstanding any other provision of this subchapter.

§ 5535. Effect of other actions and proceedings.

(a) Termination of prior matter.—

(1) If a civil action or proceeding is timely commenced and is terminated in any other manner than by a voluntary nonsuit, a discontinuance, a dismissal for neglect to prosecute the action or proceeding, or a final judgment upon the merits, a party, or his successor

in interest, may, notwithstanding any other provision of this subchapter, commence a new action or proceeding upon the same cause of action within one year after the termination and any other party may interpose any defense or claim which might have been interposed in the original action or proceeding.

(2) Paragraph (1) does not apply to an action to recover damages for injury to the person or for the death of an individual caused by the wrongful act or neglect of another.

(b) Stay of matter.—Where the commencement of a civil action or proceeding has been stayed by a court or by statutory prohibition, the duration of the stay is not a part of the time within which the action or proceeding must be commenced.

(c) Arbitration.—Where it shall have been determined that a party is not obligated to submit a claim to arbitration, the time which elapsed between the demand for arbitration and the final determination that there is no obligation to arbitrate is not a part of the time within which a civil action or proceeding upon such claim must be commenced. The time within which the action or proceeding must be commenced shall not be extended by this subsection beyond one year after such final determination.

§ 5536. Construction projects.

(a) General rule.—Except as provided in subsection (b), no civil action or proceeding shall be commenced against any person lawfully performing or furnishing the design, planning, supervision or observation of construction, or construction of any improvement to real property more than 12 years after completion of construction of such improvement to recover damages for:

(1) Any deficiency in the design, planning, supervision or observation of construction or construction of the improvement.

(2) Injury to property, real or personal, arising out of any such deficiency.

(3) Injury to the person or for wrongful death arising out of any such deficiency.

(4) Contribution or indemnity for damages sustained on account of any injury mentioned in paragraph (2) or (3).

(b) Exceptions.—

(1) If an injury shall occur more than ten and within 12 years after completion of the improvement a civil action or proceeding within the scope of subsection (a) may be commenced within the time otherwise limited by this subchapter, but not later than 14 years after completion of construction of such improvement.

(2) The limitation prescribed by subsection (a) shall not be asserted by way of defense by any person in actual possession or control, as owner, tenant or otherwise, of such an improvement at the time any deficiency in such an improvement constitutes the proximate cause of the injury or death for which it is proposed to commence an action or proceeding.

(c) No extension of limitations.—This section shall not extend the period within which any civil action or proceeding may be commenced under any provision of law.

### SUBCHAPTER C CRIMINAL PROCEEDINGS

Sec.

5551. No limitation applicable to murder.

5552. Other offenses.

5553. Tolling of statute.

§ 5551. No limitation applicable to murder.

A prosecution for murder may be commenced at any time.

§ 5552. Other offenses.

(a) General rule.—Except as otherwise provided in this section, a prosecution for an offense other than murder must be commenced within two years after it is committed.

(b) Major offenses.—A prosecution for any of the following offenses under Title 18 (relating to crimes and offenses) must be commenced within five years after it is committed:

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse).

18 Pa.C.S. § 3301 (relating to arson and related offenses).

18 Pa.C.S. § 3502 (relating to burglary).

18 Pa.C.S. § 3701 (relating to robbery).

18 Pa.C.S. § 4101 (relating to forgery).

18 Pa.C.S. § 4902 (relating to perjury).

(c) Exceptions.—If the period prescribed in subsection (a) or subsection (b) has expired, a prosecution may nevertheless be commenced for:

(1) Any offense a material element of which is either fraud or a breach of fiduciary obligation within one year after discovery of the offense by an aggrieved party or by a person who has a legal duty to represent an aggrieved party and who is himself not a party to the offense, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than three years.

(2) Any offense committed by a public officer or employee in the course of or in connection with his office or employment at any time when the defendant is in public office or employment or within two years thereafter, but in no case shall this paragraph extend the period of limitation otherwise applicable by more than three years.

(d) Commission of offense.—An offense is committed either when every element occurs, or, if a legislative purpose to prohibit a continuing course of conduct plainly appears, at the time when the course of conduct or the complicity of the defendant therein is terminated. Time starts to run on the day after the offense is committed.

(e) Commencement of prosecution.—Except as otherwise provided by



general rule adopted pursuant to section 5503 (relating to commencement of matters), a prosecution is commenced either when an indictment is found or an information under section 8931(b) (relating to indictment and information) is issued, or when a warrant, summons or citation is issued, if such warrant, summons or citation is executed without unreasonable delay.

§ 5553. Tolling of statute.

The period of limitation does not run during any time when:

- (1) the accused is continuously absent from this Commonwealth or has no reasonably ascertainable place of abode or work within this Commonwealth; or
- (2) a prosecution against the accused for the same conduct is pending in this Commonwealth.

#### SUBCHAPTER D APPEALS

Sec.

5571. Appeals generally.

5572. Time of entry of order.

5573. Effect of application for rehearing.

5574. Effect of application for amendment to qualify for interlocutory appeal.

§ 5571. Appeals generally.

(a) General rule.—The time for filing an appeal, a petition for allowance of appeal, a petition for permission to appeal or a petition for review of a quasi-judicial order, in the Supreme Court, the Superior Court or the Commonwealth Court shall be governed by general rules. No other provision of this subchapter shall be applicable to matters subject to this subsection.

(b) Other courts.—Except as otherwise provided in subsections (a) and (c), an appeal from a tribunal to a court or from a court to an appellate court shall be commenced within 30 days after the entry of the order from which the appeal is taken, in the case of an interlocutory or final order.

(c) Exceptions.—

(1) Election and financing cases.—The time for appeal from an order in any matter arising under the act of June 3, 1937 (P.L.1333, No.320), known as the “Pennsylvania Election Code,” or any other statute relating to registration or elections, or the act of July 12, 1972 (P.L.781, No.185), known as the “Local Government Unit Debt Act,” or any other act relating to the incurring of debt by a government unit, shall if such statutes provide for a lesser time for appeal, be governed by the appropriate provision of such statutes.

(2) Probate matters.—The time for appeal from an order of a register of wills under Title 20 (relating to decedents, estates and fiduciaries) shall, if such statute provides a greater time for appeal, be governed by the appropriate provision of such statute.

(3) Execution matters.—The time for appeal from an order of any system or related personnel entered in connection with enforcement of attachments, judgments or similar process or orders shall be governed by general rule.

(d) Interlocutory appeals.—A petition for permission to appeal from an interlocutory order shall be filed within 30 days after its entry.

(e) Action following grant of permission to appeal.—The period limited by this section is tolled by the filing of a petition for permission to appeal. If the petition is granted further proceedings in the matter, including any time limitations, shall be governed by general rules or rules of court, and not by the provisions of subsections (b) through (d).

(f) Cross appeals.—An appellee may be permitted by general rules or rules of court to take an appeal within the time limited by rule from an order from which another party has taken a timely appeal, notwithstanding the fact that the time otherwise limited by this section has expired.

§ 5572. Time of entry of order.

The date of service of an order of a government unit, which shall be the date of mailing if service is by mail, shall be deemed to be the date of entry of the order for the purposes of this subchapter. The date of entry of an order of a court or district justice may be specified by general rules.

§ 5573. Effect of application for rehearing.

If an application for rehearing or reconsideration of an order is made to a tribunal the effect thereof on the time for appeal from such order shall be governed by general rules adopted pursuant to section 5502 (relating to method of computing periods of limitation generally).

§ 5574. Effect of application for amendment to qualify for interlocutory appeal.

If an application is made to a tribunal within 30 days after the entry of an interlocutory order not appealable as a matter of right for an amendment of such order to set forth expressly the statement specified in section 702(b) (relating to interlocutory appeals by permission), the time for filing a petition for permission to appeal from such order shall run from the entry of the order denying the amendment or amending the order, as the case may be.

## CHAPTER 57 BONDS AND RECOGNIZANCES

### Subchapter

- A. General Provisions
- B. Professional Bondsmen

### SUBCHAPTER A GENERAL PROVISIONS

#### Sec.

- 5701. Right to bail.
- 5702. Bail to be governed by general rules.

§ 5701. Right to bail.

All prisoners shall be bailable by sufficient sureties, unless for capital offenses when the proof is evident or presumption great. Excessive bail shall not be required.

§ 5702. Bail to be governed by general rules.

Except as otherwise provided by this title and the laws relating to the regulation of surety companies, all matters relating to the fixing, posting, forfeiting, exoneration and distribution of bail and recognizances shall be governed by general rules.

SUBCHAPTER B  
PROFESSIONAL BONDSMEN

Sec.

5741. Definitions.

5742. Registration and licensure required.

5743. Issuance of license.

5744. Office.

5745. Refusal to grant or renew license.

5746. Suspension or revocation of license.

5747. Statements by fidelity or surety companies.

5748. Maximum premiums.

5749. Prohibitions and penalties.

§ 5741. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Office of the clerk.” The office of the clerk of the court of common pleas of each judicial district in which a professional bondsman engages in the business of a professional bondsman.

“Professional bondsman.” Any person, other than a fidelity or surety company or any of its officers, agents, attorneys, or employees, authorized to execute bail bonds or to solicit business on its behalf, who:

(1) engages in the business of giving bail, giving or soliciting undertakings, or giving or soliciting indemnity or counterindemnity to sureties on undertakings; or

(2) within a period of 30 days has become a surety, or has indemnified a surety, for the release on bail of a person, with or without a fee or compensation, or promise thereof, in three or more matters not arising out of the same transaction.

§ 5742. Registration and licensure required.

(a) General rule.—No professional bondsman shall become surety on any undertaking, and no person shall engage in or continue to engage in business as a professional bondsman, unless he has been registered and is currently licensed as a professional bondsman by the Insurance Department as provided in this subchapter and has filed a copy of his

license in the office of the clerk in the manner provided by general rules.

(b) Form of application.—Every application for registration and licensure as a professional bondsman shall be made in writing upon such form as may be prescribed by regulations promulgated by the Insurance Department.

§ 5743. Issuance of license.

(a) General rule.—The Insurance Department, upon receipt of:

(1) an application for registration and licensure as a professional bondsman; and

(2) an annual license fee of \$50;

shall, if it approves the application, register the applicant as a professional bondsman and issue him a license.

(b) Duration.—Each license shall be valid for one year following the date of issue.

(c) Nontransferable.—No license issued under this subchapter shall be assigned or transferred.

§ 5744. Office.

No license shall be issued to, and no privileges or rights conferred by any license issued under the provisions of this subchapter shall be exercised by, any professional bondsman, unless such professional bondsman has and shall thereafter maintain an office in the county in which he conducts or intends to conduct his business.

§ 5745. Refusal to grant or renew license.

The Insurance Department, upon the written request of any applicant for a license or for renewal thereof whose application therefor has been refused, shall afford such applicant a hearing on the question of the grant or renewal of a license.

§ 5746. Suspension or revocation of license.

(a) General rule.—Upon petition of the district attorney or by any interested person to suspend or revoke the license issued to any licensee under this subchapter, a rule shall issue out of the court of common pleas, returnable not less than ten days after the issuance thereof. It shall be sufficient service of the said rule upon any licensee to leave a copy thereof at the address filed by the licensee with the clerk pursuant to this subchapter.

(b) Grounds for suspension or revocation.—Any license issued under the provisions of this subchapter may be suspended, by any court of common pleas for a period less than the unexpired portion of the period for which such license shall have been issued, or may be revoked for good cause, or for any one or more of the following causes:

(1) Violation of any of the provisions of this subchapter.

(2) Fraudulently obtaining a license under the provisions of this subchapter.

(3) Upon conviction for any criminal offense under the laws of this Commonwealth or under the laws of the United States or any other jurisdiction.

(4) Upon being adjudged a bankrupt or insolvent.

(5) Failing to pay any judgment rendered on any forfeited undertaking in any court of competent jurisdiction.

(6) Any interference or attempted interference with the administration of justice.

§ 5747. Statements by fidelity or surety companies.

Any fidelity or surety company, authorized to act as surety within this Commonwealth, may execute an undertaking as surety by the hand of an officer, employee, agent, or attorney, authorized thereto by a resolution of its board of directors, a certified copy of which, under its corporate seal, shall be filed with the undertaking. Fidelity or surety companies engaged in the business of entering bail shall file, with the clerk of the court of common pleas and with the district attorney of each county in which bail is entered, a statement, quarterly on which shall appear a summary of all bail entered by such company during the previous quarter, together with the compensation charged therefor.

§ 5748. Maximum premiums.

(a) General rule.—No professional bondsman shall charge a premium or compensation for acting as surety on any undertaking in excess of 10% for the first \$100, and 5% for each additional \$100 of such undertaking.

(b) Civil penalty.—In any action brought to recover an overcharge by a professional bondsman, where such overcharge is proved, the professional bondsman shall be liable to pay treble damages therefor and reasonable counsel fees.

§ 5749. Prohibitions and penalties.

(a) Licensing.—Any person who engages in business as a professional bondsman without being registered and licensed in accordance with the provisions of this subchapter, or who engages in such business while his license is suspended or revoked, commits a misdemeanor of the third degree.

(b) Overcharging.—Any person charging or receiving directly or indirectly any greater compensation for acting as a professional bondsman than is provided by this subchapter commits a summary offense.

(c) Soliciting.—Any person who accepts any fee or compensation for obtaining a bondsman or a recognizance commits a summary offense.

(d) Other violations.—Any person who violates any section of this subchapter for which no specific penalty other than suspension or revocation of license is provided commits a summary offense.

(e) Public officials.—Any law enforcement officer, any employee of a penal institution, or any other system or related personnel, who has, directly or indirectly, any pecuniary interest in or derives any profit from the bonding business or activity of a professional bondsman commits a summary offense.

(f) Public solicitation.—Any professional bondsman who solicits business in any of the courts or on the premises of any tribunal of this Commonwealth, including any tribunal conducted by a district justice, commits a summary offense.

CHAPTER 59  
DEPOSITIONS AND WITNESSES

## Subchapter

- A. Witnesses Generally
- B. Securing Attendance of Witnesses in Criminal Proceedings
- C. Rendition of Prisoners as Witnesses in Criminal Proceedings

SUBCHAPTER A  
WITNESSES GENERALLY

## Sec.

- 5901. Judicial oath.
- 5902. Effect of religious beliefs.

CRIMINAL PROCEEDINGS

- 5911. Competency of witnesses generally.
- 5912. Disqualification by perjury.
- 5913. Spouses as witnesses against each other.
- 5914. Confidential communications between spouses.
- 5915. Testimony by spouse in rebuttal.
- 5916. Confidential communications to attorney.
- 5917. Notes of evidence at former trial.
- 5918. Examination of defendant as to other offenses.

CIVIL MATTERS

- 5921. Interest not to disqualify.
- 5922. Disqualification by perjury.
- 5923. Confidential communications between spouses.
- 5924. Spouses as witnesses against each other.
- 5925. Testimony by wife against husband in rebuttal.
- 5926. Testimony by spouse after attack on character or conduct.
- 5927. Actions by spouse to recover separate property.
- 5928. Confidential communications to attorney.
- 5929. Physicians not to disclose information.
- 5930. Surviving party as witness, in case of death, mental incapacity, etc.
- 5931. Incompetent witnesses.
- 5932. Witness competent to testify against interest; to become competent upon release of interest.
- 5933. Competency of surviving party.
- 5934. Notes of evidence at former trial.
- 5935. Examination of person adversely interested.

CERTAIN PRIVILEGES AND IMMUNITIES

- 5941. Persons who may be compelled to testify.
- 5942. Confidential communications to news reporters.
- 5943. Confidential communications to clergymen.

- 5944. Confidential communications to licensed psychologists.
- 5945. Confidential communications to school personnel.
- 5946. Confidential communications to certified public accountants.
- 5947. Competency of witnesses and jurors.

§ 5901. Judicial oath.

(a) General rule.—Every witness, before giving any testimony shall take an oath in the usual or common form, by laying the hand upon an open copy of the Holy Bible, or by lifting up the right hand and pronouncing or assenting to the following words: "I, A. B., do swear by Almighty God, the searcher of all hearts, that I will \_\_\_\_\_, and that as I shall answer to God at the last great day." Which oath so taken by persons who conscientiously refuse to take an oath in the common form shall be deemed and taken in law to have the same effect as an oath taken in common form.

(b) Right to affirm.—The affirmation may be administered in any judicial proceeding instead of the oath, and shall have the same effect and consequences, and any witness who desires to affirm shall be permitted to do so.

§ 5902. Effect of religious beliefs.

(a) Religious opinions not to disqualify.—The capacity of any person to testify in any judicial proceeding shall not be affected by his opinions on matters of religion.

(b) Religious belief may not be shown.—No witness shall be questioned, in any judicial proceeding, concerning his religious belief; nor shall any evidence be heard upon the subject, for the purpose of affecting either his competency or credibility.

(c) Definitions.—As used in this section the following words and phrases shall have the meanings given to them in this subsection:

"Judicial proceedings." Includes all matters of whatever nature, relating to practice in or authorized by any tribunal whether of record or not of record, within this Commonwealth.

"Witness." Includes every person who shall make statements, either oral or written, in any judicial proceeding.

## CRIMINAL PROCEEDINGS

§ 5911. Competency of witnesses generally.

Except as otherwise provided in this subchapter, all persons shall be fully competent witnesses in any criminal proceeding before any tribunal.

§ 5912. Disqualification by perjury.

In a criminal proceeding, a person who has been convicted in a court of this Commonwealth of perjury, which term is hereby declared to include subornation of or solicitation to commit perjury, shall not be a competent witness for any purpose, although his sentence may have been fully complied with, unless the judgment of conviction be judicially set aside or reversed, or unless the proceeding is one to punish or prevent injury or

violence attempted, done, or threatened to his person or property; in which cases he shall be competent to testify.

§ 5913. Spouses as witnesses against each other.

Except as otherwise provided by statute, in a criminal proceeding husband and wife shall not be competent or permitted to testify against each other, except that in proceedings for desertion and maintenance, and in any criminal proceeding against either for bodily injury or violence attempted, done or threatened upon the other, or upon the minor children of said husband and wife, or the minor children of either of them, or any minor child in their care or custody, or in the care or custody of either of them, each shall be a competent witness against the other, and except also that either of them shall be competent merely to prove the fact of marriage, in support of a criminal charge of bigamy alleged to have been committed by or with the other.

§ 5914. Confidential communications between spouses.

Except as otherwise provided by statute, in a criminal proceeding neither husband nor wife shall be competent or permitted to testify to confidential communications made by one to the other, unless this privilege is waived upon the trial.

§ 5915. Testimony by spouse in rebuttal.

In any criminal proceeding brought against the husband or wife, if the defendant makes defense at the trial upon any ground which attacks the character or conduct of his or her spouse, the spouse attacked shall be a competent witness in rebuttal for the Commonwealth.

§ 5916. Confidential communications to attorney.

In a criminal proceeding counsel shall not be competent or permitted to testify to confidential communications made to him by his client, nor shall the client be compelled to disclose the same, unless in either case this privilege is waived upon the trial by the client.

§ 5917. Notes of evidence at former trial.

Whenever any person has been examined as a witness, either for the Commonwealth or for the defense, in any criminal proceeding conducted in or before a court of record, and the defendant has been present and has had an opportunity to examine or cross-examine, if such witness afterwards dies, or is out of the jurisdiction so that he cannot be effectively served with a subpoena, or if he cannot be found, or if he becomes incompetent to testify for any legally sufficient reason properly proven, notes of his examination shall be competent evidence upon a subsequent trial of the same criminal issue. For the purpose of contradicting a witness the testimony given by him in another or in a former proceeding may be orally proved.

§ 5918. Examination of defendant as to other offenses.

No person charged with any crime and called as a witness in his own behalf, shall be asked, or if asked, shall be required to answer, any question tending to show that he has committed, or been charged with, or been convicted of any offense other than the one wherewith he shall then be



charged, or tending to show that he has been of bad character or reputation unless:

(1) he shall have at such trial, personally or by counsel, asked questions of the witness for the prosecution with a view to establish his own good reputation or character, or has given evidence tending to prove his own good character or reputation; or

(2) he shall have testified at such trial against a codefendant, charged with the same offense.

## CIVIL MATTERS

§ 5921. Interest not to disqualify.

In any civil matter before any tribunal of this Commonwealth, or conducted by virtue of its order or direction, no liability merely for costs nor the right to compensation possessed by an executor, administrator or other trustee, nor any interest merely in the question on trial, nor any other interest, or policy of law, except as is provided in this subchapter, shall make any person incompetent as a witness.

§ 5922. Disqualification by perjury.

In a civil matter, a person who has been convicted in a court of this Commonwealth of perjury, which term is hereby declared to include subornation of or solicitation to commit perjury, shall not be a competent witness for any purpose, although his sentence may have been fully complied with, unless the judgment of conviction be judicially set aside or reversed, or unless the matter is one to redress or prevent injury or violence attempted, done or threatened to his person or property, in which cases he shall be permitted to testify.

§ 5923. Confidential communications between spouses.

Except as otherwise provided by statute, in a civil matter neither husband nor wife shall be competent or permitted to testify to confidential communications made by one to the other, unless this privilege is waived upon the trial.

§ 5924. Spouses as witnesses against each other.

Except as otherwise provided by statute, in a civil matter neither husband nor wife shall be competent or permitted to testify against each other, except in:

(1) Proceedings brought by a wife to be declared a feme sole trader.

(2) Actions for divorce.

§ 5925. Testimony by wife against husband in rebuttal.

In any civil action brought against the husband to recover necessities furnished to the wife, if the husband makes defense at the trial upon the ground that his wife had left him without justification or excuse before the necessities were furnished, or upon any other ground which attacks the character or conduct of the wife, she shall be a competent witness in rebuttal for the plaintiff.

§ 5926. Testimony by spouse after attack on character or conduct.

In all civil actions brought by either the husband or wife, either the

husband or the wife shall be a competent witness in rebuttal, when his or her character or conduct is attacked upon the trial thereof, but only in regard to the matter of his or her character or conduct.

§ 5927. Actions by spouse to recover separate property.

In any action brought by either the husband or wife to protect and recover the separate property of either, both shall be fully competent witnesses, except that neither may testify to confidential communications made by one or the other, unless this privilege is waived upon the trial.

§ 5928. Confidential communications to attorney.

In a civil matter counsel shall not be competent or permitted to testify to confidential communications made to him by his client, nor shall the client be compelled to disclose the same, unless in either case this privilege is waived upon the trial by the client.

§ 5929. Physicians not to disclose information.

No physician shall be allowed, in any civil matter, to disclose any information which he acquired in attending the patient in a professional capacity, and which was necessary to enable him to act in that capacity, which shall tend to blacken the character of the patient, without consent of said patient, except in civil matters brought by such patient, for damages on account of personal injuries.

§ 5930. Surviving party as witness, in case of death, mental incapacity, etc.

Except as otherwise provided by statute, in any civil action or proceeding, where any party to a thing or contract in action is dead, or has been adjudged a lunatic and his right thereto or therein has passed, either by his own act or by the act of the law, to a party on the record who represents his interest in the subject in controversy, neither any surviving or remaining party to such thing or contract, nor any other person whose interest shall be adverse to the said right of such deceased or lunatic party, shall be a competent witness to any matter occurring before the death of said party or the adjudication of his lunacy, unless the action or proceeding is by or against the surviving or remaining partners, joint promisors or joint promisees, of such deceased or lunatic party, and the matter occurred between such surviving or remaining partners, joint promisors or joint promisees and the other party on the record, or between such surviving or remaining partners, promisors or promisees and the person having an interest adverse to them, in which case any person may testify to such matters; or, unless the action is a possessory action against several defendants, and one or more of said defendants disclaims of record any title to the premises in controversy at the time the suit was brought and also pays into court the costs accrued at the time of his disclaimer, or gives security therefor as the court in its discretion may direct, in which case such disclaiming defendant shall be a fully competent witness; or, unless the issue or inquiry be *devisavit vel non*, or be any other issue or inquiry respecting the property of a deceased owner, and the controversy is between parties respectively claiming such property by devolution on the

death of such owner, in which case all persons shall be fully competent witnesses.

§ 5931. Incompetent witnesses.

No person who is incompetent under section 5922 (relating to disqualification by perjury), section 5923 (relating to confidential communications between spouses), section 5924 (relating to spouses as witnesses against each other) and section 5928 (relating to confidential communications to attorney) shall become competent by the general language of section 5930 (relating to surviving party as witness, in case of death, mental incapacity, etc.).

§ 5932. Witness competent to testify against interest; to become competent upon release of interest.

Any person who is incompetent under section 5930 (relating to surviving party as witness, in case of death, mental incapacity, etc.) by reason of interest may nevertheless be called to testify against his own interest, and in that event he shall become a fully competent witness for either party. Such person shall also become fully competent for either party by filing of record a release or extinguishment of his interest.

§ 5933. Competency of surviving party.

(a) General rule.—In any civil action or proceeding before any tribunal of this Commonwealth, or conducted by virtue of its order or direction, although a party to the thing or contract in action may be dead or may have been adjudged a lunatic, and his right thereto or therein may have passed, either by his own act or by the act of the law, to a party on record who represents his interest in the subject in controversy, nevertheless any surviving or remaining party to such thing or contract or any other person whose interest is adverse to the said right of such deceased or lunatic party, shall be a competent witness to any relevant matter, although it may have occurred before the death of said party or the adjudication of his lunacy, if and only if such relevant matter occurred between himself and another person who may be living at the time of the trial and may be competent to testify, and who does so testify upon the trial against such surviving or remaining party or against the person whose interest may be thus adverse, or if such relevant matter occurred in the presence or hearing of such other living or competent person.

(b) Testimony by deposition.—The testimony now made competent by subsection (a) may also be taken by commission or deposition in accordance with law, and, in that event, the deposition thus taken shall be competent evidence at the trial or hearing, although the person with whom or in whose presence or hearing such relevant matter occurred, may die or become incompetent after the taking of such deposition.

§ 5934. Notes of evidence at former trial.

Whenever any person has been examined as a witness in any civil matter before any tribunal of this Commonwealth or conducted by virtue of its order or direction, if such witness afterwards dies, or is out of the jurisdiction so that he cannot be effectively served with a subpoena, or if he

cannot be found, or if he becomes incompetent to testify for any legally sufficient reason, and if the party, against whom notes of the testimony of such witness are offered, had actual or constructive notice of the examination and an opportunity to be present and examine or cross-examine, properly proven notes of the examination of such witness shall be competent evidence in any civil issue which may exist at the time of his examination, or which may be afterwards formed between the same parties and involving the same subject-matter as that upon which such witness was so examined. For the purpose of contradicting a witness, the testimony given by him in another or in a former proceeding may be orally proved.

§ 5935. Examination of person adversely interested.

In any civil action or proceeding, whether or not it is brought or defended by a person representing the interests of a deceased or lunatic assignor of any thing or contract in action, a party to the record, or a person for whose immediate benefit such proceeding is prosecuted or defended, or any director or other officer of a person which is a party to the record, or for the immediate benefit of which such action or proceeding is prosecuted or defended, or any other person whose interest is adverse to the party calling him as a witness, may be compelled by the adverse party to testify as if under cross-examination, subject to the rules of evidence applicable to witnesses under cross-examination, and the adverse party calling such witnesses shall not be concluded by his testimony, but such person so cross-examined shall become thereby a fully competent witness for the other party as to all relevant matters whether or not these matters were touched upon in his cross-examination, and also, where one of the several plaintiffs or defendants, or the person for whose immediate benefit such proceeding is prosecuted or defended, or such director or officer, or such other person having an adverse interest, is cross-examined under this section, his co-plaintiffs or codefendants, or fellow directors or officers, shall thereby become fully competent witnesses on their own behalf, or on behalf of the person of which they shall be directors or officers, as to all relevant matters, whether or not these matters were touched upon in such cross-examination.

### CERTAIN PRIVILEGES AND IMMUNITIES

§ 5941. Persons who may be compelled to testify.

Except defendants actually upon trial in a criminal proceeding, any competent witness may be compelled to testify in any matter, civil or criminal; but he may not be compelled to answer any question which, in the opinion of the trial judge, would tend to incriminate him; nor may the neglect or refusal of any defendant, actually upon trial in a criminal proceeding, to offer himself as a witness, be treated as creating any presumption against him, or be adversely referred to by court or counsel during the trial.

§ 5942. Confidential communications to news reporters.

(a) General rule.—No person engaged on, connected with, or

employed by any newspaper of general circulation or any press association or any radio or television station, or any magazine of general circulation, for the purpose of gathering, procuring, compiling, editing or publishing news, shall be required to disclose the source of any information procured or obtained by such person, in any legal proceeding, trial or investigation before any government unit.

(b) Exception.—The provisions of subsection (a) insofar as they relate to radio or television stations shall not apply unless the radio or television station maintains and keeps open for inspection, for a period of at least one year from the date of the actual broadcast or telecast, an exact recording, transcription, kinescopic film or certified written transcript of the actual broadcast or telecast.

§ 5943. Confidential communications to clergymen.

No clergyman, priest, rabbi or minister of the gospel of any regularly established church or religious organization, except clergymen or ministers, who are self-ordained or who are members of religious organizations in which members other than the leader thereof are deemed clergymen or ministers, who while in the course of his duties has acquired information from any person secretly and in confidence shall be compelled, or allowed without consent of such person, to disclose that information in any legal proceeding, trial or investigation before any government unit.

§ 5944. Confidential communications to licensed psychologists.

No person who has been licensed under the act of March 23, 1972 (P.L.136, No.52), to practice psychology shall be, without the written consent of his client, examined in any civil or criminal matter as to any information acquired in the course of his professional services in behalf of such client. The confidential relations and communications between a psychologist and his client shall be on the same basis as those provided or prescribed by law between an attorney and client.

§ 5945. Confidential communications to school personnel.

(a) General rule.—No guidance counselor, school nurse, school psychologist, or home and school visitor in the public schools or in private or parochial schools or other educational institutions providing elementary or secondary education, including any clerical worker of such schools and institutions, who, while in the course of his professional or clerical duties for a guidance counselor, home and school visitor, school nurse or school psychologist, has acquired information from a student in confidence shall be compelled or allowed:

- (1) without the consent of the student, if the student is 18 years of age or over; or
- (2) without the consent of his parent or guardian, if the student is under the age of 18 years;

to disclose such information in any legal proceeding, trial, or investigation before any government unit.

(b) Exemption.—Notwithstanding subsection (a), no such person shall

be excused or prevented from complying with the act of November 26, 1975 (P.L.438, No.124), known as the "Child Protective Services Law."

§ 5946. Confidential communications to certified public accountants.

Except with permission of the client, or the heirs, successors or personal representatives of the client, a certified public accountant or his employee shall not voluntarily, and shall not be required to, disclose information of which he may have become possessed relative to and in connection with any professional services as a certified public accountant, other than the examination of audit of or report on any financial statements, books, records or accounts which he may be engaged to make or requested by a prospective client to discuss. Nothing in this section shall be construed as affecting the criminal or bankruptcy laws of this Commonwealth or of the United States.

§ 5947. Competency of witnesses and jurors.

No person shall be excluded from being a witness or juror in any action or proceeding in which the county is a party or is interested by reason of such person being or having been an officer, rated citizen or inhabitant in such county, or owning assessed or taxable property, or being liable to the assessment or payment of any tax therein.

## SUBCHAPTER B SECURING ATTENDANCE OF WITNESSES IN CRIMINAL PROCEEDINGS

Sec.

5961. Short title of subchapter.

5962. Definitions.

5963. Summoning witness in this Commonwealth to testify in another state.

5964. Witness from another state summoned to testify in this Commonwealth.

5965. Exemption from arrest and service of process.

§ 5961. Short title of subchapter.

This subchapter shall be known and may be cited as the "Uniform Act to Secure the Attendance of Witnesses from Within or Without a State in Criminal Proceedings."

§ 5962. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Summons." Includes a subpoena, order or other notice requiring the appearance of a witness.

"Witness." Includes a person whose testimony is desired in any proceeding or investigation by a grand jury or in a criminal action, prosecution or proceeding.

§ 5963. Summoning witness in this Commonwealth to testify in another state.

(a) General rule.—If a judge of a court of record in any state which by its laws has made provision for commanding persons within that state to attend and testify in this Commonwealth certifies under the seal of such court that there is a criminal prosecution pending in such court, or that a grand jury investigation has commenced, or is about to commence, that a person being within this Commonwealth is a material witness in such prosecution or grand jury investigation and his presence will be required for a specified number of days, upon presentation of such certificate to any judge of a court of record in the county in which such person is, such judge shall fix a time and place for a hearing and shall make an order directing the witness to appear at a time and place certain for the hearing.

(b) Hearing.—If at a hearing the judge determines that the witness is material and necessary, that it will not cause undue hardship to the witness to be compelled to attend and testify in the prosecution or a grand jury investigation in the other state and that the laws of the state in which the prosecution is pending or grand jury investigation has commenced or is about to commence and of any other state through which the witness may be required to pass by ordinary course of travel will give to him protection from arrest and the service of civil and criminal process, he shall issue a summons with a copy of the certificate attached directing the witness to attend and testify in the court where the prosecution is pending or where a grand jury investigation has commenced or is about to commence, at a time and place specified in the summons. In any such hearing the certificate shall be prima facie evidence of all the facts stated therein.

(c) Immediate custody.—If said certificate recommends that the witness be taken into immediate custody and delivered to an officer of the requesting state to assure his attendance in the requesting state, such judge may in lieu of notification of the hearing direct that such witness be forthwith brought before him for said hearing, and the judge at the hearing, being satisfied of the desirability of such custody and delivery, for which determination the certificate shall be prima facie proof of such desirability, may, in lieu of issuing subpoena or summons, order that said witness be forthwith taken into custody and delivered to an officer of the requesting state. Such judge may admit the witness to bail by bond with sufficient sureties and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond and for his surrender to an officer of the requesting state.

(d) Enforcement.—If the witness who is summoned as provided in this section, after being paid or tendered by some properly authorized person the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution or investigation is pending and \$5 for each day that he is required to travel and attend as a witness, or the mileage and witness fees and expenses to which witnesses in the courts of this Commonwealth are then entitled, whichever is greater, fails without

good cause to attend and testify as directed in the summons, he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this Commonwealth. § 5964. Witness from another state summoned to testify in this Commonwealth.

(a) General rule.—If a person in any state which by its laws has made provision for commanding persons within its borders to attend and testify in criminal prosecutions or grand jury investigations commenced or about to commence in this Commonwealth is a material witness in a prosecution pending in a court of record in this Commonwealth or in a grand jury investigation which has commenced or is about to commence, a judge of such court may issue a certificate under the seal of the court stating these facts and specifying the number of days the witness will be required. Said certificate may include a recommendation that the witness be taken into immediate custody and delivered to an officer of this Commonwealth to assure his attendance in this Commonwealth. This certificate shall be presented to a judge of a court of record in the county or parish in which the witness is found.

(b) Enforcement.—If the witness is summoned to attend and testify in this Commonwealth he shall be tendered the sum of ten cents a mile for each mile by the ordinary traveled route to and from the court where the prosecution or investigation is pending and \$5 for each day that he is required to travel and attend as a witness, or the mileage and witness fees and expenses to which witnesses in the courts of this Commonwealth are entitled, whichever is greater. A witness who has appeared in accordance with the provisions of the summons shall not be required to remain within this Commonwealth a longer period of time than the period mentioned in the certificate unless otherwise ordered by the court. The court may admit the witness to bail by bond with or without surety and in such sum as it deems proper, conditioned for his appearance before it at a time specified in such bond. If such witness after coming into this Commonwealth fails without good cause to attend and testify as directed in the summons he shall be punished in the manner provided for the punishment of any witness who disobeys a summons issued from a court of record in this Commonwealth.

§ 5965. Exemption from arrest and service of process.

(a) Incoming witnesses.—If a person comes into this Commonwealth in obedience to a summons directing him to attend and testify in this Commonwealth he shall not while in this Commonwealth pursuant to such summons be subject to arrest or the service of process, civil or criminal, in connection with matters which arose before his entrance into this Commonwealth under the summons.

(b) Witnesses in transit.—If a person passes through this Commonwealth while going to another state in obedience to a summons to attend and testify in that state, or while returning therefrom, he shall not while so passing through this Commonwealth be subject to arrest or the



service of process, civil or criminal, in connection with matters which arose before his entrance into this Commonwealth under the summons.

**SUBCHAPTER C**  
**RENDITION OF PRISONERS AS WITNESSES**  
**IN CRIMINAL PROCEEDINGS**

Sec.

- 5971. Short title of subchapter.
- 5972. Definitions.
- 5973. Scope of subchapter.
- 5974. Summoning witness in this Commonwealth to testify in another state.
- 5975. Court order.
- 5976. Terms and conditions.
- 5977. Prisoner from another state summoned to testify in this Commonwealth.
- 5978. Compliance.
- 5979. Exemption from arrest and service of process.

§ 5971. Short title of subchapter.

This subchapter shall be known and may be cited as the "Uniform Rendition of Prisoners as Witnesses in Criminal Proceedings Act."

§ 5972. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Penal institution." Includes a jail, prison, penitentiary, house of correction, correctional institution or other place of penal detention.

"Witness." A person who is confined in a penal institution in any state and whose testimony is desired in another state in any criminal proceeding or investigation by a grand jury or in any criminal proceeding before a court.

§ 5973. Scope of subchapter.

This subchapter does not apply to any person in this Commonwealth confined as insane or mentally ill or as a defective delinquent or under sentence of death.

§ 5974. Summoning witness in this Commonwealth to testify in another state.

(a) Certification.—A judge of a state court of record in another state, which by its laws has made provision for commanding persons confined in penal institutions within that state to attend and testify in this Commonwealth, may certify:

(1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court;

(2) that a person who is confined in a penal institution in this Commonwealth may be a material witness in the proceeding, investigation or action; and

(3) that his presence will be required during a specified time.

(b) Hearing.—Upon presentation of the certificate to any court having jurisdiction over the person confined and upon notice to the Department of Justice, the court in this Commonwealth shall fix a time and place for a hearing and shall make an order, directed to the person having custody of the prisoner, requiring that the prisoner be produced before it at the hearing.

§ 5975. Court order.

(a) General rule.—If at the hearing the court determines:

- (1) that the witness may be material and necessary;
- (2) that his attending and testifying are not adverse to the interests of this Commonwealth or to the health or legal rights of the witness;
- (3) that the laws of the state in which he is requested to testify will give him protection from arrest and the service of civil and criminal process because of any act committed prior to his arrival in the state under the order; and

(4) that as a practical matter the possibility is negligible that the witness may be subject to arrest or to the service of civil or criminal process in any state through which he will be required to pass; the court shall issue an order as provided in subsection (b).

(b) Contents of order.—The order issued under subsection (a) shall have a copy of the certificate attached and shall contain language:

- (1) directing the witness to attend and testify;
- (2) directing the person having custody of the witness to produce him in the court where the criminal action is pending, or where the grand jury investigation is pending, at a time and place specified in the order; and
- (3) prescribing such conditions as the court shall determine.

§ 5976. Terms and conditions.

The order to the witness and to the person having custody of the witness shall provide for the return of the witness at the conclusion of his testimony, proper safeguards on his custody, and proper financial reimbursement or prepayment by the requesting jurisdiction for all expenses incurred in the production and return of the witness, and may prescribe such other conditions as the court thinks proper or necessary. The order shall not become effective until the judge of the state requesting the witness enters an order directing compliance with the conditions prescribed.

§ 5977. Prisoner from another state summoned to testify in this Commonwealth.

If a person confined in a penal institution in any other state may be a material witness in a criminal action pending in a court of record or in a grand jury investigation in this Commonwealth, a judge of the court may certify:

- (1) that there is a criminal proceeding or investigation by a grand jury or a criminal action pending in the court;

(2) that a person who is confined in a penal institution in the other state may be a material witness in the proceeding, investigation or action; and

(3) that the presence of the person will be required during a specified time.

The certificate shall be presented to a judge of a court of record in the other state having jurisdiction over the prisoner confined and a notice shall be given to the Attorney General of the state in which the prisoner is confined.

§ 5978. Compliance.

The court in this Commonwealth may enter an order directing compliance with the terms and conditions prescribed by the judge of the state in which the witness is confined.

§ 5979. Exemption from arrest and service of process.

If a witness from another state comes into or passes through this Commonwealth under an order directing him to attend and testify in this or another state, he shall not, while in this Commonwealth pursuant to the order, be subject to arrest or the service of process, civil or criminal, because of any act committed prior to his arrival in this Commonwealth under the order.

## CHAPTER 61 RULES OF EVIDENCE

### Subchapter

- A. Documentary Evidence
- B. Eminent Domain Matters
- C. Blood Tests to Determine Paternity
- D. Miscellaneous Provisions

## SUBCHAPTER A DOCUMENTARY EVIDENCE

### Sec.

- 6101. Scope of subchapter.
- 6102. Judicial notice of official seals.
- 6103. Proof of official records.
- 6104. Effect of official records generally.
- 6105. Acts of notaries public.
- 6106. Certified exemplifications of records.
- 6107. Judicial notice of certain local government ordinances.
- 6108. Business records.
- 6109. Photographic copies of business and public records.
- 6110. Registers kept by religious societies and municipalities.
- 6111. Handwriting.
- 6112. Introduction of parol evidence after refusal to produce documents.

§ 6101. Scope of subchapter.

Except as otherwise provided by statute or regulation promulgated pursuant thereto by a government agency, the provisions of this subchapter shall apply to matters heard by judicial tribunals and to all matters heard by government agencies of this Commonwealth.

§ 6102. Judicial notice of official seals.

The seal of every court, district justice and other government unit, adopted pursuant to law, shall be judicially noticed.

§ 6103. Proof of official records.

(a) General rule.—An official record kept within this Commonwealth by any court, district justice or other government unit, or an entry therein, when admissible for any purpose, may be evidenced by an official publication thereof or by a copy attested by the officer having the legal custody of the record, or by his deputy, and accompanied by a certificate that the officer has the custody. The certificate may be made by any public officer having a seal of office and having official duties with respect to the government unit in which the record is kept, authenticated by the seal of his office, or if there is no such officer, by:

(1) The Department of State, in the case of any Commonwealth agency.

(2) The clerk of the court of common pleas of the judicial district embracing any county in which the government unit has jurisdiction, in the case of any government unit other than a Commonwealth agency.

(b) Lack of record.—A written statement that after an examination of the records of the government unit no record or entry of a specified tenor is found to exist in the records designated by the statement, authenticated as provided in subsection (a), is admissible as evidence that the records contain no such records or entry.

§ 6104. Effect of official records generally.

(a) General rule.—A copy of a record of governmental action or inaction authenticated as provided in section 6103 (relating to proof of official records) shall be admissible as evidence that the governmental action or inaction disclosed therein was in fact taken or omitted.

(b) Existence of facts.—A copy of a record authenticated as provided in section 6103 disclosing the existence or nonexistence of facts which have been recorded pursuant to an official duty or would have been so recorded had the facts existed shall be admissible as evidence of the existence or nonexistence of such facts, unless the sources of information or other circumstances indicate lack of trustworthiness.

§ 6105. Acts of notaries public.

(a) General rule.—The official acts, protests and attestations of all notaries public, certified under their respective hands and seals of office, including the dishonor of all bills and promissory notes, and of notice to the drawers, acceptors or endorsers thereof, may be received and read in evidence, as proof of the facts therein stated. Any litigant may be permitted to contradict by other evidence any such certificate.

(b) Foreign notaries.—The official acts and exemplifications of foreign notaries in accordance with the laws of their respective countries shall be prima facie evidence of the matters therein set forth, if they are authenticated as provided in section 5328 (relating to proof of official records). Any litigant may be permitted to contradict by other evidence any such acts, exemplifications or certificates.

§ 6106. Certified exemplifications of records.

Whenever provision is made by law for recording in a public office any document, the record thereof made, and exemplifications of the document lawfully certified, shall be legal evidence in all matters in which the document would be competent testimony.

§ 6107. Judicial notice of certain local government ordinances.

(a) General rule.—The ordinances of municipal corporations of this Commonwealth shall be judicially noticed.

(b) Manner of proving ordinances.—The tribunal may inform itself of such ordinances in such manner as it may deem proper and the tribunal may call upon counsel to aid it in obtaining such information.

(c) Construction of ordinances.—The construction of such ordinances shall be made by the court and not by the jury and shall be reviewable.

§ 6108. Business records.

(a) Short title of section.—This section shall be known and may be cited as the “Uniform Business Records as Evidence Act.”

(b) General rule.—A record of an act, condition or event shall, insofar as relevant, be competent evidence if the custodian or other qualified witness testifies to its identity and the mode of its preparation, and if it was made in the regular course of business at or near the time of the act, condition or event, and if, in the opinion of the tribunal, the sources of information, method and time of preparation were such as to justify its admission.

(c) Definition.—As used in this section “business” includes every kind of business, profession, occupation, calling, or operation of institutions whether carried on for profit or not.

§ 6109. Photographic copies of business and public records.

(a) Short title of section.—This section shall be known and may be cited as the “Uniform Photographic Copies of Business and Public Records as Evidence Act.”

(b) General rule.—If any business institution, member of a profession or calling, or any department or agency of government, in the regular course of business or activity, has kept or recorded any memorandum, writing, entry, print, representation, or combination thereof, of any act, transaction, occurrence or event, and in the regular course of business has caused any or all of the same to be recorded, copied or reproduced by any photographic, photostatic, microfilm, microcard, miniature photographic, or other process which accurately reproduces or forms a durable medium for so reproducing the original, the original may be destroyed, in the regular course of business, unless its preservation is required by law. Any

such reproduction in order to comply with this section must accurately reproduce all lines and markings which appear on the original. Such reproduction, when satisfactorily identified, is as admissible in evidence as the original itself in any judicial or administrative proceeding, whether the original is in existence or not, and an enlargement or facsimile of such reproduction is likewise admissible in evidence if the original reproduction is in existence and available for inspection under direction of the tribunal. The introduction of a reproduced record, enlargement or facsimile does not preclude admission of the original.

§ 6110. Registers kept by religious societies and municipalities.

(a) General rule.—The registry kept by any religious society in their respective meeting book or books of any marriage, birth or burial, within this Commonwealth, shall be held good and authentic, and shall be allowed of upon all occasions whatsoever.

(b) Foreign burials.—The registry of burials of any religious society or corporate town, in places out of the United States, shall be prima facie evidence of the death of any person whose burial is therein registered, and of the time of his interment, if the time be stated in the registry, and extracts from such registries, certified by the proper officers, in the mode of authentication usual in the place in which they are made and authenticated as provided in section 5328 (relating to proof of official records), shall be received as copies of such registries, and be evidence accordingly.

§ 6111. Handwriting.

(a) Opinion evidence as to handwriting.—Where there is a question as to any writing, the opinions of the following persons shall be deemed to be relevant:

(1) The opinion of any person acquainted with the handwriting of the supposed writer.

(2) The opinion of those who have had special experience with, or who have pursued special studies relating to, documents, handwriting, and alterations thereof, who are called experts in this section.

(b) Comparison of handwriting.—It shall be competent for experts in giving their testimony, under the provisions of this section, to make comparison of documents and comparison of disputed handwriting with any documents or writing admitted to be genuine, or proven to the satisfaction of the judge to be genuine, and the evidence of such experts respecting the same shall be submitted to the jury as evidence of the genuineness or otherwise of the writing in dispute.

(c) Comparison of signatures.—It shall be competent for experts in formulating their opinions to the court and jury to place the genuine and disputed signatures or writing in juxtaposition, and to draw the attention of the jury thereto; and it shall furthermore be competent for counsel to require of an expert a statement of the principles on which he has based his work, the details of his work, and his opinion that the results are important to the point at issue, or the reasoning, analysis and investigation by which he has arrived at his opinion.

(d) Jury question.—The opinions of the witnesses to handwriting being submitted as competent testimony to the jury, the final determination as to whether any particular handwriting is genuine or simulated shall remain, as heretofore, a question for the jury on all the evidence submitted.

§ 6112. Introduction of parol evidence after refusal to produce documents.

In all matters wherein any person is directed by a court to produce any documents and such person refuses to produce such documents, and for such refusal is attached and imprisoned by a court, and subsequently discharged, persisting in such refusal, parol evidence shall be received in relation to the existence and contents of such documents.

## SUBCHAPTER B EMINENT DOMAIN MATTERS

Sec.

6121. Eminent domain matters.

§ 6121. Eminent domain matters.

Eminent domain matters shall be governed by the provisions of Article VII (relating to evidence) of the act of June 22, 1964 (Sp.Sess., P.L.84, No.6), known as the "Eminent Domain Code," in addition to the provisions of this chapter.

## SUBCHAPTER C BLOOD TESTS TO DETERMINE PATERNITY

Sec.

6131. Short title of subchapter.

6132. Scope of subchapter.

6133. Authority for test.

6134. Selection of experts.

6135. Compensation of experts.

6136. Effect of test results.

6137. Effect on presumption of legitimacy.

§ 6131. Short title of subchapter.

This subchapter shall be known and may be cited as the "Uniform Act on Blood Tests to Determine Paternity."

§ 6132. Scope of subchapter.

(a) Civil matters.—This subchapter shall apply to all civil matters.

(b) Criminal proceedings.—This subchapter shall apply to all criminal proceedings subject to the following limitations and provisions:

(1) An order for the tests shall be made only upon application of a party or on the initiative of the court.

(2) The compensation of the experts shall be paid by the party requesting the blood test or by the county, as the court shall direct.

(3) The court may direct a verdict of acquittal upon the conclusions of all the experts under the provisions of section 6136 (relating to effect of test results), otherwise the case shall be submitted for determination upon all the evidence.

(4) The refusal of a defendant to submit to such tests may not be used in evidence against said defendant.

§ 6133. Authority for test.

In any matter subject to this subchapter in which paternity, parentage or identity of a child is a relevant fact, the court upon its own initiative or upon suggestion made by or on behalf of any person whose blood is involved may, or upon motion of any party to the action made at a time so as not to delay the proceedings unduly, shall order the mother, child and alleged father to submit to blood tests. If any party refuses to submit to such tests, the court may resolve the question of paternity, parentage or identity of a child against such party, or enforce its order if the rights of others and the interests of justice so require.

§ 6134. Selection of experts.

The tests shall be made by experts qualified as examiners of blood types, who shall be appointed by the court. The experts shall be called by the court as witnesses to testify to their findings and shall be subject to cross-examination by the parties. Any party or person at whose suggestion the tests have been ordered may demand that other experts qualified as examiners of blood types perform independent tests under order of court, the results of which may be offered in evidence. The number and qualifications of such experts shall be determined by the court.

§ 6135. Compensation of experts.

The compensation of each expert witness appointed by the court shall be fixed at a reasonable amount. It shall be paid as the court shall order. Subject to general rules, the court may order that it be paid by the parties in such proportions and at such times as it shall prescribe or that the proportion of any party be paid by the county and that after payment by the parties or the county, or both, all or part or none of it be taxed as costs in the action. Subject to general rules, the fee of an expert witness called by a party but not appointed by the court, shall be paid by the party calling him, but shall not be taxed as costs in the action.

§ 6136. Effect of test results.

If the court finds that the conclusions of all the experts as disclosed by the evidence based upon the tests are that the alleged father is not the father of the child, the question of paternity, parentage or identity of a child shall be resolved accordingly. If the experts disagree in their findings or conclusions, the question shall be submitted upon all the evidence.

§ 6137. Effect on presumption of legitimacy.

The presumption of legitimacy of a child born during wedlock is overcome if the court finds that the conclusions of all the experts as disclosed by the evidence based upon the tests show that the husband is not the father of the child.



SUBCHAPTER D  
MISCELLANEOUS PROVISIONS

Sec.

6141. Effect of certain settlements.

6142. Pleas in motor vehicle matters.

6143. Vehicle registration number prima facie evidence.

6144. Dying declarations in case of abortion.

§ 6141. Effect of certain settlements.

(a) Personal injuries.—Settlement with or any payment made to an injured person or to others on behalf of such injured person with the permission of such injured person or to anyone entitled to recover damages on account of injury or death of such person shall not constitute an admission of liability by the person making the payment or on whose behalf the payment was made, unless the parties to such settlement or payment agree to the contrary.

(b) Damages to property.—Settlement with or any payment made to a person or on his behalf to others for damages to or destruction of property shall not constitute an admission of liability by the person making the payment or on whose behalf the payment was made, unless the parties to such settlement or payment agree to the contrary.

(c) Admissibility in evidence.—Except in an action in which final settlement and release has been pleaded as a complete defense, any settlement or payment referred to in subsections (a) and (b) shall not be admissible in evidence on the trial of any matter.

(d) Credits on settlement or judgment.—All settlements and payments by or on behalf of the person making payment under subsections (a) and (b) shall be credited to the person making the same against any final settlement or judgment against such person, except that this section shall not be construed in such a manner as to change, alter or amend the effect of Subchapter B of Chapter 83 (relating to contribution among tort-feasors).

§ 6142. Pleas in motor vehicle matters.

(a) General rule.—A plea of guilty or nolo contendere, or payment by any person charged with a violation of the act of April 29, 1959 (P.L.58, No.32), known as “The Vehicle Code,” of the fine and costs prescribed for such violation after such a plea in any summary proceeding, shall not be admissible as evidence in any civil matter arising out of the same violation or under the same facts or circumstances.

(b) Exception.—The provisions of subsection (a) shall not be applicable to administrative or judicial proceedings involving the suspension of a motor vehicle or tractor operating privilege, learner’s permit, or right to apply for a motor vehicle or tractor operating privilege, or the suspension of a certificate of appointment as an official inspection station, or the suspension of a motor vehicle, tractor, or trailer registration.

§ 6143. Vehicle registration number prima facie evidence.

In any administrative or criminal proceeding for a violation of the

provisions of the act of April 29, 1959 (P.L.58, No.32), known as "The Vehicle Code," or any local ordinance, rule or regulation, the registration plate displayed on such vehicle or tractor shall be prima facie evidence that the owner of such vehicle or tractor was then operating the same. If at any such proceeding or hearing the owner shall testify under oath or affirmation that he was not operating the vehicle or tractor at the time of the alleged violation of The Vehicle Code or any local ordinance, rule or regulation, and shall submit himself to an examination as to who at that time was operating the vehicle or tractor, and reveal the name of the person, if known to him, or, if the information is made in a county other than that of his own residence, shall forward to the tribunal an affidavit setting forth such facts, then the prima facie evidence arising from the registration plate shall be overcome and removed and the burden of proof shifted.

§ 6144. Dying declarations in case of abortion.

(a) General rule.—The ante mortem statements of any woman, who shall die in consequence of any criminal acts producing or intended to produce a miscarriage of such woman, as to the causes of her injuries shall be competent evidence on the trial of any person charged with the commission of such injuries, with like effect and under like limitations as apply to dying declarations in prosecutions for felonious homicide.

(b) Limitations.—Before such statement shall be submitted to the jury as evidence the Commonwealth shall, by competent and satisfactory evidence, prove that such woman was of sound mind at the time such ante mortem statements were made.

## CHAPTER 63 JUVENILE MATTERS

### Subchapter

- A. General Provisions
- B. Jurisdiction and Custody
- C. Procedures and Safeguards
- D. Disposition of Children Generally
- E. Dispositions Affecting Other Jurisdictions

### SUBCHAPTER A GENERAL PROVISIONS

#### Sec.

- 6301. Short title and purposes of chapter.
- 6302. Definitions.
- 6303. Scope of chapter.
- 6304. Powers and duties of probation officers.
- 6305. Masters.
- 6306. Costs and expenses of care of child.
- 6307. Inspection of court files and records.
- 6308. Law enforcement records.

§ 6301. Short title and purposes of chapter.

(a) Short title.—This chapter shall be known and may be cited as the “Juvenile Act.”

(b) Purposes.—This chapter shall be interpreted and construed as to effectuate the following purposes:

(1) To preserve the unity of the family whenever possible and to provide for the care, protection, and wholesome mental and physical development of children coming within the provisions of this chapter.

(2) Consistent with the protection of the public interest, to remove from children committing delinquent acts the consequences of criminal behavior, and to substitute therefor a program of supervision, care and rehabilitation.

(3) To achieve the foregoing purposes in a family environment whenever possible, separating the child from parents only when necessary for his welfare or in the interests of public safety.

(4) To provide means through which the provisions of this chapter are executed and enforced and in which the parties are assured a fair hearing and their constitutional and other legal rights recognized and enforced.

§ 6302. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Child.” An individual who is:

(1) under the age of 18 years; or

(2) under the age of 21 years who committed an act of delinquency before reaching the age of 18 years.

“Court.” The court of common pleas.

“Custodian.” A person other than a parent or legal guardian, who stands in loco parentis to the child, or a person to whom legal custody of the child has been given by order of a court.

“Delinquent act.”

(1) The term means:

(i) an act designated a crime under the law of this Commonwealth, or of another state if the act occurred in that state, or under Federal law, or under local ordinances; or

(ii) a specific act or acts of habitual disobedience of the reasonable and lawful commands of his parent, guardian, or other custodian committed by a child who is ungovernable.

(2) The term shall not include:

(i) the crime of murder; or

(ii) summary offenses, unless the child fails to pay a fine levied thereunder, in which event notice of such fact shall be certified to the court.

“Delinquent child.” A child whom the court has found to have committed a delinquent act and is in need of treatment, supervision or rehabilitation.

“Deprived child.” A child who:

- (1) is without proper parental care or control, subsistence, education as required by law, or other care or control necessary for his physical, mental, or emotional health, or morals;
- (2) has been placed for care or adoption in violation of law;
- (3) has been abandoned by his parents, guardian, or other custodian;
- (4) is without a parent, guardian, or legal custodian; or
- (5) while subject to compulsory school attendance is habitually and without justification truant from school.

“Protective supervision.” Supervision ordered by the court of children found to be deprived.

“Shelter care.” Temporary care of a child in physically unrestricted facilities.

§ 6303. Scope of chapter.

This chapter shall apply exclusively to the following:

- (1) Proceedings in which a child is alleged to be delinquent or deprived.
- (2) Transfers under section 6322 (relating to transfer from criminal proceedings).
- (3) Proceedings arising under Subchapter E (relating to dispositions affecting other jurisdictions).
- (4) Proceedings under the Interstate Compact on Juveniles, as set forth in section 731 of the act of June 13, 1967 (P.L.31, No.21), known as the “Public Welfare Code.”

§ 6304. Powers and duties of probation officers.

(a) General rule.—For the purpose of carrying out the objectives and purposes of this chapter, and subject to the limitations of this chapter or imposed by the court, a probation officer shall:

- (1) Make investigations, reports, and recommendations to the court.
- (2) Receive and examine complaints and charges of delinquency or deprivation of a child for the purpose of considering the commencement of proceedings under this chapter.
- (3) Supervise and assist a child placed on probation or in his protective supervision or care by order of the court or other authority of law.
- (4) Make appropriate referrals to other private or public agencies of the community if their assistance appears to be needed or desirable.
- (5) Take into custody and detain a child who is under his supervision or care as a delinquent or deprived child if the probation officer has reasonable cause to believe that the health or safety of the child is in imminent danger, or that he may abscond or be removed from the jurisdiction of the court, or when ordered by the court pursuant to this chapter or that he violated the conditions of his probation.
- (6) Perform all other functions designated by this chapter or by order of the court pursuant thereto.

(b) Foreign jurisdictions.—Any of the functions specified in

subsection (a) may be performed in another jurisdiction if authorized by the court of this Commonwealth and permitted by the laws of the other jurisdiction.

§ 6305. Masters.

(a) General rule.—The governing authority may promulgate rules for the selection and appointment of masters on a full-time or part-time basis. A master shall be a member of the bar of the Supreme Court. The number and compensation of masters shall be fixed by the governing authority, and their compensation shall be paid by the county.

(b) Hearings before masters.—The court of common pleas may direct that hearings in any case or class of cases be conducted in the first instance by the master in the manner provided in this chapter. Before commencing the hearing the master shall inform the parties who have appeared that they are entitled to have the matter heard by a judge. If a party objects, the hearing shall be conducted by a judge.

(c) Recommendations of masters.—Upon the conclusion of a hearing before a master, he shall transmit written findings and recommendations for disposition to the judge. Prompt written notice and copies of the findings and recommendations shall be given to the parties to the proceeding.

(d) Rehearing before judge.—A rehearing before the judge may be ordered by the judge at any time upon cause shown. Unless a rehearing is ordered, the findings and recommendations become the findings and order of the court when confirmed in writing by the judge.

§ 6306. Costs and expenses of care of child.

(a) General rule.—The following expenses shall be paid one-half by the Department of Public Welfare and one-half by the county, upon certification thereof by the court:

(1) The cost of medical and other examinations and treatment of a child ordered by the court.

(2) The cost of care and support of a child committed by the court to the legal custody of a public agency approved by the Department of Public Welfare other than one operated by the Department of Public Welfare, or to a private agency approved by the Department of Public Welfare, or individual other than a parent.

(3) The costs of the proceedings under this chapter and other related expenses.

(b) Reimbursement of expenses.—If, after due notice to the parents or other persons legally obligated to care for and support the child, and after affording them an opportunity to be heard, the court finds that they are financially able to pay all or part of the costs and expenses stated in subsection (a), the court may order them to pay the same and prescribe the manner of payment. Unless otherwise ordered, payment shall be made to the clerk of the court for remittance to the person to whom compensation is due, or if the costs and expenses have been paid by the county, to the county.

§ 6307. Inspection of court files and records.

All files and records of the court in a proceeding under this chapter are open to inspection only by:

- (1) The judges, officers and professional staff of the court.
- (2) The parties to the proceeding and their counsel and representatives, but the persons in this category shall not be permitted to see reports revealing the names of confidential sources of information contained in social reports, except at the discretion of the court.
- (3) A public or private agency or institution providing supervision or having custody of the child under order of the court.
- (4) A court and its probation and other officials or professional staff and the attorney for the defendant for use in preparing a presentence report in a criminal case in which the defendant is convicted and who prior thereto had been a party to a proceeding under this chapter.
- (5) The Administrative Office of Pennsylvania Courts.
- (6) With leave of court, any other person or agency or institution having a legitimate interest in the proceedings or in the work of the unified judicial system.

§ 6308. Law enforcement records.

Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 6355 (relating to transfer to criminal proceedings), the interest of national security requires, or the court otherwise orders in the interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public; but inspection of the records and files is permitted by:

- (1) The court having the child before it in any proceeding.
- (2) Counsel for a party to the proceeding.
- (3) The officers of institutions or agencies to whom the child is committed.
- (4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties.
- (5) A court in which the child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him.

## SUBCHAPTER B JURISDICTION AND CUSTODY

Sec.

6321. Commencement of proceedings.  
6322. Transfer from criminal proceedings.  
6323. Informal adjustment.  
6324. Taking into custody.

6325. Detention of child.

6326. Release or delivery to court.

6327. Place of detention.

§ 6321. Commencement of proceedings.

(a) General rule.—A proceeding under this chapter may be commenced:

(1) By transfer of a case as provided in section 6322 (relating to transfer from criminal proceedings).

(2) By the court accepting jurisdiction as provided in section 6362 (relating to disposition of resident child received from another state) or accepting supervision of a child as provided in section 6364 (relating to supervision under foreign order).

(3) In other cases by the filing of a petition as provided in this chapter. The petition and all other documents in the proceeding shall be entitled "In the interest of . . . . ., a minor," and shall be captioned and docketed as provided by general rule.

(b) Venue.—A proceeding under this chapter may be commenced:

(1) In the county in which the child resides.

(2) If delinquency is alleged, in the county in which the acts constituting the alleged delinquency occurred.

(3) If deprivation is alleged, in the county in which the child is present when it is commenced.

(c) Transfer to another court within this Commonwealth.—

(1) If the child resides in a county of this Commonwealth and the proceeding is commenced in a court of another county, the court, on motion of a party or on its own motion made after the adjudicatory hearing or at any time prior to final disposition, may transfer the proceeding to the county of the residence of the child for further action. Like transfers may be made if the residence of the child changes during the proceeding. The proceeding may be transferred if the child has been adjudicated delinquent and other proceedings involving the child are pending in the court of the county of his residence.

(2) Certified copies of all legal and social documents and records pertaining to the case on file with the court shall accompany the transfer.

§ 6322. Transfer from criminal proceedings.

(a) General rule.—If it appears to the court in a criminal proceeding other than murder, that the defendant is a child, this chapter shall immediately become applicable, and the court shall forthwith halt further criminal proceedings, and, where appropriate, transfer the case to the division or a judge of the court assigned to conduct juvenile hearings, together with a copy of the accusatory pleading and other papers, documents, and transcripts of testimony relating to the case. If it appears to the court in a criminal proceeding charging murder, that the defendant is a child, the case may similarly be transferred and the provisions of this chapter applied. The defendant shall be taken forthwith to the probation

officer or to a place of detention designated by the court or released to the custody of his parent, guardian, custodian, or other person legally responsible for him, to be brought before the court at a time to be designated. The accusatory pleading may serve in lieu of a petition otherwise required by this chapter, unless the court directs the filing of a petition.

(b) Transfer of convicted criminal cases.—If in a criminal proceeding charging murder the child is convicted of a crime less than murder, the case may be transferred for disposition to the division or a judge of the court assigned to conduct juvenile hearings.

§ 6323. Informal adjustment.

(a) General rule.—Before a petition is filed, the probation officer or other officer of the court designated by it, subject to its direction, may in the case of a delinquent child to be charged with a delinquent act designated a crime, and shall, in the case of a deprived child or, in the case of a delinquent child to be charged with any other delinquent act, where commitment is clearly not appropriate and if otherwise appropriate, refer the child and his parents to any public or private social agency available for assisting in the matter. Upon referral, the agency shall indicate its willingness to accept the child and shall report back to the referring officer within three months concerning the status of the referral. The agency may return the referral to the probation officer or other officer for further informal adjustment if it is in the best interests of the child.

(b) Counsel and advice.—Such social agencies and the probation officer or other officer of the court may give counsel and advice to the parties with a view to an informal adjustment if it appears:

(1) counsel and advice without an adjudication would be in the best interest of the public and the child;

(2) the child and his parents, guardian, or other custodian consent thereto with knowledge that consent is not obligatory; and

(3) in the case of the probation officer or other officer of the court, the admitted facts bring the case within the jurisdiction of the court.

(c) Limitation on duration of counsel and advice.—The giving of counsel and advice by the probation or other officer of the court shall not extend beyond six months from the day commenced unless extended by an order of court for an additional period not to exceed three months.

(d) No detention authorized.—Nothing contained in this section shall authorize the detention of the child.

(e) Privileged statements.—An incriminating statement made by a participant to the person giving counsel or advice and in the discussions or conferences incident thereto shall not be used against the declarant over objection in any criminal proceeding or hearing under this chapter.

§ 6324. Taking into custody.

A child may be taken into custody:

(1) Pursuant to an order of the court under this chapter.

(2) Pursuant to the laws of arrest.



(3) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child is suffering from illness or injury or is in imminent danger from his surroundings, and that his removal is necessary.

(4) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child has run away from his parents, guardian, or other custodian.

(5) By a law enforcement officer or duly authorized officer of the court if there are reasonable grounds to believe that the child has violated conditions of his probation.

§ 6325. Detention of child.

A child taken into custody shall not be detained or placed in shelter care prior to the hearing on the petition unless his detention or care is required to protect the person or property of others or of the child or because the child may abscond or be removed from the jurisdiction of the court or because he has no parent, guardian, or custodian or other person able to provide supervision and care for him and return him to the court when required, or an order for his detention or shelter care has been made by the court pursuant to this chapter.

§ 6326. Release or delivery to court.

(a) General rule.—A person taking a child into custody, with all reasonable speed and without first taking the child elsewhere, shall:

(1) notify the parent, guardian or other custodian of the apprehension of the child and his whereabouts;

(2) release the child to his parents, guardian, or other custodian upon their promise to bring the child before the court when requested by the court, unless his detention or shelter care is warranted or required under section 6325 (relating to detention of child); or

(3) bring the child before the court or deliver him to a detention or shelter care facility designated by the court or to a medical facility if the child is believed to suffer from a serious physical condition or illness which requires prompt treatment. He shall promptly give written notice, together with a statement of the reason for taking the child into custody, to a parent, guardian, or other custodian and to the court.

Any temporary detention or questioning of the child necessary to comply with this subsection shall conform to the procedures and conditions prescribed by this chapter and other provisions of law.

(b) Enforcement of undertaking to produce child.—If a parent, guardian, or other custodian, when requested, fails to bring the child before the court as provided in subsection (a), the court may issue its warrant directing that the child be taken into custody and brought before the court.

§ 6327. Place of detention.

(a) General rule.—A child alleged to be delinquent may be detained only in:

(1) A licensed foster home or a home approved by the court.

(2) A facility operated by a licensed child welfare agency or one approved by the court.

(3) A detention home, camp, center or other facility for delinquent children which is under the direction or supervision of the court or other public authority or private agency, and is approved by the Department of Public Welfare.

(4) Any other suitable place or facility, designated or operated by the court and approved by the Department of Public Welfare.

Under no circumstances shall a child be detained, placed, or committed in any facility with adults, or where he is apt to be abused by other children unless there is no appropriate facility available, in which case the child shall be kept separate and apart from such adults at all times and shall be detained, placed, or committed under such circumstances for not more than five days.

(b) Report by correctional officer of receipt of child.—The official in charge of a jail or other facility for the detention of adult offenders or persons charged with crime shall inform the court immediately if a person who is or appears to be under the age of 18 years is received at the facility and shall bring him before the court upon request or deliver him to a detention or shelter care facility designated by the court.

(c) Transfer of child subject to criminal proceedings.—If a case is transferred for criminal prosecution the child may be transferred to the appropriate officer or detention facility in accordance with the law governing the detention of persons charged with crime. The court in making the transfer may order continued detention as a juvenile pending trial if the child is unable to provide bail.

(d) Detention of deprived children.—A child alleged to be deprived may be detained or placed in shelter care only in one of the facilities stated in subsection (a)(1), (2) and (4), and shall not be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses or of children alleged to be delinquent.

### SUBCHAPTER C PROCEDURES AND SAFEGUARDS

Sec.

- 6331. Release from detention or commencement of proceedings.
- 6332. Informal detention hearing.
- 6333. Subpoena.
- 6334. Petition.
- 6335. Summons.
- 6336. Conduct of hearings.
- 6337. Right to counsel.
- 6338. Other basic rights.
- 6339. Investigation and report.
- 6340. Consent decree.
- 6341. Adjudication.

§ 6331. Release from detention or commencement of proceedings.

If a child is brought before the court or delivered to a detention or shelter care facility designated by the court, the intake or other authorized officer of the court shall immediately make an investigation and release the child unless it appears that his detention or shelter care is warranted or required under section 6325 (relating to detention of child). The release of the child shall not prevent the subsequent filing of a petition as provided in this chapter. If he is not so released, a petition shall be promptly made and presented to the court.

§ 6332. Informal detention hearing.

(a) General rule.—An informal detention hearing shall be held promptly by the court or master and not later than 72 hours after the child is placed in detention to determine whether his detention or shelter care is required under section 6325 (relating to detention of child). Reasonable notice thereof, either oral or written, stating the time, place, and purpose of the detention hearing shall be given to the child and if they can be found, to his parents, guardian, or other custodian. Prior to the commencement of the hearing the court or master shall inform the parties of their right to counsel and to appointed counsel if they are needy persons, and of the right of the child to remain silent with respect to any allegations of delinquency.

(b) Rehearing.—If the child is not so released and a parent, guardian or other custodian has not been notified of the hearing, did not appear or waive appearance at the hearing, and files his affidavit showing these facts, the court or master shall rehear the matter without unnecessary delay and order release of the child, unless it appears from the hearing that his detention or shelter care is required under section 6325.

§ 6333. Subpoena.

Upon application of a child, parent, guardian, custodian, probation officer, district attorney, or other party to the proceedings, the court, master, or the clerk of the court shall issue, or the court or master may on its own motion issue, subpoenas requiring attendance and testimony of witnesses and production of papers at any hearing under this chapter.

§ 6334. Petition.

A petition, which shall be verified and may be on information and belief, may be brought by any person including a law enforcement officer. It shall set forth plainly:

(1) The facts which bring the child within the jurisdiction of the court and this chapter, with a statement that it is in the best interest of the child and the public that the proceeding be brought and, if delinquency is alleged, that the child is in need of treatment, supervision or rehabilitation.

(2) The name, age, and residence address, if any, of the child on whose behalf the petition is brought.

(3) The names and residence addresses, if known to the petitioner, of the parents, guardian, or custodian of the child and of the spouse, if any, of the child. If none of his parents, guardian, or custodian resides or can

be found within this Commonwealth, or if their respective places of residence address are unknown, the name of any known adult relative residing within the county, or if there be none, the known adult relative residing nearest to the location of the court.

(4) If the child is in custody and, if so, the place of his detention and the time he was taken into custody.

§ 6335. Summons.

(a) General rule.—After the petition has been filed the court shall fix a time for hearing thereon, which, if the child is in detention shall not be later than ten days after the filing of the petition. If the hearing is not held within such time, the child shall be immediately released from detention. The court shall direct the issuance of a summons to the parents, guardian, or other custodian, a guardian ad litem, and any other persons as appear to the court to be proper or necessary parties to the proceeding, requiring them to appear before the court at the time fixed to answer the allegations of the petition. The summons shall also be directed to the child if he is 14 or more years of age or is alleged to be a delinquent. A copy of the petition shall accompany the summons.

(b) Personal appearance.—The court may endorse upon the summons an order:

(1) Directing the parents, guardian, or other custodian of the child to appear personally at the hearing.

(2) Directing the person having the physical custody or control of the child to bring the child to the hearing.

(c) Warrant of arrest.—If it appears from affidavit filed or from sworn testimony before the court that the conduct, condition, or surroundings of the child are endangering his health or welfare or those of others, or that he may abscond or be removed from the jurisdiction of the court or will not be brought before the court notwithstanding the service of the summons, the court may issue a warrant of arrest.

(d) Form.—A summons and warrant of arrest shall be in such form and shall be served as prescribed by general rules.

(e) Waiver of service.—A party, other than the child, may waive service of summons by written stipulation or by voluntary appearance at the hearing. If the child is present at the hearing, his counsel, with the consent of the parent, guardian, or other custodian, or guardian ad litem, may waive service of summons in his behalf.

§ 6336. Conduct of hearings.

(a) General rule.—Hearings under this chapter shall be conducted by the court without a jury, in an informal but orderly manner, and separate from other proceedings not included in section 6303 (relating to scope of chapter).

(b) Functions of district attorney.—The district attorney, upon request of the court, shall present the evidence in support of the petition and otherwise conduct the proceedings on behalf of the Commonwealth.

(c) Record.—If requested by the party or ordered by the court the

proceedings shall be recorded by appropriate means. If not so recorded, full minutes of the proceedings shall be kept by the court.

(d) Proceeding in camera.—Except in hearings to declare a person in contempt of court, the general public shall be excluded from hearings under this chapter. Only the parties, their counsel, witnesses, and other persons accompanying a party for his assistance, and any other person as the court finds have a proper interest in the proceeding or in the work of the court may be admitted by the court. The court may temporarily exclude the child from the hearing except while allegations of his delinquency are being heard.

§ 6337. Right to counsel.

Except as otherwise provided under this chapter a party is entitled to representation by legal counsel at all stages of any proceedings under this chapter and if he is without financial resources or otherwise unable to employ counsel, to have the court provide counsel for him. If a party appears without counsel the court shall ascertain whether he knows of his right thereto and to be provided with counsel by the court if applicable. The court may continue the proceeding to enable a party to obtain counsel. Counsel must be provided for a child unless his parent, guardian, or custodian is present in court and affirmatively waive it. However, the parent, guardian, or custodian may not waive counsel for a child when their interest may be in conflict with the interest or interests of the child. If the interests of two or more parties may conflict, separate counsel shall be provided for each of them.

§ 6338. Other basic rights.

(a) General rule.—A party is entitled to the opportunity to introduce evidence and otherwise be heard in his own behalf and to cross-examine witnesses.

(b) Self-incrimination.—A child charged with a delinquent act need not be a witness against or otherwise incriminate himself. An extrajudicial statement, if obtained in the course of violation of this chapter or which could be constitutionally inadmissible in a criminal proceeding, shall not be used against him. Evidence illegally seized or obtained shall not be received over objection to establish the allegations made against him. A confession validly made by a child out of court at a time when the child is under 18 years of age shall be insufficient to support an adjudication of delinquency unless it is corroborated by other evidence.

§ 6339. Investigation and report.

(a) General rule.—If the allegations of a petition are admitted by a party or notice of hearing under section 6355 (relating to transfer to criminal proceedings) has been given, the court, prior to the hearing on need for treatment or disposition, may direct that a social study and report in writing to the court be made by an officer of the court or other person designated by the court, concerning the child, his family, his environment, and other matters relevant to disposition of the case. If the allegations of the petition are not admitted and notice of a hearing under section 6355 has

not been given, the court shall not direct the making of the study and report until after the court has heard the petition upon notice of hearing given pursuant to this chapter and the court has found that the child committed a delinquent act or is a deprived child.

(b) Physical and mental examinations and treatment.—During the pendency of any proceeding the court may order the child to be examined at a suitable place by a physician or psychologist and may also order medical or surgical treatment of a child who is suffering from a serious physical condition or illness which in the opinion of a licensed physician requires prompt treatment, even if the parent, guardian, or other custodian has not been given notice of a hearing, is not available, or without good cause informs the court of his refusal to consent to the treatment.

§ 6340. Consent decree.

(a) General rule.—At any time after the filing of a petition and before the entry of an adjudication order, the court may, on motion of the district attorney or of counsel for the child, suspend the proceedings, and continue the child under supervision in his own home, under terms and conditions negotiated with the probation services and agreed to by all parties affected. The order of the court continuing the child under supervision shall be known as a consent decree.

(b) Objection.—Where the child objects to a consent decree, the court shall proceed to findings, adjudication and disposition. Where the child does not object, but an objection is made by the district attorney after consultation with the probation services, the court shall, after considering the objections and reasons therefor, proceed to determine whether it is appropriate to enter a consent decree.

(c) Duration of decree.—A consent decree shall remain in force for six months unless the child is discharged sooner by probation services. Upon application of the probation services or other agency supervising the child, made before expiration of the six-month period, a consent decree may be extended by the court for an additional six months.

(d) Reinstatement of petition.—If prior to discharge by the probation services or expiration of the consent decree, a new petition is filed against the child, or the child otherwise fails to fulfill express terms and conditions of the decree, the petition under which the child was continued under supervision may, in the discretion of the district attorney following consultation with the probation services, be reinstated and the child held accountable as if the consent decree had never been entered.

(e) Effect of decree.—A child who is discharged by the probation services, or who completes a period of supervision without reinstatement of the original petition, shall not again be proceeded against in any court for the same offense alleged in the petition or an offense based upon the same conduct.

§ 6341. Adjudication.

(a) General rule.—After hearing the evidence on the petition the court shall make and file its findings as to whether the child is a deprived child, or

if the petition alleges that the child is delinquent, whether the acts ascribed to the child were committed by him. If the court finds that the child is not a deprived child or that the allegations of delinquency have not been established it shall dismiss the petition and order the child discharged from any detention or other restriction theretofore ordered in the proceeding.

(b) Finding of delinquency.—If the court finds on proof beyond a reasonable doubt that the child committed the acts by reason of which he is alleged to be delinquent it shall enter such finding on the record and it shall then proceed immediately or at a postponed hearing to hear evidence as to whether the child is in need of treatment, supervision or rehabilitation and to make and file its findings thereon. In the absence of evidence to the contrary, evidence of the commission of acts which constitute a felony shall be sufficient to sustain a finding that the child is in need of treatment, supervision or rehabilitation. If the court finds that the child is not in need of treatment, supervision or rehabilitation it shall dismiss the proceeding and discharge the child from any detention or other restriction theretofore ordered.

(c) Finding of deprivation.—If the court finds from clear and convincing evidence that the child is deprived, the court shall proceed immediately or at a postponed hearing to make a proper disposition of the case.

(d) Evidence on issue of disposition.—In disposition hearings under subsections (b) and (c) all evidence helpful in determining the questions presented, including oral and written reports, may be received by the court and relied upon to the extent of its probative value even though not otherwise competent in the hearing on the petition. The parties or their counsel shall be afforded an opportunity to examine and controvert written reports so received and to cross-examine individuals making the reports. Sources of information given in confidence need not be disclosed.

(e) Continued hearings.—On its motion or that of a party the court may continue the hearings under this section for a reasonable period to receive reports and other evidence bearing on the disposition or the need for treatment, supervision or rehabilitation. In this event the court shall make an appropriate order for detention of the child or his release from detention subject to supervision of the court during the period of the continuance. In scheduling investigations and hearings the court shall give priority to proceedings in which a child is in detention or has otherwise been removed from his home before an order of disposition has been made.

#### SUBCHAPTER D DISPOSITION OF CHILDREN GENERALLY

Sec.

- 6351. Disposition of deprived child.
- 6352. Disposition of delinquent child.
- 6353. Limitation on length of commitment.
- 6354. Effect of adjudication.

6355. Transfer to criminal proceedings.

6356. Disposition of mentally ill or mentally retarded child.

6357. Rights and duties of legal custodian.

§ 6351. Disposition of deprived child.

(a) General rule.—If the child is found to be a deprived child the court may make any of the following orders of disposition best suited to the protection and physical, mental, and moral welfare of the child:

(1) Permit the child to remain with his parents, guardian, or other custodian, subject to conditions and limitations as the court prescribes, including supervision as directed by the court for the protection of the child.

(2) Subject to conditions and limitations as the court prescribes transfer temporary legal custody to any of the following:

(i) Any individual resident within or without this Commonwealth who, after study by the probation officer or other person or agency designated by the court, is found by the court to be qualified to receive and care for the child.

(ii) An agency or other private organization licensed or otherwise authorized by law to receive and provide care for the child.

(iii) A public agency authorized by law to receive and provide care for the child.

(3) Without making any of the foregoing orders transfer custody of the child to the juvenile court of another state if authorized by and in accordance with section 6363 (relating to ordering foreign supervision).

(b) Limitation on confinement.—Unless a child found to be deprived is found also to be delinquent he shall not be committed to or confined in an institution or other facility designed or operated for the benefit of delinquent children.

§ 6352. Disposition of delinquent child.

(a) General rule.—If the child is found to be a delinquent child the court may make any of the following orders of disposition best suited to his treatment, supervision, rehabilitation, and welfare:

(1) Any order authorized by section 6351 (relating to disposition of deprived child).

(2) Placing the child on probation under supervision of the probation officer of the court or the court of another state as provided in section 6363 (relating to ordering foreign supervision), under conditions and limitations the court prescribes.

(3) Committing the child to an institution, youth development center, camp, or other facility for delinquent children operated under the direction or supervision of the court or other public authority and approved by the Department of Public Welfare.

(4) Committing the child to an institution operated by the Department of Public Welfare or special facility for children operated by the Department of Justice.



(b) Limitation on place of commitment.—A child shall not be committed or transferred to a penal institution or other facility used primarily for the execution of sentences of adults convicted of a crime, unless there is no other appropriate facility available, in which case the child shall be kept separate and apart from such adults at all times.

§ 6353. Limitation on length of commitment.

No child shall initially be committed to an institution for a period longer than three years or a period longer than he could have been sentenced by the court if he had been convicted of the same offense as an adult, whichever is less. The initial commitment may be extended for a similar period of time, or modified, if the court finds after hearing that the extension or modification will effectuate the original purpose for which the order was entered. The child shall have notice of the extension or modification hearing and shall be given an opportunity to be heard. The committing court shall review each commitment every six months and shall hold a disposition review hearing at least every 12 months.

§ 6354. Effect of adjudication.

(a) General rule.—An order of disposition or other adjudication in a proceeding under this chapter is not a conviction of crime and does not impose any civil disability ordinarily resulting from a conviction or operate to disqualify the child in any civil service application or appointment.

(b) Effect in subsequent judicial matters.—The disposition of a child under this chapter may not be used against him in any proceeding in any court other than at a subsequent juvenile hearing, whether before or after reaching majority, except:

(1) in dispositional proceedings after conviction of a felony for the purposes of a presentence investigation and report; or

(2) if relevant, where he has put his reputation or character in issue in a civil matter.

§ 6355. Transfer to criminal proceedings.

(a) General rule.—After a petition has been filed alleging delinquency based on conduct which is designated a crime or public offense under the laws, including local ordinances, of this Commonwealth, the court before hearing the petition on its merits may rule that this chapter is not applicable and that the offense should be prosecuted, and transfer the offense, where appropriate, to the division or a judge of the court assigned to conduct criminal proceedings, for prosecution of the offense if all of the following exist:

(1) The child was 14 or more years of age at the time of the alleged conduct.

(2) A hearing on whether the transfer should be made is held in conformity with this chapter.

(3) Notice in writing of the time, place, and purpose of the hearing is given to the child and his parents, guardian, or other custodian at least three days before the hearing.

(4) The court finds that there is a prima facie case that the child

committed the delinquent act alleged, and the court finds that there are reasonable grounds to believe all of the following:

(i) That the child is not amenable to treatment, supervision or rehabilitation as a juvenile through available facilities. In determining this the court may consider age, mental capacity, maturity, previous records and probation or institutional reports.

(ii) That the child is not committable to an institution for the mentally retarded or mentally ill.

(iii) That the interests of the community require that the child be placed under legal restraint or discipline or that the offense is one which would carry a sentence of more than three years if committed as an adult.

(b) Chapter inapplicable following transfer.—The transfer terminates the applicability of this chapter over the child with respect to the delinquent acts alleged in the petition.

(c) Transfer at request of child.—The child may request that the case be transferred for prosecution in which event the court may order this chapter not applicable.

(d) Effect of transfer from criminal proceedings.—No hearing shall be conducted where this chapter becomes applicable because of a previous determination by the court in a criminal proceeding.

(e) Murder.—Where the petition alleges conduct which if proven would constitute murder, the court shall require the offense to be prosecuted under the criminal law and procedures, except where the case has been transferred pursuant to section 6322 (relating to transfer from criminal proceedings) from the division or a judge of the court assigned to conduct criminal proceedings.

(f) Transfer action interlocutory.—The decision of the court to transfer or not to transfer the case shall be interlocutory.

§ 6356. Disposition of mentally ill or mentally retarded child.

If, at a dispositional hearing of a child found to be a delinquent or at any hearing, the evidence indicates that the child may be subject to commitment or detention under the provisions of the act of October 20, 1966 (3rd Sp.Sess., P.L.96, No.6), known as the "Mental Health and Mental Retardation Act of 1966," the court shall proceed under the provisions of such statute.

§ 6357. Rights and duties of legal custodian.

A custodian to whom legal custody has been given by the court under this chapter has the right to the physical custody of the child, the right to determine the nature of the care and treatment of the child, including ordinary medical care and the right and duty to provide for the care, protection, training, and education, and the physical, mental, and moral welfare of the child, subject to the conditions and limitations of the order and to the remaining rights and duties of the parents or guardian of the child.

SUBCHAPTER E  
DISPOSITIONS AFFECTING OTHER JURISDICTIONS

Sec.

- 6361. Disposition of nonresident child.
- 6362. Disposition of resident child received from another state.
- 6363. Ordering foreign supervision.
- 6364. Supervision under foreign order.
- 6365. Powers of foreign probation officers.

§ 6361. Disposition of nonresident child.

(a) General rule.—If the court finds that a child who has been adjudged to have committed a delinquent act or to be deprived is or is about to become a resident of another state which has adopted the Uniform Juvenile Court Act, or a substantially similar law which includes provisions corresponding to this section and section 6362 (relating to disposition of resident child received from another state), the court may defer hearing on need of treatment and disposition and request by any appropriate means the appropriate court of the county or parish of the residence or prospective residence of the child to accept jurisdiction of the child.

(b) Change of residence under court order.—If the child becomes a resident of another state while on probation or under protective supervision under order of a court of this Commonwealth, the court may request the court of the state in which the child has become a resident to accept jurisdiction of the child and to continue his probation or protective supervision.

(c) Procedure for transfer.—Upon receipt and filing of an acceptance the court of this Commonwealth shall transfer custody of the child to the accepting court and cause him to be delivered to the person designated by that court to receive his custody. It also shall provide the accepting court with certified copies of the order adjudging the child to be a delinquent, or deprived child, of the order of transfer, and if the child is on probation or under protective supervision under order of the court, of the order of disposition. It also shall provide the accepting court with a statement of the facts found by the court of this Commonwealth and any recommendations and other information or documents it considers of assistance to that court in making a disposition of the case or in supervising the child on probation or otherwise.

(d) Effect of transfer to accepting court.—Upon compliance with subsection (c) the jurisdiction of the court of this Commonwealth over the child is terminated.

§ 6362. Disposition of resident child received from another state.

(a) General rule.—If a juvenile court of another state which has adopted the Uniform Juvenile Court Act, or a substantially similar law which includes provisions corresponding to section 6361 (relating to disposition of nonresident child) and this section, requests a court of this Commonwealth to accept jurisdiction of a child found by the requesting

court to have committed a delinquent act or to be an unruly or deprived child, and the court of this Commonwealth finds, after investigation that the child is, or is about to become, a resident of a county for which the court is established, the court shall promptly and not later than 14 days after receiving the request issue its acceptance in writing to the requesting court and direct its probation officer or other person designated by it to take physical custody of the child from the requesting court and bring him before the court of this Commonwealth or make other appropriate provisions for his appearance before the court.

(b) Hearing on further disposition.—Upon the filing of certified copies of the orders of the requesting court:

(1) determining that the child committed a delinquent act or is an unruly or deprived child; and

(2) committing the child to the jurisdiction of the court of this Commonwealth;

the court of this Commonwealth shall immediately fix a time for a hearing on the need for treatment, supervision or rehabilitation and disposition of the child or on the continuance of any probation or protective supervision.

(c) Further proceedings.—The hearing and notice thereof and all subsequent proceedings are governed by this chapter. The court may make any order of disposition permitted by the facts and this chapter. The orders of the requesting court are conclusive that the child committed the delinquent act or is an unruly or deprived child and of the facts found by the court in making the orders. If the requesting court has made an order placing the child on probation or under protective supervision, a like order shall be entered by the court of this Commonwealth.

§ 6363. Ordering foreign supervision.

(a) General rule.—Subject to the provisions of this chapter governing dispositions and to the extent that funds are available the court may place a child in the custody of a suitable person in another state. On obtaining the written consent of a juvenile court of another state which has adopted the Uniform Juvenile Court Act or a substantially similar law, which includes provisions corresponding to this section and section 6364 (relating to supervision under foreign order), the court of this Commonwealth may order that the child be placed under the supervision of a probation officer or other appropriate official designated by the accepting court. One certified copy of the order shall be sent to the accepting court and another filed with the clerk of the requesting court of this Commonwealth.

(b) Costs and expenses.—The reasonable cost of the supervision, including the expenses of necessary travel, shall be borne by the county of the requesting court of this Commonwealth. Upon receiving a certified statement signed by the judge of the accepting court of the cost incurred by the supervision the court of this Commonwealth shall certify if it so appears that the sum so stated was reasonably incurred and file it with the county for payment. The county shall thereupon make payment of the sum approved to the appropriate officials of the county or parish of the accepting court.

§ 6364. Supervision under foreign order.

(a) General rule.—Upon receiving a request of a juvenile court of another state which has adopted the Uniform Juvenile Court Act, or a substantially similar law which includes provisions corresponding to section 6363 (relating to ordering foreign supervision) and this section to provide supervision of a child under the jurisdiction of that court, a court of this Commonwealth may issue its written acceptance to the requesting court and designate its probation or other appropriate officer who is to provide supervision, stating the probable cost per day therefor.

(b) Supervision and report.—Upon the receipt and filing of a certified copy of the order of the requesting court placing the child under the supervision of the officer so designated the officer shall arrange for the reception of the child from the requesting court, provide supervision pursuant to the order and this chapter, and report thereon from time to time together with any recommendations he may have to the requesting court.

(c) Costs and expenses.—The court of this Commonwealth from time to time shall certify to the requesting court the cost of supervision that has been incurred and request payment therefor from the appropriate officials of the county or parish of the requesting court to the county of the accepting court.

(d) Termination of supervision.—The court of this Commonwealth at any time may terminate supervision by notifying the requesting court. In that case, or if the supervision is terminated by the requesting court, the probation officer supervising the child shall return the child to a representative of the requesting court authorized to receive him.

§ 6365. Powers of foreign probation officers.

If a child has been placed on probation or protective supervision by a juvenile court of another state which has adopted the Uniform Juvenile Court Act or a substantially similar law which includes provisions corresponding to this section, and the child is in this Commonwealth with or without the permission of that court, the probation officer of that court or other person designated by that court to supervise or take custody of the child has all the powers and privileges in this Commonwealth with respect to the child as given by this chapter to like officers or persons of this Commonwealth including the right of visitation, counseling, control, and direction, taking into custody, and returning to that state.

CHAPTER 65  
HABEAS CORPUS

Sec.

6501. Writ not to be suspended.

6502. Power to issue writ.

6503. Right to apply for writ.

6504. Return on writ.

6505. Interference with writ prohibited.

§ 6501. Writ not to be suspended.

The privilege of the writ of habeas corpus shall not be suspended, unless when in the case of rebellion or invasion the public safety may require it.

§ 6502. Power to issue writ.

(a) General rule.—Any judge of a court of record may issue the writ of habeas corpus to inquire into the cause of detention of any person or for any other lawful purpose.

(b) Venue.—The venue of matters brought under this chapter shall be as prescribed by general rule.

§ 6503. Right to apply for writ.

(a) General rule.—Except as provided in subsection (b), an application for habeas corpus to inquire into the cause of detention may be brought by or on behalf of any person restrained of his liberty within this Commonwealth under any pretense whatsoever.

(b) Exception.—Where a person is restrained by virtue of sentence after conviction for a criminal offense, the writ of habeas corpus shall not be available if a remedy may be had by post-conviction hearing proceedings authorized by law.

§ 6504. Return on writ.

The writ, or the order to show cause why the writ should not issue, shall be directed to the person having custody of the person detained. It shall be returned within three days unless for good cause additional time, not exceeding 20 days, is allowed. The person to whom the writ or the order is directed shall make a return certifying the true cause of the detention and, except as otherwise provided by general rules or by rule or order of court, shall produce at the hearing the body of the person detained.

§ 6505. Interference with writ prohibited.

Any person who shall fail or refuse to respond to a writ or to an order issued under this chapter, or who shall change the place of detention of any person for the purpose of defeating the writ, or shall, without express authorization from a judge of a court of record, recommit on substantially the same facts and circumstances any person set at large upon a habeas corpus, or shall do any act for the purpose of defeating the writ or the order, commits a misdemeanor of the second degree.

## CHAPTER 67 SUPPORT PROCEEDINGS

### Subchapter

- A. General Provisions (Reserved)
- B. Reciprocal Enforcement of Support Orders

### SUBCHAPTER A GENERAL PROVISIONS (Reserved)

SUBCHAPTER B  
RECIPROCAL ENFORCEMENT OF SUPPORT ORDERS

## Sec.

- 6741. Short title and purposes of subchapter.
- 6742. Definitions.
- 6743. Remedies additional to those now existing.
- 6744. Extent of duties of support.
- 6745. Interstate rendition.
- 6746. Conditions of interstate rendition.
- 6747. Choice of law.
- 6748. Remedies of state or political subdivision furnishing support.
- 6749. How duties of support are enforced.
- 6750. Jurisdiction.
- 6751. Petition for support.
- 6752. Officials to represent obligee.
- 6753. Petition for a minor.
- 6754. Duty of initiating court.
- 6755. Costs and fees.
- 6756. Jurisdiction by arrest.
- 6757. State information agency.
- 6758. Duty of the court and officials of this Commonwealth as responding state.
- 6759. Further duties of court and officials of responding state.
- 6760. Hearing and continuance.
- 6761. Immunity from criminal prosecution.
- 6762. Evidence of husband and wife.
- 6763. Rules of evidence.
- 6764. Order of support.
- 6765. Responding court to transmit copies to initiating court.
- 6766. Additional powers of responding court.
- 6767. Paternity.
- 6768. Additional duties of responding court.
- 6769. Additional duty of initiating court.
- 6770. Proceedings not to be stayed.
- 6771. Application of payments.
- 6772. Effect of participation in proceeding.
- 6773. Intrastate application.
- 6774. Appeals.
- 6775. Additional remedies.
- 6776. Registration.
- 6777. Registry of foreign support orders.
- 6778. Official to represent obligee.
- 6779. Registration procedure.
- 6780. Effect and enforcement of registered order.

§ 6741. Short title and purposes of subchapter.

(a) Short title.—This subchapter shall be known and may be cited as the “Revised Uniform Reciprocal Enforcement of Support Act (1968).”

(b) Purposes.—The purposes of this subchapter are to improve and extend by reciprocal legislation the enforcement of duties of support.

§ 6742. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

“Court.” The courts of common pleas of this Commonwealth and when the context requires, the court of any other state as defined in a substantially similar reciprocal law.

“Duty of support.” A duty of support whether imposed or impossible by law or by order, decree, or judgment of any court, whether interlocutory or final or whether incidental to an action for divorce, separation, separate maintenance, or otherwise and includes the duty to pay arrearages of support past due and unpaid.

“Governor.” Includes any person performing the functions of Governor or the executive authority of any state covered by this subchapter.

“Initiating court.” The court in which a proceeding is commenced.

“Initiating state.” A state in which a proceeding pursuant to this or a substantially similar reciprocal law is commenced.

“Law.” Includes both common and statutory law.

“Obligee.” A person to whom a duty of support is owed or a person including a state or political subdivision that has commenced a proceeding for enforcement of an alleged duty of support or for registration of a support order. It is immaterial if the person to whom a duty of support is owed is a recipient of public assistance.

“Obligor.” Any person owing a duty of support or against whom a proceeding for the enforcement of a duty of support or registration of a support order is commenced.

“Prosecuting attorney.” The public official in the appropriate place who has the duty to enforce laws relating to the failure to provide for the support of any person.

“Register.” To record in the Registry of Foreign Support Orders.

“Registering court.” Any court of this Commonwealth in which a support order of a rendering state is registered.

“Rendering state.” A state in which the court has issued a support order for which registration is sought or granted in the court of another state.

“Responding court.” The court in which a responsive proceeding is commenced.

“Responding state.” A state in which any responsive proceeding pursuant to the proceeding in the initiating state is commenced.

“State.” Includes a state, territory, or possession of the United States,



the District of Columbia, the Commonwealth of Puerto Rico, and any foreign jurisdiction in which this or a substantially similar reciprocal law is in effect.

“Support order.” Any judgment, decree, or order of support in favor of an obligee whether temporary or final, or subject to modification, revocation, or remission, regardless of the kind of action or proceeding in which it is entered.

§ 6743. Remedies additional to those now existing.

The remedies provided in this subchapter are in addition to and not in substitution for any other remedies.

§ 6744. Extent of duties of support.

Duties of support arising under the law of this Commonwealth, when applicable under section 6747 (relating to choice of law), bind the obligor present in this Commonwealth regardless of the presence or residence of the obligee.

§ 6745. Interstate rendition.

The Governor of this Commonwealth may:

(1) demand of the Governor of another state the surrender of a person found in that state who is charged criminally in this Commonwealth with failing to provide for the support of any person; or

(2) surrender on demand by the Governor of another state a person found in this Commonwealth who is charged criminally in that state with failing to provide for the support of any person.

Provisions for extradition of criminals not inconsistent with this subchapter apply to the demand even if the person whose surrender is demanded was not in the demanding state at the time of the commission of the crime and has not fled therefrom. The demand, the oath, and any proceedings for extradition pursuant to this section need not state or show that the person whose surrender is demanded has fled from justice or at the time of the commission of the crime was in the demanding state.

§ 6746. Conditions of interstate rendition.

(a) Obligor in another state.—Before making the demand upon the Governor of another state for the surrender of a person charged criminally in this Commonwealth with failing to provide for the support of a person, the Governor of this Commonwealth may require any prosecuting attorney of this Commonwealth to satisfy him that at least 60 days prior thereto the obligee initiated proceedings for support under this subchapter or that the initiation of any proceeding would be of no avail.

(b) Obligor in this Commonwealth.—If, under a substantially similar law, the Governor of another state makes a demand upon the Governor of this Commonwealth for the surrender of a person charged criminally in that state with failure to provide for the support of a person, the Governor may require any prosecuting attorney to investigate the demand and to report to him whether proceedings for support have been initiated or would be effective. If it appears to the Governor that a proceeding would be effective but has not been initiated he may delay honoring the demand for a reasonable time to permit the initiation of a proceeding.

(c) Effect of support proceedings.—If proceedings have been initiated and the person demanded has prevailed therein the Governor may decline to honor the demand. If the obligee prevailed and the person demanded is subject to a support order, the Governor may decline to honor the demand if the person demanded is complying with the support order.

§ 6747. Choice of law.

Duties of support applicable under this subchapter are those imposed under the laws of any state where the obligor was present for the period during which support is sought. The obligor is presumed to have been present in the responding state during the period for which support is sought until otherwise shown.

§ 6748. Remedies of state or political subdivision furnishing support.

If a state or a political subdivision furnishes support to an individual obligee it has the same right to initiate a proceeding under this subchapter as the individual obligee for the purpose of securing reimbursement for support furnished and of obtaining continuing support.

§ 6749. How duties of support are enforced.

All duties of support, including the duty to pay arrearages, are enforceable by a proceeding under this subchapter including a proceeding for civil contempt. The defense that the parties are immune to suit because of their relationship as husband and wife or parent and child is not available to the obligor.

§ 6750. Jurisdiction.

Jurisdiction of any proceeding under this subchapter is vested in the courts of common pleas.

§ 6751. Petition for support.

(a) Contents.—The petition shall be verified and shall state the name and, so far as known to the obligee, the address and circumstances of the obligor, the persons for whom support is sought, and all other pertinent information. The obligee may include in or attach to the petition any information which may help in locating or identifying the obligor including a photograph of the obligor, a description of any distinguishing marks on his person, other names and aliases by which he has been or is known, the name of his employer, his fingerprints, and his social security number.

(b) Filing.—The petition may be filed in the appropriate court of any state in which the obligee resides. The court may decline or refuse to accept and forward the petition on the ground that it should be filed with some other court of this or any other state where there is pending another action for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody between the same parties or where another court has already issued a support order in some other proceeding and has retained jurisdiction for its enforcement.

§ 6752. Officials to represent obligee.

If this Commonwealth is acting as an initiating state the prosecuting attorney upon the request of the court, or a Commonwealth or local welfare official shall represent the obligee in any proceeding under this

subchapter. If the prosecuting attorney neglects or refuses to represent the obligee, the Department of Public Welfare may undertake the representation.

§ 6753. Petition for a minor.

A petition on behalf of a minor obligee may be executed and filed by a person having legal custody of the minor without appointment as guardian ad litem.

§ 6754. Duty of initiating court.

If the initiating court finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and that a court of the responding state may obtain jurisdiction of the obligor or his property it shall so certify and cause three copies of the petition and its certificate and one copy of this subchapter to be sent to the responding court. Certification shall be in accordance with the requirements of the initiating state. If the name and address of the responding court is unknown and the responding state has an information agency comparable to that established in the initiating state it shall cause the copies to be sent to the state information agency or other proper official of the responding state, with a request that the agency or official forward them to the proper court and that the court of the responding state acknowledge their receipt to the initiating court.

§ 6755. Costs and fees.

An initiating court shall not require payment of either a filing fee or other costs from the obligee but may request the responding court to collect fees and costs from the obligor. A responding court shall not require payment of a filing fee or other costs from the obligee but it may direct that all fees and costs requested by the initiating court and all fees and costs incurred in this Commonwealth when acting as a responding state, including fees for filing of pleadings, service of process, seizure of property, stenographic or duplication service, or other service supplied to the obligor, be paid in whole or in part by the obligor or by the state or political subdivision thereof. These costs or fees do not have priority over amounts due to the obligee.

§ 6756. Jurisdiction by arrest.

(a) General rule.—If the court of this Commonwealth believes that the obligor may flee it may:

(1) as an initiating court, request in its certificate that the responding court obtain the body of the obligor by appropriate process; or

(2) as a responding court, obtain the body of the obligor by appropriate process. Thereupon it may release him upon his own recognizance or upon his giving a bond in an amount set by the court to assure his appearance at the hearing. When the obligor is detained for the hearing, the hearing shall be held within 15 days from the date of arrest. The court may compel the attendance at a hearing by attachment process directed to the sheriff or other proper officer of the county directing and commanding that the obligor be brought before the court at such time as

the court may direct. If the court, whenever an attachment is issued in any county as provided in this paragraph, shall find after hearing that the obligor has wilfully neglected or refused to comply with any order of the court, the court may adjudge such person in contempt of court and, in its discretion, may commit such person to the county jail or house of correction until compliance with such order, but in no case for a period exceeding six months. The court in its order shall state the condition upon which fulfillment will result in the release of the obligor.

(b) Philadelphia cases.—In the first judicial district the obligor shall be brought before the court forthwith, but in any event within 48 hours or two court working days, whichever is the longer from the time the obligor is taken in custody pursuant to the attachment; at which time, if the court shall find, after hearing, that the obligor is about to leave the jurisdiction, the court may direct that he give security, by one or more sureties, to appear when directed by the court, or to comply with any order of court.

§ 6757. State information agency.

(a) General rule.—The Department of Public Welfare is designated as the state information agency under this subchapter. It shall:

(1) Compile a list of the courts and their addresses in this Commonwealth having jurisdiction under this subchapter and transmit it to the state information agency of every other state which has adopted this or a substantially similar law. Upon the adjournment of each session of the General Assembly the agency shall distribute copies of any amendments to this subchapter and a statement of their effective date to all other state information agencies.

(2) Maintain a register of lists of courts received from other states and transmit copies thereof promptly to every court in this Commonwealth having jurisdiction under this subchapter.

(3) Forward to the court in this Commonwealth which has jurisdiction over the obligor or his property petitions, certificates and copies of the laws it receives from courts or information agencies of other states.

(b) Inquiry for obligor.—If the state information agency does not know the location of the obligor or his property in the state and no state location service is available it shall use all means at its disposal to obtain this information, including the examination of official records in the state and other sources such as telephone directories, real property records, vital statistics records, police records, requests for the name and address from employers who are able or willing to cooperate, records of motor vehicle license offices, requests made to the tax offices, both State and Federal, where such offices are able to cooperate, and requests made to the Social Security Administration as permitted by the Social Security Act as amended.

(c) Department of Public Welfare prosecution.—After the deposit of three copies of the petition and certificate and one copy of the law of the initiating state with the clerk of the appropriate court, if the state

information agency knows or believes that the prosecuting attorney is not prosecuting the case diligently it shall inform the Department of Public Welfare, who may undertake the representation.

§ 6758. Duty of the court and officials of this Commonwealth as responding state.

(a) Docketing and notice.—After the responding court receives copies of the petition, certificate and law from the initiating court the clerk of the court shall docket the case and notify the prosecuting attorney of his action.

(b) District attorney prosecution.—The prosecuting attorney shall prosecute the case diligently. He shall take all action necessary in accordance with the laws of this Commonwealth to enable the court to obtain jurisdiction over the obligor or his property and shall request the clerk of the court to set a time and place for a hearing and give notice thereof to the obligor in accordance with law.

(c) Department of Public Welfare prosecution.—If the prosecuting attorney neglects or refuses to represent the obligee, the Department of Public Welfare may undertake the representation.

§ 6759. Further duties of court and officials of responding state.

(a) General rule.—The prosecuting attorney on his own initiative shall use all means at his disposal to locate the obligor or his property, and if because of inaccuracies in the petition or otherwise the court cannot obtain jurisdiction the prosecuting attorney shall inform the court of what he has done and request the court to continue the case pending receipt of more accurate information or an amended petition from the initiating court.

(b) Forwarding of documents.—If the obligor or his property is not found in the county, and the prosecuting attorney discovers that the obligor or his property may be found in another county of this Commonwealth or in another state he shall so inform the court. Thereupon the clerk of the court shall forward the documents received from the court in the initiating state to a court in the other county or to a court in the other state or to the information agency or other proper official of the other state with a request that the documents be forwarded to the proper court. All powers and duties provided by this subchapter apply to the recipient of the documents so forwarded. If the clerk of a court of this Commonwealth forwards documents to another court he shall forthwith notify the initiating court.

(c) Notice of no information.—If the prosecuting attorney has no information as to the location of the obligor or his property he shall so inform the initiating court.

§ 6760. Hearing and continuance.

If the obligee is not present at the hearing and the obligor denies owing the duty of support alleged in the petition or offers evidence constituting a defense the court, upon request of either party, shall continue the hearing to permit evidence relative to the duty to be adduced by either party by deposition or by appearing in person before the court. The court may

designate the judge of the initiating court as a person before whom a deposition may be taken.

§ 6761. Immunity from criminal prosecution.

If at the hearing the obligor is called for examination as an adverse party and he declines to answer upon the ground that his testimony may tend to incriminate him, the court may require him to answer, in which event he is immune from criminal prosecution with respect to matters revealed by his testimony, except for perjury committed in this testimony.

§ 6762. Evidence of husband and wife.

Laws attaching a privilege against the disclosure of communications between husband and wife are inapplicable to proceedings under this subchapter. Husband and wife are competent witnesses and may be compelled to testify to any relevant matter, including marriage and parentage.

§ 6763. Rules of evidence.

In any hearing for the civil enforcement of this subchapter the court is governed by the rules of evidence applicable in a civil matter in the court of common pleas. If the action is based on a support order issued by another court a certified copy of the order shall be received as evidence of the duty of support, subject only to any defenses available to an obligor under section 6767 (relating to paternity) or to a defendant in an action or a proceeding to enforce a foreign money judgment. The determination or enforcement of a duty of support owed to one obligee is unaffected by any interference by another obligee with rights of custody or visitation granted by a court.

§ 6764. Order of support.

If the responding court finds a duty of support it may order the obligor to furnish support or reimbursement therefor and subject the property of the obligor to the order. Support orders made pursuant to this subchapter shall require that payments be made to the clerk of the court of the responding state, or to other officer designated by the court. The court and prosecuting attorney of any county in which the obligor is present or has property have the same powers and duties to enforce the order as have those of the county in which it was first issued. If enforcement is impossible or cannot be completed in the county in which the order was issued, the prosecuting attorney shall send a certified copy of the order to the prosecuting attorney of any county in which it appears that proceedings to enforce the order would be effective. The prosecuting attorney to whom the certified copy of the order is forwarded shall proceed with enforcement and report the results of the proceedings to the court first issuing the order.

§ 6765. Responding court to transmit copies to initiating court.

The responding court shall cause a copy of all support orders to be sent to the initiating court.

§ 6766. Additional powers of responding court.

In addition to the foregoing powers set forth in this subchapter a responding court may subject the obligor to any terms and conditions

proper to assure compliance with its orders and in particular to:

(1) Require the obligor to furnish a cash deposit or a bond of a character and amount to assure payment of any amount due.

(2) Require the obligor to report personally and to make payments at specific intervals to the clerk of the court, or to other officer designated by the court.

(3) Punish under the power of contempt the obligor who violates any order of the court. No such punishment shall be administered until the court shall find, after hearing, that the violation was wilful.

§ 6767. Paternity.

If the obligor asserts as a defense that he is not the father of the child for whom support is sought and it appears to the court that the defense is not frivolous, and if both of the parties are present at the hearing or the proof required in the case indicates that the presence of either or both of the parties is not necessary, the court may adjudicate the paternity issue. Otherwise the court may adjourn the hearing until the paternity issue has been adjudicated.

§ 6768. Additional duties of responding court.

A responding court has the following duties which may be carried out through the clerk of the court, or other officer designated by the court:

(1) To transmit to the initiating court any payment made by the obligor pursuant to any order of the court or otherwise.

(2) To furnish to the initiating court upon request a certified statement of all payments made by the obligor.

§ 6769. Additional duty of initiating court.

An initiating court shall receive and disburse forthwith all payments made by the obligor or sent by the responding court. This duty may be carried out through the clerk of the court, or other officer designated by the court.

§ 6770. Proceedings not to be stayed.

A responding court shall not stay the proceeding or refuse a hearing under this subchapter because of any pending or prior action or proceeding for divorce, separation, annulment, dissolution, habeas corpus, adoption, or custody in this Commonwealth or any other state. The court shall hold a hearing and may issue a support order pendente lite. In aid thereof it may require the obligor to give a bond for the prompt prosecution of the pending proceeding. If the other action or proceeding is concluded before the hearing in the instant proceeding and the judgment therein provides for the support demanded in the petition being heard the court must take into account in placing its support order the amount allowed in the other action or proceeding. Thereafter the court shall not stay enforcement of its support order because of the retention of jurisdiction for enforcement purposes by the court in the other action or proceeding.

§ 6771. Application of payments.

A support order made by a court of this Commonwealth pursuant to this subchapter does not nullify and is not nullified by a support order made by

a court of this Commonwealth pursuant to any other law or by a support order made by a court of any other state pursuant to a substantially similar law or any other law, regardless of priority of issuance, unless otherwise specifically provided by the court. Amounts paid for a particular period pursuant to any support order made by the court of another state shall be credited against the amounts accruing or accrued for the same period under any support order made by the court of this Commonwealth.

§ 6772. Effect of participation in proceeding.

Participation in any proceeding under this subchapter does not confer jurisdiction upon any court over any of the parties thereto in any other proceeding.

§ 6773. Intrastate application.

This subchapter applies if both the obligee and the obligor are in this Commonwealth but in different counties. If the court of the county in which the petition is filed finds that the petition sets forth facts from which it may be determined that the obligor owes a duty of support and finds that a court of another county in this Commonwealth may obtain jurisdiction over the obligor or his property, the clerk of the court shall send the petition and a certification of the findings to the court of the county in which the obligor or his property is found. The clerk of the court of the county receiving these documents shall notify the prosecuting attorney of their receipt. The prosecuting attorney and the court in the county to which the copies are forwarded then shall have duties corresponding to those imposed upon them when acting for this Commonwealth as a responding state.

§ 6774. Appeals.

(a) By Department of Public Welfare.—If the Department of Public Welfare is of the opinion that a support order is erroneous, or inadequate, or presents a question of law warranting an appeal in the public interest, it may:

- (1) perfect an appeal to the proper appellate court if the support order was issued by a court of this Commonwealth; or
- (2) if the support order was issued in another state, cause the appeal to be taken in the other state.

In either case expenses of appeal taken by such department may be paid from funds appropriated to the Department of Public Welfare.

(b) By obligee.—In the event the Department of Public Welfare fails or refuses to file an appeal on behalf of the obligee, such obligee may file such appeal as provided in subsection (a)(1) and (2).

(c) By obligor.—The obligor shall have the right to file an appeal to the proper appellate court if the support order was issued by a court of this Commonwealth, or may cause the appeal to be taken in the other state, if the support order was issued in another state.

§ 6775. Additional remedies.

If the duty of support is based on a foreign support order, the obligee has the additional remedies provided in the following sections of this subchapter.



**§ 6776. Registration.**

The obligee may register the foreign support order in a court of this Commonwealth in the manner, with the effect, and for the purposes provided in this subchapter.

**§ 6777. Registry of foreign support orders.**

The clerk of the court shall maintain a registry of foreign support orders in which he shall file foreign support orders.

**§ 6778. Official to represent obligee.**

(a) General rule.—If this Commonwealth is acting either as a rendering or a registering state the prosecuting attorney upon the request of the court, or a Commonwealth or other local welfare official, shall represent the obligee in proceedings under this subchapter.

(b) Department of Public Welfare prosecution.—If the prosecuting attorney neglects or refuses to represent the obligee, the Department of Public Welfare may undertake the representation.

**§ 6779. Registration procedure.**

(a) General rule.—An obligee seeking to register a foreign support order in a court of this Commonwealth shall transmit to the clerk of the court:

(1) One certified copy of the order with all modifications thereof.

(2) One copy of the reciprocal enforcement of support law of the state in which the order was made.

(3) A statement verified and signed by the obligee, showing the post office address of the obligee, the last known place of residence and post office address of the obligor, the amount of support remaining unpaid, a description and the location of any property of the obligor available upon execution, and a list of the states in which the order is registered. Upon receipt of these documents the clerk of the court, without payment of a recording fee or other cost to the obligee, shall record them in the registry of foreign support orders. The recording constitutes registration under this subchapter.

(b) Notice.—Within ten days after the registration the clerk of the court shall send by certified or registered mail to the obligor at the address given a notice of the registration with a copy of the registered support order and the post office address of the obligee. He shall also docket the case and notify the prosecuting attorney of his action. The prosecuting attorney shall proceed diligently to enforce the order.

**§ 6780. Effect and enforcement of registered order.**

(a) Effect.—Upon registration the registered foreign support order shall be treated in the same manner as a support order issued by a court of this Commonwealth. It has the same effect and is subject to the same procedures, defenses, and proceedings for reopening, vacating, or staying as a support order of this Commonwealth and may be enforced and satisfied in like manner.

(b) Challenge to order.—The obligor has 20 days after the mailing of notice of the registration in which to petition the court to vacate the

registration or for other relief. If he does not so petition the registered support order is confirmed.

(c) Procedure.—At the hearing to enforce the registered support order the obligor may present only matters that would be available to him as defenses in an action to enforce a foreign money judgment. If he shows to the court that an appeal from the order is pending or will be taken or that a stay of execution has been granted the court shall stay enforcement of the order until the appeal is concluded, the time for appeal has expired, or the order is vacated, upon satisfactory proof that the obligor has furnished security for payment of the support ordered as required by the rendering state. If he shows to the court any ground upon which enforcement of a support order of this Commonwealth may be stayed the court shall stay enforcement of the order for an appropriate period if the obligor furnishes the same security for payment of the support ordered that is required for a support order of this Commonwealth.

## PART VII CIVIL ACTIONS AND PROCEEDINGS

### Chapter

- 71. General Provisions
- 73. Arbitration
- 75. Commencement of Actions
- 77. Trial (Reserved)
- 79. Post-trial Matters (Reserved)
- 81. Judgments
- 83. Particular Rights and Immunities
- 85. Matters Affecting the Commonwealth (Reserved)

### CHAPTER 71 GENERAL PROVISIONS

#### Sec.

7101. Settlements and other agreements with hospitalized persons.

§ 7101. Settlements and other agreements with hospitalized persons.

(a) General rule.—

(1) No person whose interest is or may become adverse to a person injured who is confined to a hospital or sanitarium as a patient shall, within 15 days after the date of the occurrence causing the injury to such patient:

(i) Negotiate or attempt to negotiate a settlement with such patient.

(ii) Obtain or attempt to obtain a general release of liability from such patient.

(iii) Obtain or attempt to obtain any statement, either written or oral, from such patient for use in negotiating a settlement or obtaining a release.

(2) Any settlement agreement entered into, any general release of liability or any written or oral statement made by any person who is confined in a hospital or sanitarium after he incurs a personal injury, which is not obtained in accordance with the provisions of subsection (b) shall not be admissible in evidence in any matter relating to the injury and shall not be utilized for any purpose in any matter in connection therewith.

(3) Where a person is injured and confined as a patient to a hospital or sanitarium due to such injuries, no attorney shall, during the first 15 days of the confinement of such patient, enter or attempt to enter into an agreement relating to compensation wholly or partly on a contingent basis with such patient in connection with his injuries.

(b) Exception.—Subsection (a) shall not apply if at least five days prior to obtaining the settlement, release, statement or contingent fee agreement, the injured person has signified in writing, by a statement acknowledged before a notary public who has no interest adverse to the injured person, his willingness that a settlement, release, statement or contingent fee agreement be given or entered into.

## CHAPTER 73 ARBITRATION

### Subchapter

- A. Statutory Arbitration (Reserved)
- B. Common Law Arbitration
- C. Judicial Arbitration

### SUBCHAPTER A STATUTORY ARBITRATION (Reserved)

### SUBCHAPTER B COMMON LAW ARBITRATION

#### Sec.

7341. Common law arbitration.

§ 7341. Common law arbitration.

The award of an arbitrator in a nonjudicial arbitration which is not subject to the act of April 25, 1927 (P.L.381, No.248), relating to statutory arbitration, or a similar statute regulating nonjudicial arbitration proceedings is binding and may not be vacated or modified unless it is clearly shown that a party was denied a hearing or that fraud, misconduct, corruption or other irregularity caused the rendition of an unjust, inequitable or unconscionable award.

SUBCHAPTER C  
JUDICIAL ARBITRATION

Sec.

7361. Compulsory arbitration.

7362. Voluntary arbitration of pending judicial matters.

§ 7361. Compulsory arbitration.

(a) General rule.—Except as provided in subsection (b), when prescribed by general rule or rule of court such civil matters or issues therein as shall be specified by rule shall first be submitted to and heard by a board of three members of the bar of the court.

(b) Limitations.—No matter shall be referred under subsection (a):

(1) which involves title to real property; or

(2) where the amount in controversy, exclusive of interest and costs, exceeds:

(i) \$10,000 in judicial districts embracing first, second, second class A or third class counties; or

(ii) \$5,000 in any other judicial district.

(c) Procedure.—The arbitrators appointed pursuant to this section shall have such powers and shall proceed in such manner as shall be prescribed by general rules.

(d) Appeal.—Any party to a matter shall have a right to appeal to and to a trial de novo in the court upon payment of such amount or proportion of fees and costs within such time as shall be prescribed by general rule and upon compliance with such other procedures as shall be prescribed by general rules. In the absence of appeal the judgment entered on the award of the arbitrators shall be enforced as any other judgment of the court.

§ 7362. Voluntary arbitration of pending judicial matters.

(a) General rule.—A civil matter or issue therein may be referred by consent of the parties to one or more appointive judicial officers or other persons for hearing or hearing and disposition.

(b) Government units.—Any government unit of this Commonwealth, with the consent of the solicitor or other official counsel of the unit, may agree to the reference of a civil matter pursuant to this section.

(c) Procedure.—The appointive judicial officers or other persons appointed or designated pursuant to this section shall have such powers and shall proceed in such manner as shall be prescribed by general rules.

(d) Appeal.—Any party to a matter referred under this section shall have such rights of appeal, if any, as shall be prescribed by general rules. Where no right to appeal is prescribed by general rule, all parties shall be deemed to have waived any right to appeal which they might otherwise enjoy under the Constitution of Pennsylvania or otherwise in mutual consideration of an expeditious final disposition of the matter, but no such waiver shall apply if it is clearly shown that a party was denied a hearing or that fraud, misconduct, corruption or other irregularity caused the rendition of an unjust, inequitable or unconscionable award.

CHAPTER 75  
COMMENCEMENT OF ACTIONS

Subchapter

- A. General Provisions (Reserved)
- B. Interpleader Compacts
- C. Declaratory Judgments
- D. Reciprocal Tax Enforcement

SUBCHAPTER A  
GENERAL PROVISIONS  
(Reserved)

SUBCHAPTER B  
INTERPLEADER COMPACTS

Sec.

- 7521. Short title of subchapter.
- 7522. Interpleader compact.
- 7523. Duties of the Department of State.
- 7524. Duties of the Governor.

§ 7521. Short title of subchapter.

This subchapter shall be known and may be cited as the "Interpleader Compact Law."

§ 7522. Interpleader compact.

The following interpleader compact is hereby approved, ratified, adopted and entered into by this Commonwealth as a party to take effect between this Commonwealth and any other state of the United States of America when entered into in accordance with the terms of the compact by the other state and not disapproved by the Governor under paragraph (c) of Article 7 of the compact:

The Interpleader Compact

The contracting states solemnly agree:

Article 1. Purpose.—The aims of this compact are to promote comity and judicial cooperation among the states party thereto; and to relieve from undue risk and uncertainty, a person who may be subject to double or multiple liability because of the existence of adverse claimants, one or more of whom in the absence of this compact may not be subject to the jurisdiction of the adjudicating court, when such person makes all reasonable efforts to secure judicial determination and discharge of his liability.

Article 2. Definitions.—For the purpose of this compact the following definitions shall apply:

(a) A state shall mean (1) a state of the United States or any territory or possession of the United States and the District of Columbia acting under

Article 1, section 10, clause 3, of the Constitution of the United States in entering this compact with an American or a foreign jurisdiction, or (2) a state of the community of nations and any component governmental unit of such a state which under the laws thereof may validly become party to this compact.

(b) A person shall include any entity capable of suing or being sued in the state in which the interpleader is pending.

(c) Interpleader shall mean a judicial procedure by which two or more persons who have adverse claims against a third person may be required to litigate these claims in one proceeding.

Article 3. Service of process.—(a) Service of process sufficient to acquire personal jurisdiction may be made within a state party to this compact, by a person who institutes an interpleader proceeding or interpleader part of a proceeding in another state, party to this compact, provided that such service shall fulfill the requirements for service of process of the state in which the service is made and provided further that such service shall meet the minimum standards for service of the jurisdiction where the proceeding is pending.

(b) No such service of process shall be valid unless either: (1) The subject matter of the proceeding is specific real property or tangible personal property situated within the state in which the proceeding is pending; or (2) One or more of the claimants shall be either a permanent resident or domiciliary of the state in which the proceeding is pending; or (3) A significant portion of the transaction out of which the proceeding shall have arisen shall have taken place in the state in which the proceeding is pending; or (4) One of the claimants shall have initiated the action.

Article 4. Scope of interpleader unaffected.—Nothing in this compact shall be construed to change any requirement or limitation on the scope of interpleader of the state in which the interpleader proceeding is pending except in relation to acquisition of personal jurisdiction.

Article 5. Finality of judgment.—No judgment obtained against any person in any proceeding to which he had become a party by reason of service of process effected pursuant to the provisions of this compact shall be subject to attack on the ground that the adjudicating court did not have personal jurisdiction over such person.

Article 6. Enactment.—(a) This compact shall enter into force and effect as to a state one year from the date it has taken whatever action may be necessary pursuant to its required processes to make this compact part of the laws of such state and the appropriate authority of such state shall have deposited a duly authenticated copy of its statute, proclamation, order, or similar official pronouncement having the force of law and embodying this compact as law with the appropriate officer or agency of each of the states party thereto. In the statute, proclamation, order, or similar act by which a state adopts this compact, it shall specify the officer or agency with whom the documents referred to in this article shall be deposited.

(b) Unless the statute, proclamation, order, or similar act by which a state adopts this compact shall specify otherwise, and name the states with which the state intends to compact, such adoption shall apply to all other states then party to or who may subsequently become party to this compact. In the event that a state shall enter this compact with some states but not with others, the deposit of documents required by paragraph (a) of this article shall be effected only with those states to which the adopting state specifies an intention to be bound.

Article 7. Withdrawal.—(a) This compact shall continue in force and remain binding on a party state until such state shall withdraw therefrom. To be valid and effective, any withdrawal must be preceded by a formal notice in writing of one year from the appropriate authority of that state. Such notice shall be communicated to the same officer or agency in each party state with which the notice of adoption was deposited pursuant to article six of this compact. In the event that a state wishes to withdraw with respect to one or more states, but wishes to remain a party to this compact with other states party thereto, its notice of withdrawal shall be communicated only to those states with respect to which withdrawal is contemplated.

(b) Withdrawal shall not be effective as to service of process accomplished pursuant to this compact prior to the actual date of withdrawal.

(c) Any state receiving a notice of adoption from another state may by action of its executive head within a year from the receipt of such notice in the manner provided for withdrawal in paragraph (a) of this article specify its intention not to be bound to the state depositing such notice and such adoption thereupon shall not be binding upon the state so acting.

Article 8. Severability and construction.—The provisions of this compact shall be severable and if any phrase, clause, sentence or provision of this compact is declared to be contrary to the constitution of any participating state, or in the case of a component governmental unit, to the constitution of the state of which it is a part, or the applicability thereof to any government, agency, person, or circumstances is held invalid, the validity of the remainder of this compact and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby; provided that if this compact shall be held invalid or contrary to the constitution of any government participating therein the compact shall remain in full force and effect as to the remaining governments and in full force and effect as to the government affected as to all severable matters. It is the intent that the provisions of this compact shall be reasonably and liberally construed.

§ 7523. Duties of the Department of State.

The Department of State is hereby designated as the agency to receive all documents deposited pursuant to Articles 6 and 7 of the interpleader compact. The Department of State is also directed to act as the repository for all such documents and to keep and make available upon request a

complete list of the states with which this Commonwealth is party to the interpleader compact together with such other information as may be in its possession concerning the status of such compact in respect to enactment and withdrawals therefrom. A current list of the states with which this Commonwealth is a party to the interpleader compact shall be published by the department in the Pennsylvania Code.

§ 7524. Duties of the Governor.

As used in paragraph (c) of Article 7 of the interpleader compact the phrase "executive head" shall mean the Governor of this Commonwealth. In the event that the Governor takes any action pursuant to paragraph (c) of Article 7 of the interpleader compact he shall promptly notify the Department of State and shall deposit with it copies of all official communications and documents relating to the action.

### SUBCHAPTER C DECLARATORY JUDGMENTS

Sec.

- 7531. Short title of subchapter.
- 7532. General scope of declaratory remedy.
- 7533. Construction of documents.
- 7534. Before breach of contract.
- 7535. Rights of fiduciaries and other persons.
- 7536. Enumeration not exclusive.
- 7537. Remedy discretionary.
- 7538. Supplemental relief.
- 7539. Issues of fact.
- 7540. Parties.
- 7541. Construction of subchapter.

§ 7531. Short title of subchapter.

This subchapter shall be known and may be cited as the "Declaratory Judgments Act."

§ 7532. General scope of declaratory remedy.

Courts of record, within their respective jurisdictions, shall have power to declare rights, status, and other legal relations whether or not further relief is or could be claimed. No action or proceeding shall be open to objection on the ground that a declaratory judgment or decree is prayed for. The declaration may be either affirmative or negative in form and effect, and such declarations shall have the force and effect of a final judgment or decree.

§ 7533. Construction of documents.

Any person interested under a deed, will, written contract, or other writings constituting a contract, or whose rights, status, or other legal relations are affected by a statute, municipal ordinance, contract, or franchise, may have determined any question of construction or validity arising under the instrument, statute, ordinance, contract, or franchise,



and obtain a declaration of rights, status, or other legal relations thereunder.

§ 7534. Before breach of contract.

A contract may be construed either before or after there has been a breach thereof.

§ 7535. Rights of fiduciaries and other persons.

Any person interested, as or through an executor, administrator, trustee, guardian, or other fiduciary, creditor, devisee, legatee, heir, next of kin, or cestui que trust, in the administration of a trust, or of the estate of a decedent, an infant, lunatic, or insolvent, may have a declaration of rights or legal relations in respect thereto:

- (1) To ascertain any class of creditors, devisees, legatees, heirs, next of kin, or others.
- (2) To direct the executors, administrators, or trustees to do or abstain from doing any particular act in their fiduciary capacity.
- (3) To determine any question arising in the administration of the estate or trust, including questions of construction of wills and other writings.

§ 7536. Enumeration not exclusive.

The enumeration in section 7533 (relating to construction of documents) through 7535 (relating to rights of fiduciaries and other persons) does not limit or restrict the exercise of the general powers, conferred in section 7532 (relating to general scope of declaratory remedy), in any proceeding, where declaratory relief is sought, in which a judgment or decree will terminate the controversy or remove an uncertainty.

§ 7537. Remedy discretionary.

The court may refuse to render or enter a declaratory judgment or decree where such judgment or decree, if rendered or entered, would not terminate the uncertainty or controversy giving rise to the proceeding, but as provided in section 7541(b) (relating to effect of alternative remedy), the existence of an alternative remedy shall not be a ground for the refusal to proceed under this subchapter.

§ 7538. Supplemental relief.

Further relief, based on a declaratory judgment or decree, may be granted whenever necessary or proper. Except as otherwise prescribed by general rules, the application therefor shall be by petition to a court having jurisdiction to grant the relief. If the application is deemed sufficient the court shall, on reasonable notice, require any adverse party, whose rights have been adjudicated by the declaratory judgment or decree, to show cause why further relief should not be granted forthwith.

§ 7539. Issues of fact.

(a) General rule.—Relief may be granted under this subchapter notwithstanding the fact that the purpose or effect of the proceeding, in whole or in part, is to resolve or determine a question of fact.

(b) Jury trial.—When a proceeding under this subchapter involves the determination of an issue of fact, such issue may be tried and determined in

the same manner as issues of fact are tried and determined in other civil actions in the court in which the proceeding is pending.

§ 7540. Parties.

(a) General rule.—When declaratory relief is sought, all persons shall be made parties who have or claim any interest which would be affected by the declaration, and no declaration shall prejudice the rights of persons not parties to the proceeding. In any proceeding which involves the validity of a municipal ordinance or franchise, such municipality shall be made a party and shall be entitled to be heard.

(b) Tax matters.—In any proceeding which involves the effect of any asserted legal relation, status, right, or privilege upon the determination of any tax, the appropriate taxing authority shall be served with a copy of the proceeding, but if such taxing authority does not enter its appearance, the requirements of this section shall nevertheless be satisfied if the court considers that the interests of the taxing authority are adequately represented.

§ 7541. Construction of subchapter.

(a) General rule.—This subchapter is declared to be remedial. Its purpose is to settle and to afford relief from uncertainty and insecurity with respect to rights, status, and other legal relations, and is to be liberally construed and administered.

(b) Effect of alternative remedy.—The General Assembly finds and determines that the principle rendering declaratory relief unavailable in circumstances where an action at law or in equity or a special statutory remedy is available has unreasonably limited the availability of declaratory relief and such principle is hereby abolished. The availability of declaratory relief shall not be limited by the provisions of 1 Pa. C.S. § 1504 (relating to statutory remedy preferred over common law) and the remedy provided by this subchapter shall be additional and cumulative to all other available remedies except as provided in subsection (c). Where another remedy is available the election of the declaratory judgment remedy rather than another available remedy shall not affect the substantive rights of the parties, and the court may pursuant to general rules change venue, require additional pleadings, fix the order of discovery and proof, and take such other action as may be required in the interest of justice.

(c) Exceptions.—Relief shall not be available under this subchapter with respect to any:

- (1) Action wherein a divorce or annulment of marriage is sought.
- (2) Proceeding within the exclusive jurisdiction of a tribunal other than a court.
- (3) Proceeding involving an appeal from an order of a tribunal.

SUBCHAPTER D  
RECIPROCAL TAX ENFORCEMENT

Sec.

7551. Enforcement of taxes imposed by other states.

§ 7551. Enforcement of taxes imposed by other states.

(a) General rule.—The courts of this Commonwealth shall recognize and enforce liabilities for taxes lawfully imposed by any other state or any political subdivision thereof, which extends a like comity to this Commonwealth and any political subdivision thereof, and the duly authorized officer of any such state or a political subdivision thereof may sue for the collection of such a tax in the courts of this Commonwealth. A certificate by the Secretary of State of such other state that an officer suing for collection of such a tax is duly authorized to collect the same shall be conclusive proof of such authority.

(b) Interest and penalties.—For the purposes of this section the words “tax” and “taxes” shall include interest and penalties due under any state taxing statute or local ordinance or resolution. Liability for such interest or penalties, or both, shall be recognized and enforced by the courts of this Commonwealth to the same extent that the laws of such other state permit the enforcement in its courts of liability due under a taxing statute of this Commonwealth or ordinance of any political subdivision thereof.

CHAPTER 77

TRIAL

(Reserved)

CHAPTER 79

POST-TRIAL MATTERS

(Reserved)

CHAPTER 81

JUDGMENTS

Subchapter

- A. General Provisions
- B. Exemptions from Execution

SUBCHAPTER A  
GENERAL PROVISIONS

Sec.

8101. Interest on judgments.

8102. Contribution among joint judgment debtors.

8103. Deficiency judgments.

8104. Duty of judgment creditor to enter satisfaction.

§ 8101. Interest on judgments.

Except as otherwise provided by another statute, a judgment for a specific sum of money shall bear interest at the lawful rate from the date of

the verdict or award, or from the date of the judgment, if the judgment is not entered upon a verdict or award.

§ 8102. Contribution among joint judgment debtors.

Whenever the property of several persons shall be subject to the lien of any judgment to which they should by law or equity contribute, or to which one should have subrogation against another, the court may require the judgment creditor to levy upon and make sale of the property liable to execution for the payment of the judgment in the proportion or in the succession in which the properties of the several owners shall in law or equity be liable to contribute towards the discharge of the common incumbrance, and the court may direct to what uses the judgment shall be assigned, and when assigned may direct all executions thereon, so as to subserve the rights and equities of all parties whose property shall be liable thereto.

§ 8103. Deficiency judgments.

(a) General rule.—Whenever any real property is sold, directly or indirectly, to the judgment creditor in execution proceedings and the price for which such property has been sold is not sufficient to satisfy the amount of the judgment, interest and costs and the judgment creditor seeks to collect the balance due on said judgment, interest and costs, the judgment creditor shall petition the court having jurisdiction to fix the fair market value of the real property sold. The petition shall be filed as a supplementary proceeding in the matter in which the judgment was entered.

(b) Effect of failure to give notice.—Any debtor, obligor, guarantor, mortgagor, and any other person directly or indirectly liable to the judgment creditor for the payment of the debt, and any owner of the property affected thereby, who is neither named in the petition nor served with a copy thereof or notice of the filing thereof as prescribed by general rule, shall be deemed to be discharged from all personal liability to the judgment creditor on the debt, interest and costs, but any such failure to name such person in the petition or to serve the petition or notice of the filing thereof shall not prevent proceedings against any respondent named and served.

(c) Action on petition.—

(1) If no answer is filed within the time prescribed by general rule, or if an answer is filed which does not controvert the allegation of the fair market value of the property as averred in the petition, the court shall determine and fix as the fair market value of the property sold the amount thereof alleged in the petition to be the fair market value.

(2) If an answer is filed controverting the averment in the petition as to the fair market value of the property, but no testimony is produced at the hearing supporting such denial of the fair market value, the court shall determine and fix as the fair market value of the property the amount thereof alleged in the petition to be the fair market value, and thereupon enter a decree directing the judgment creditor to file release of

the debtors, obligors, guarantors or any other persons directly or indirectly liable for the debts, to the extent of the fair value so fixed, whereupon execution may be issued for the balance of the debt.

(3) If an answer is filed alleging as the fair market value an amount in excess of the fair market value of the property as averred in the petition, the judgment creditor may agree to accept as the fair market value of the property the value set up in the answer and in such case may file a stipulation releasing the debtors, obligors and guarantors, and any other persons liable directly or indirectly for the debt, and the owners of the property affected thereby, from personal liability to the judgment creditor to the extent of the fair market value as averred in the answer, less the amount of any prior liens, costs, taxes and municipal claims not discharged by the sale, and also less the amount of any such items paid at distribution on the sale.

(4) If an answer shall be filed and testimony produced setting forth that the fair market value of the property is more than the value stated in the petition, the court shall determine and fix the fair market value of the property, which shall in no event exceed the amount of the debt, interest, costs, taxes and municipal claims.

After the hearing and the determination by the court of the fair market value of the property sold, the debtor, obligor, guarantor and any other person liable directly or indirectly to the judgment creditor for the payment of the debt shall be released and discharged of such liability to the judgment creditor to the extent of the fair market value of said property as previously agreed to by the judgment creditor or determined by the court, less the amount of all prior liens, costs, taxes and municipal claims not discharged by the sale, and also less the amount of any such items paid at the distribution on the sale, and shall also be released and discharged of such liability to the extent of any amount by which the sale price, less such prior liens, costs, taxes and municipal claims, exceeds the fair market value as agreed to by the judgment creditor or fixed and determined by the court as provided in this subsection, and thereupon the judgment creditor may proceed by appropriate proceedings to collect the balance of the debt.

(d) Action in absence of petition.—If the judgment creditor shall fail to present a petition to fix the fair market value of the real property sold within the time after the sale of such real property provided by section 5522 (relating to six months limitation), the debtor, obligor, guarantor or any other person liable directly or indirectly to the judgment creditor for the payment of the debt, or any person interested in any real estate which would, except for the provisions of this section, be bound by the judgment, may file a petition, as a supplementary proceeding in the matter in which the judgment was entered, in the court having jurisdiction, setting forth the fact of the sale, and that no petition has been filed within the time limited by statute after the sale to fix the fair market value of the property sold, whereupon the court, after notice as prescribed by general rule, and being satisfied of such facts, shall direct the clerk to mark the judgment satisfied, released and discharged.

(e) Waiver of benefit of section prohibited.—Any agreement made by any debtor, obligor, surety or guarantor at any time, either before or after or at the time of incurring any obligation, to waive the benefits of this section or to release any obligee from compliance with the provisions hereof shall be void.

§ 8104. Duty of judgment creditor to enter satisfaction.

(a) General rule.—A judgment creditor who has received satisfaction of any judgment in any tribunal of this Commonwealth shall, at the written request of the judgment debtor, or of anyone interested therein, and tender of the fee for entry of satisfaction, enter satisfaction in the office of the clerk of the court where such judgment is outstanding, which satisfaction shall forever discharge the judgment.

(b) Liquidated damages.—A judgment creditor who shall fail or refuse for more than 30 days after written notice in the manner prescribed by general rules to comply with a request pursuant to subsection (a) shall pay to the judgment debtor as liquidated damages 1% of the original amount of the judgment for each day of delinquency beyond such 30 days, but not less than \$250 nor more than 50% of the original amount of the judgment. Such liquidated damages shall be recoverable pursuant to general rules, by supplementary proceedings in the matter in which the judgment was entered.

## SUBCHAPTER B EXEMPTIONS FROM EXECUTION

Sec.

8121. Scope of subchapter.

8122. Waiver of exemption.

8123. General monetary exemption.

8124. Exemption of particular goods.

8125. Tangible personal property exhibited at international exhibitions.

8126. Common carriers not liable.

8127. Transfer of claim to avoid policy of Commonwealth.

§ 8121. Scope of subchapter.

(a) General rule.—Except as provided by subsection (b) the exemptions from execution specified in this subchapter are in addition to any other exemptions from execution granted by any other statute.

(b) Specific sum of money.—Except as otherwise expressly provided by statute, where the provisions of this subchapter and of any other statute granting exemption from execution in terms of a specific sum of money are simultaneously applicable to execution against a judgment debtor, such exemptions shall not be aggregated, but the judgment debtor shall be entitled to the benefit of the applicable statute granting exemption in terms of the largest specific sum of money.

§ 8122. Waiver of exemption.

Exemptions from execution granted by statute may not be waived by the

debtor by express or implied contract before or after the commencement of the matter, the entry of judgment or otherwise.

§ 8123. General monetary exemption.

(a) General rule.—In addition to any other property specifically exempted by this subchapter, property of the judgment debtor to the value of \$300, including bank notes, money, securities, real property, judgments or other indebtedness due the judgment debtor, shall be exempt from levy and sale upon execution on a judgment. Within such time as may be prescribed by general rules the judgment debtor may claim the exemption either in kind or in cash out of the proceeds of the sale and may designate the specific items of property to which the exemption provided by this section shall be applicable, unless that property is not capable of appropriate division.

(b) Exception.—Subsection (a) shall not apply to any judgment:

- (1) For support.
- (2) Debtor who is not an individual.
- (3) Obtained for board for four weeks or less.
- (4) For \$100 or less obtained for wages for manual labor.

(c) Reduction.—The amount of the exemption specified in subsection (a) shall, as to executions issued by the minor judiciary, be reduced by the value of any real or personal property of the judgment debtor which is generally subject to attachment or levy and sale upon execution but which by law is not subject thereto upon executions issued by the minor judiciary.

§ 8124. Exemption of particular goods.

The following personal property of the judgment debtor shall be exempt from attachment or levy and sale upon execution on a judgment:

- (1) Wearing apparel.
- (2) Bibles and school books.
- (3) Sewing machines belonging to seamstresses or used and owned by private families, but not including sewing machines kept for sale or hire.
- (4) Uniforms and accoutrements as provided by 51 Pa.C.S. § 4103 (relating to exemption of uniforms and equipment).

§ 8125. Tangible personal property exhibited at international exhibitions.

Tangible personal property on exhibition or deposited by exhibitors at any international exhibition held under the auspices of the Federal Government shall be exempt from distress, attachment, levy, sale or any other seizure for any cause whatsoever in the hands of the authorities of such exhibition or otherwise.

§ 8126. Common carriers not liable.

No common carrier or other person engaged in the business of forwarding or transporting tangible personal property shall be liable in attachment as garnishee or otherwise when such tangible personal property is in transit and at the time of service of process is beyond the limits of this Commonwealth without default, collusion or fraud on the part of such person.

§ 8127. Transfer of claim to avoid policy of Commonwealth.

(a) General rule.—It shall be unlawful for any creditor or obligee to commence an action on or to transfer any claim against a resident of this Commonwealth for the purpose of having such claim collected by proceedings in a forum which accords such resident less favorable exemptions from execution than are accorded by this Commonwealth, or for the purpose of depriving such resident of the right to have his personal earnings while in the hands of his employer exempt from application to the payment of his debts.

(b) Remedy.—In addition to remedy by injunction or otherwise, a resident of this Commonwealth who is aggrieved by any action by a creditor or obligee in violation of subsection (a) shall have a right of action against the creditor or obligee for treble the amount recovered from such resident in violation of this section and reasonable counsel fees. The transfer of any claim against the resident and the commencement of any action thereon outside this Commonwealth shall be prima facie evidence of a purpose to violate the provisions of subsection (a).

## CHAPTER 83 PARTICULAR RIGHTS AND IMMUNITIES

### Subchapter

- A. Rights of Action
- B. Contribution Among Tort-feasors
- C. Immunities Generally
- D. Defamation

### SUBCHAPTER A RIGHTS OF ACTION

#### Sec.

- 8301. Death action.
- 8302. Survival action.
- 8303. Action for performance of a duty required by law.

§ 8301. Death action.

(a) General rule.—An action may be brought to recover damages for the death of an individual caused by the wrongful act or neglect or unlawful violence or negligence of another if no action for damages was brought by the injured individual during his lifetime.

(b) Beneficiaries.—Except as provided in subsection (d), the right of action created by this section shall exist only for the benefit of the spouse, children or parents of the deceased, whether or not citizens or residents of this Commonwealth or elsewhere. The damages recovered shall be distributed to the beneficiaries in the proportion they would take the personal estate of the decedent in the case of intestacy and without liability to creditors of the deceased person under the statutes of this Commonwealth.



(c) Special damages.—The plaintiff in an action under subsection (a) shall be entitled to recover, in addition to other damages, damages for reasonable hospital, nursing, medical, funeral expenses and expenses of administration necessitated by reason of injuries causing death.

(d) Action by personal representative.—If no person is eligible under subsection (b) to bring an action under this section, the personal representative of the deceased may bring an action for the damages expressly specified in subsection (c).

§ 8302. Survival action.

All causes of action or proceedings, real or personal, shall survive the death of the plaintiff or of the defendant, or the death of one or more joint plaintiffs or defendants.

§ 8303. Action for performance of a duty required by law.

A person who is adjudged in an action in the nature of mandamus to have failed or refused without lawful justification to perform a duty required by law shall be liable in damages to the person aggrieved by such failure or refusal.

## SUBCHAPTER B CONTRIBUTION AMONG TORT-FEASORS

Sec.

8321. Short title of subchapter.

8322. Definition.

8323. Scope of subchapter.

8324. Right of contribution.

8325. Effect of judgment.

8326. Effect of release as to other tort-feasors.

8327. Liability to make contribution as affected by release.

§ 8321. Short title of subchapter.

This subchapter shall be known and may be cited as the “Uniform Contribution Among Tort-feasors Act.”

§ 8322. Definition.

As used in this subchapter “joint tort-feasors” means two or more persons jointly or severally liable in tort for the same injury to persons or property, whether or not judgment has been recovered against all or some of them.

§ 8323. Scope of subchapter.

This subchapter does not impair any right of indemnity under existing law.

§ 8324. Right of contribution.

(a) General rule.—The right of contribution exists among joint tort-feasors.

(b) Payment required.—A joint tort-feasor is not entitled to a money judgment for contribution until he has by payment discharged the common liability or has paid more than his pro rata share thereof.

(c) Effect of settlement.—A joint tort-feasor who enters into a

settlement with the injured person is not entitled to recover contribution from another joint tort-feasor whose liability to the injured person is not extinguished by the settlement.

§ 8325. Effect of judgment.

The recovery of a judgment by the injured person against one joint tort-feasor does not discharge the other joint tort-feasors.

§ 8326. Effect of release as to other tort-feasors.

A release by the injured person of one joint tort-feasor, whether before or after judgment, does not discharge the other tort-feasors unless the release so provides, but reduces the claim against the other tort-feasors in the amount of the consideration paid for the release or in any amount or proportion by which the release provides that the total claim shall be reduced if greater than the consideration paid.

§ 8327. Liability to make contribution as affected by release.

A release by the injured person of one joint tort-feasor does not relieve him from liability to make contribution to another tort-feasor, unless the release is given before the right of the other tort-feasor to secure a money judgment for contribution has accrued and provides for a reduction to the extent of the pro rata share of the released tort-feasor of the injured person's damages recoverable against all the other tort-feasors.

### SUBCHAPTER C IMMUNITIES GENERALLY

Sec.

8331. Medical good Samaritan civil immunity.

8332. Nonmedical good Samaritan civil immunity.

8333. Body fluid and tissue limited civil immunity.

8334. Physicians and nurses civil immunity in mass immunization projects.

8335. Damages for conversion of property of fluctuating value.

§ 8331. Medical good Samaritan civil immunity.

(a) General rule.—Any physician or any other practitioner of the healing arts or any registered nurse, licensed by any state, who happens by chance upon the scene of an emergency or who arrives on the scene of an emergency by reason of serving on an emergency call panel or similar committee of a county medical society or who is called to the scene of an emergency by the police or other duly constituted officers of a government unit or who is present when an emergency occurs and who, in good faith, renders emergency care at the scene of the emergency, shall not be liable for any civil damages as a result of any acts or omissions by such physician or practitioner or registered nurse in rendering the emergency care, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving emergency care.

(b) Definition.—As used in this section "good faith" shall include, but is not limited to, a reasonable opinion that the immediacy of the situation is

such that the rendering of care should not be postponed until the patient is hospitalized.

§ 8332. Nonmedical good Samaritan civil immunity.

(a) General rule.—Any fireman, policeman, member of a volunteer ambulance or rescue squad or member of the National Ski Patrol who renders emergency care, first aid or rescue while in the performance of his duties at the scene of an emergency, or moves the person receiving such care, first aid and rescue to a hospital or other place of medical care, shall not be liable to such person for any civil damages as a result of any acts or omissions in rendering the emergency care, first aid or rescue, or moving the person receiving the same to a hospital or other place of medical care, except any acts or omissions intentionally designed to harm or any grossly negligent acts or omissions which result in harm to the person receiving the emergency care, first aid or rescue or being moved to a hospital or other place of medical care.

(b) Exceptions.—

(1) This section shall not relieve a driver of an ambulance or other emergency or rescue vehicle from liability arising from operation or use of such vehicle.

(2) In order for any fireman, policeman, member of a volunteer ambulance or rescue squad or member of the National Ski Patrol to receive the benefit of the exemption from civil liability provided for in subsection (a), he shall first have taken and successfully completed a standard first aid course recognized or approved by the American Red Cross and further he shall have a valid certification from the American Red Cross that he has successfully completed any necessary training or refresher courses, or shall have successfully completed a first aid course having standards at least equal to a first aid course recognized or approved by the American Red Cross.

§ 8333. Body fluid and tissue limited civil immunity.

(a) General rule.—No person shall be held liable for death, disease or injury resulting from the lawful transfusion of blood, blood components or plasma derivatives, or from the lawful transplantation or insertion of tissue, bone or organs, except upon a showing of negligence on the part of such person. Specifically excluded hereunder is any liability by reason of any rule of strict liability or implied warranty or any other warranty not expressly undertaken by the party to be charged.

(b) Definition.—As used in this section the term “negligence” shall include but not be limited to any failure to observe accepted standards in the collection, testing, processing, handling, storage, transportation, classification, labelling, transfusion, injection, transplantation or other preparation or use of any such blood, blood components, plasma derivatives, tissue, bone or organs.

§ 8334. Physicians and nurses civil immunity in mass immunization projects.

Any physician who does not receive remuneration for his services in a

mass immunization project approved in writing by the Secretary of Health or his designee under the provisions of the act of September 19, 1974 (P.L.644, No.210), and any registered nurse, or practical nurse licensed to practice in this Commonwealth who shall participate in such project shall not be liable, except for gross negligence, to any person for illness, reaction, or adverse effect arising from or out of the use of any drug or vaccine in such project by such physician or such nurse.

§ 8335. Damages for conversion of property of fluctuating value.

Damages for the conversion of stocks, bonds, or other like property of fluctuating value shall be limited to the difference between the proceeds of the conversion, or that portion thereof duly paid or credited to the owner, and such higher value as the property may have reached within a reasonable time after he had notice of the conversion. Where the facts are not in dispute, such period shall be fixed by the court as a matter of law.

#### SUBCHAPTER D DEFAMATION

Sec.

8341. Single publication limitation.

8342. Justification a defense.

8343. Burden of proof.

8344. Malice or negligence necessary to support award of damages.

8345. No liability when without power of censorship.

§ 8341. Single publication limitation.

(a) Short title of section.—This section shall be known and may be cited as the “Uniform Single Publication Act.”

(b) General rule.—No person shall have more than one cause of action for damages for libel or slander, or invasion of privacy, or any other tort founded upon any single publication, or exhibition, or utterance, such as any one edition of a newspaper, or book, or magazine, or any one presentation to an audience, or any one broadcast over radio or television, or any one exhibition of a motion picture. Recovery in any action shall include all damages for any such tort suffered by the plaintiff in all jurisdictions.

(c) Bar by judgment.—A judgment in any jurisdiction for or against the plaintiff upon the substantive merits of any action for damages founded upon a single publication, or exhibition, or utterance, as described in subsection (b), shall bar any other action for damages by the same plaintiff against the same defendant founded upon the same publication, or exhibition, or utterance.

§ 8342. Justification a defense.

In all civil actions for libel, the plea of justification shall be accepted as an adequate and complete defense, when it is pleaded, and proved to the satisfaction of the jury, under the direction of the court as in other cases, that the publication is substantially true and is proper for public

information or investigation, and has not been maliciously or negligently made.

§ 8343. Burden of proof.

(a) Burden of plaintiff.—In an action for defamation, the plaintiff has the burden of proving, when the issue is properly raised:

- (1) The defamatory character of the communication.
- (2) Its publication by the defendant.
- (3) Its application to the plaintiff.
- (4) The understanding by the recipient of its defamatory meaning.
- (5) The understanding by the recipient of it as intended to be applied to the plaintiff.
- (6) Special harm resulting to the plaintiff from its publication.
- (7) Abuse of a conditionally privileged occasion.

(b) Burden of defendant.—In an action for defamation, the defendant has the burden of proving, when the issue is properly raised:

- (1) The truth of the defamatory communication.
- (2) The privileged character of the occasion on which it was published.
- (3) The character of the subject matter of defamatory comment as of public concern.

§ 8344. Malice or negligence necessary to support award of damages.

In all civil actions for libel, no damages shall be recovered unless it is established to the satisfaction of the jury, under the direction of the court as in other cases, that the publication has been maliciously or negligently made, but where malice or negligence appears such damages may be awarded as the jury shall deem proper.

§ 8345. No liability when without power of censorship.

Liability shall be denied and no recovery shall be allowed against the owners, licensees and operators of any visual or sound radio and television station or network of stations or against the agents, servants or employees of such owner, licensee or operator, for the publication, utterance or broadcasting of any defamatory matter, where the publication, utterance or broadcasting thereof is not subject to their censorship or control by reason of any Federal statute or any regulation, ruling or order of the Federal Communications Commission.

CHAPTER 85  
MATTERS AFFECTING THE COMMONWEALTH  
(Reserved)

PART VIII  
CRIMINAL PROCEEDINGS

Chapter

- 87. General Provisions
- 89. Commencement of Proceedings
- 91. Detainers and Extradition
- 93. Trial (Reserved)
- 95. Post-trial Matters (Reserved)

CHAPTER 87  
GENERAL PROVISIONS

Sec.

8701. Interpreters for the deaf.

§ 8701. Interpreters for the deaf.

(a) Interrogation.—Upon the arrest of any deaf person, and prior to interrogation, the arresting officer shall make available to such person an interpreter who shall be present with such person throughout the interrogation.

(b) Criminal proceedings.—In any criminal proceeding in which a defendant is deaf the court shall appoint an interpreter to assist the defendant throughout the proceeding.

(c) Oath.—The interpreter shall swear or affirm that he will make a true interpretation to the deaf person and that he will repeat the statements of the deaf person to the best of his ability.

(d) Definitions.—As used in this section the following words shall have the meanings given to them in this subsection:

“Deaf.” Persons who are deaf or whose hearing is so impaired that they are unable to understand or communicate the spoken English language.

“Interpreter.” A person qualified and trained to translate for or communicate with deaf persons. Any person certified by the National or Local Registry of Interpreters for the Deaf or similar registry shall be considered qualified for the purposes of this section.

CHAPTER 89  
COMMENCEMENT OF PROCEEDINGS

Subchapter

- A. General Provisions
- B. Interstate Hot Pursuit
- C. Indictment and Information

SUBCHAPTER A  
GENERAL PROVISIONS

Sec.

8901. Intrastate hot pursuit.

§ 8901. Intrastate hot pursuit.

Any police officer of any political subdivision may arrest with or without

warrant any person beyond the territorial limits of such political subdivision for a summary or other offense committed by such person within such political subdivision if the officer continues in pursuit of such person after commission of the offense. The police officer shall exercise under this section only the power of arrest which he would have if he were acting within the territorial limits of his political subdivision.

## SUBCHAPTER B INTERSTATE HOT PURSUIT

Sec.

8921. Scope of subchapter.

8922. Authority of officers of another state to arrest in this Commonwealth.

8923. Hearing after arrest.

8924. Construction of subchapter.

§ 8921. Scope of subchapter.

(a) General rule.—This subchapter shall apply only to peace officers of any state or political subdivision thereof which by its laws has made similar provision for the arrest and custody of persons closely pursued within the territory thereof.

(b) Transmission of subchapter.—The Department of State shall certify and deliver a copy of this subchapter to the executive authority of each state.

§ 8922. Authority of officers of another state to arrest in this Commonwealth.

Any peace officer of another state who enters this Commonwealth in close pursuit of a person, and continues within this Commonwealth in such close pursuit, in order to arrest him, shall have the same authority to arrest and hold in custody such person on the ground that he has committed a crime in such state which is an indictable offense in this Commonwealth as peace officers of this Commonwealth have to arrest and hold in custody a person on the ground that he has committed a crime in this Commonwealth.

§ 8923. Hearing after arrest.

If an arrest is made in this Commonwealth by an officer of another state, in accordance with the provisions of this subchapter, he shall, without unnecessary delay, take the person arrested before an issuing authority, who shall conduct a hearing for the sole purpose of determining if the arrest was in accordance with the provisions of this subchapter and not of determining the guilt or innocence of the arrested person. If such issuing authority determines that the arrest was in accordance with this subchapter, he shall commit the person arrested to the custody of the officer making the arrest, who shall without unnecessary delay take him to the state from which he fled. If such issuing authority determines that the arrest was unlawful, he shall discharge the person arrested.

§ 8924. Construction of subchapter.

This subchapter shall not be construed so as to make unlawful any arrest in this Commonwealth which would otherwise be lawful.

SUBCHAPTER C  
INDICTMENT AND INFORMATION

Sec.

8931. Indictment and information.

§ 8931. Indictment and information.

(a) General rule.—Except as provided in subsection (b), no person shall, for any indictable offense, be proceeded against criminally by information, except in cases arising in the land or naval forces, or in the militia, when in actual service, in time of war or public danger or by leave of court for oppression or misdemeanor in office.

(b) Criminal information.—Each of the courts of common pleas may, with the approval of the Supreme Court, provide for the initiation of criminal proceedings therein by information filed in the manner provided or prescribed by law. The Administrative Office shall cause all orders of the Supreme Court entered under this subsection to be codified in the Pennsylvania Code.

(c) Jurisdiction and duties of courts.—The several courts of common pleas which have obtained the approval of the Supreme Court to provide for the initiation of criminal proceedings by informations instead of by grand jury indictments, shall possess and exercise the same power and jurisdiction as they heretofore possessed in cases of prosecutions upon indictments.

(d) Duties of prosecuting attorneys.—Whenever a transcript of proceedings, complaint and all related papers in a criminal proceeding where the defendant has been held for court have been transmitted to the clerk of court or the officer designated by the court, such officer, after recording the same, shall immediately transmit the documents or a copy thereof to the district attorney. The district attorney or his designee shall have the duty to inquire into and make full examination of all the facts and circumstances connected with each such case to determine if the facts and circumstances warrant the filing of an information or informations premised upon the transcript. No information shall be filed by the district attorney concerning alleged criminal violations where a preliminary hearing has not been held or properly waived except as prescribed by general rules.

(e) Disposition of cases.—The district attorney shall sign all informations. The information shall be filed in the form prescribed by general rules. After the filing of the information, he shall not enter a nolle prosequi or dispose of any criminal cases or discharge a prisoner from custody by means of a proceeding in lieu of pleas or trial without having obtained the approval of the court.



(f) Investigating grand juries unaffected.—No grand jury shall be impaneled in any judicial district where this section is applicable for the purpose of considering bills of indictment except that this section shall not prohibit the impaneling as heretofore of, or affect the functioning of, a grand jury for the purpose of investigating offenses against the criminal statutes of this Commonwealth or for any other purpose as provided or prescribed by law.

(g) Certain proceedings and statutes unaffected.—This section shall not affect criminal proceedings held before the minor judiciary as now provided or prescribed by law nor, except as provided in this section, shall it affect criminal proceedings subsequent to the filing of the information by a district attorney. Except as otherwise provided in this section or to the extent that they are specifically inconsistent with prosecutions initiated by information, existing statutes applicable to criminal prosecutions initiated by indictment shall be applicable to the information filed under this section by a district attorney.

(h) Applicability of section.—Subsections (c) through (g) shall be applicable only in those judicial districts which have obtained the approval of the Supreme Court to substitute informations for grand jury indictments as the method for initiating criminal prosecutions. Thereafter, all statutes and parts of statutes inconsistent with such subsections shall not apply in such judicial districts.

(i) Definition.—As used in this section “district attorney” includes a special attorney appointed by the Attorney General in the manner provided by statute, an acting district attorney and any assistant district attorney whose authority to act for the district attorney under this section is evidenced by a written designation executed by the district attorney or acting district attorney and filed with the clerk of the courts.

## CHAPTER 91 DETAINERS AND EXTRADITION

### Subchapter

- A. Agreement on Detainers
- B. Extradition of Persons Charged with Crime

### SUBCHAPTER A AGREEMENT ON DETAINERS

#### Sec.

- 9101. Agreement on detainers.
- 9102. Appropriate court.
- 9103. Enforcement and cooperation.
- 9104. Second and subsequent offenses.
- 9105. Escape.
- 9106. Duty of warden or other official.
- 9107. Administrator and information agent.
- 9108. Transmission of subchapter.

**§ 9101. Agreement on detainers.**

The Agreement on Detainers is hereby enacted into law and entered into by this Commonwealth with all other jurisdictions legally joining therein in the form substantially as follows:

**Agreement on Detainers**

The contracting states solemnly agree that:

**Article I**

The party states find that charges outstanding against a prisoner, detainers based on untried indictments, informations or complaints, and difficulties in securing speedy trial of persons already incarcerated in other jurisdictions, produce uncertainties which obstruct programs of prisoner treatment and rehabilitation. Accordingly, it is the policy of the party states and the purpose of this agreement to encourage the expeditious and orderly disposition of such charges and determination of the proper status of any and all detainers based on untried indictments, informations or complaints. The party states also find that proceedings with reference to such charges and detainers, when emanating from another jurisdiction, cannot properly be had in the absence of cooperative procedure. It is the further purpose of this agreement to provide such cooperative procedures.

**Article II**

As used in this agreement:

(a) "State" shall mean a state of the United States; the United States of America; a territory or possession of the United States; the District of Columbia; the Commonwealth of Puerto Rico.

(b) "Sending state" shall mean a state in which a prisoner is incarcerated at the time that he initiates a request for final disposition pursuant to Article III hereof or at the time that a request for custody or availability is initiated pursuant to Article IV hereof.

(c) "Receiving state" shall mean the state in which trial is to be had on an indictment, information or complaint pursuant to Article III or Article IV hereof.

**Article III**

(a) Whenever a person has entered upon a term of imprisonment in a penal or correctional institution of a party state, and whenever during the continuance of the term of imprisonment there is pending in any other party state any untried indictment, information or complaint on the basis of which a detainer has been lodged against the prisoner, he shall be brought to trial within 180 days after he shall have caused to be delivered to the prosecuting officer and the appropriate court of the prosecuting officer's jurisdiction written notice of the place of his imprisonment and his request for a final disposition to be made of the indictment, information or complaint: Provided, That for good cause shown in open court, the

prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance. The request of the prisoner shall be accompanied by a certificate of the appropriate official having custody of the prisoner, stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the state parole agency relating to the prisoner.

(b) The written notice and request for final disposition referred to in paragraph (a) hereof shall be given or sent by the prisoner to the warden, commissioner of corrections or other official having custody of him, who shall promptly forward it together with the certificate to the appropriate prosecuting official and court by registered or certified mail, return receipt requested.

(c) The warden, commissioner of corrections or other official having custody of the prisoner shall promptly inform him of the source and contents of any detainer lodged against him and shall also inform him of his right to make a request for final disposition of the indictment, information or complaint on which the detainer is based.

(d) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall operate as a request for final disposition of all untried indictments, informations or complaints on the basis of which detainers have been lodged against the prisoner from the state to whose prosecuting official the request for final disposition is specifically directed. The warden, commissioner of corrections or other official having custody of the prisoner shall forthwith notify all appropriate prosecuting officers and courts in the several jurisdictions within the state to which the prisoner's request for final disposition is being sent of the proceeding being initiated by the prisoner. Any notification sent pursuant to this paragraph shall be accompanied by copies of the prisoner's written notice, request, and the certificate. If trial is not had on any indictment, information or complaint contemplated hereby prior to the return of the prisoner to the original place of imprisonment, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

(e) Any request for final disposition made by a prisoner pursuant to paragraph (a) hereof shall also be deemed to be a waiver of extradition with respect to any charge or proceeding contemplated thereby or included therein by reason of paragraph (d) hereof, and a waiver of extradition to the receiving state to serve any sentence there imposed upon him, after completion of his term of imprisonment in the sending state. The request for final disposition shall also constitute a consent by the prisoner to the production of his body in any court where his presence may be required in order to effectuate the purpose of this agreement and a further consent voluntarily to be returned to the original place of imprisonment in accordance with the provisions of this agreement. Nothing in this

paragraph shall prevent the imposition of a concurrent sentence if otherwise permitted by law.

(f) Escape from custody by the prisoner subsequent to his execution of the request for final disposition referred to in paragraph (a) hereof shall void the request.

#### Article IV

(a) The appropriate officer of the jurisdiction in which an untried indictment, information or complaint is pending shall be entitled to have a prisoner against whom he has lodged a detainer and who is serving a term of imprisonment in any party state made available in accordance with Article V(a) hereof upon presentation of a written request for temporary custody or availability to the appropriate authorities of the state in which the prisoner is incarcerated: Provided, That the court having jurisdiction of such indictment, information or complaint shall have duly approved, recorded and transmitted the request: And provided further, That there shall be a period of 30 days after receipt by the appropriate authorities before the request be honored, within which period the Governor of the sending state may disapprove the request for temporary custody or availability, either upon his own motion or upon motion of the prisoner.

(b) Upon receipt of the officer's written request as provided in paragraph (a) hereof, the appropriate authorities having the prisoner in custody shall furnish the officer with a certificate stating the term of commitment under which the prisoner is being held, the time already served, the time remaining to be served on the sentence, the amount of good time earned, the time of parole eligibility of the prisoner, and any decisions of the State parole agency relating to the prisoner. Said authorities simultaneously shall furnish all other officers and appropriate courts in the receiving state who have lodged detainers against the prisoner with similar certificates and with notices informing them of the request for custody or availability and of the reasons therefor.

(c) In respect of any proceeding made possible by this article, trial shall be commenced within 120 days of the arrival of the prisoner in the receiving state, but for good cause shown in open court, the prisoner or his counsel being present, the court having jurisdiction of the matter may grant any necessary or reasonable continuance.

(d) Nothing contained in this article shall be construed to deprive any prisoner of any right which he may have to contest the legality of his delivery as provided in paragraph (a) hereof, but such delivery may not be opposed or denied on the ground that the executive authority of the sending state has not affirmatively consented to or ordered such delivery.

(e) If trial is not had on any indictment, information or complaint contemplated hereby prior to the prisoner's being returned to the original place of imprisonment pursuant to Article V(e) hereof, such indictment, information or complaint shall not be of any further force or effect, and the court shall enter an order dismissing the same with prejudice.

## Article V

(a) In response to a request made under Article III or Article IV hereof, the appropriate authority in a sending state shall offer to deliver temporary custody of such prisoner to the appropriate authority in the state where such indictment, information or complaint is pending against such person in order that speedy and efficient prosecution may be had. If the request for final disposition is made by the prisoner, the offer of temporary custody shall accompany the written notice provided for in Article III of this agreement. In the case of a Federal prisoner, the appropriate authority in the receiving state shall be entitled to temporary custody as provided by this agreement or to the prisoner's presence in Federal custody at the place for trial, whichever custodial arrangement may be approved by the custodian.

(b) The officer or other representative of a state accepting an offer of temporary custody shall present the following upon demand:

(1) Proper identification and evidence of his authority to act for the state into whose temporary custody the prisoner is to be given.

(2) A duly certified copy of the indictment, information or complaint on the basis of which the detainer has been lodged and on the basis of which the request for temporary custody of the prisoner has been made.

(c) If the appropriate authority shall refuse or fail to accept temporary custody of said person, or in the event that an action on the indictment, information or complaint on the basis of which the detainer has been lodged is not brought to trial within the period provided in Article III or Article IV hereof, the appropriate court of the jurisdiction where the indictment, information or complaint has been pending shall enter an order, dismissing the same with prejudice, and any detainer based thereon shall cease to be of any force or effect.

(d) The temporary custody referred to in this agreement shall be only for the purpose of permitting prosecution on the charge or charges contained in one or more untried indictments, informations or complaints which form the basis of the detainer or detainers or for prosecution on any other charge or charges arising out of the same transaction. Except for his attendance at court and while being transported to or from any place at which his presence may be required, the prisoner shall be held in a suitable jail or other facility regularly used for persons awaiting prosecution.

(e) At the earliest practicable time consonant with the purposes of this agreement, the prisoner shall be returned to the sending state.

(f) During the continuance of temporary custody or while the prisoner is otherwise being made available for trial as required by this agreement, time being served on the sentence shall continue to run but good time shall be earned by the prisoner only if, and to the extent that, the law and practice of the jurisdiction which imposed the sentence may allow.

(g) For all purposes other than that for which temporary custody as provided in this agreement is exercised, the prisoner shall be deemed to remain in the custody of and subject to the jurisdiction of the sending state

and any escape from temporary custody may be dealt with in the same manner as an escape from the original place of imprisonment or in any other manner permitted by law.

(h) From the time that a party state receives custody of a prisoner pursuant to this agreement until such prisoner is returned to the territory and custody of the sending state, the state in which the one or more untried indictments, informations or complaints are pending or in which trial is being held shall be responsible for the prisoner and shall also pay all costs of transporting, caring for, keeping and returning the prisoner. The provisions of this paragraph shall govern unless the states concerned shall have entered into a supplementary agreement providing for a different allocation of costs and responsibilities as between or among themselves. Nothing herein contained shall be construed to alter or affect any internal relationship among the departments, agencies and officers of and in the government of a party state, or between a party state and its subdivisions, as to the payment of costs, or responsibilities therefor.

#### Article VI

(a) In determining the duration and expiration dates of the time periods provided in Articles III and IV of this agreement, the running of said time periods shall be tolled whenever and for as long as the prisoner is unable to stand trial, as determined by the court having jurisdiction of the matter.

(b) No provision of this agreement, and no remedy made available by this agreement, shall apply to any person who is adjudged to be mentally ill.

#### Article VII

Each state party to this agreement shall designate an officer who, acting jointly with like officers of other party states, shall promulgate rules and regulations to carry out more effectively the terms and provisions of this agreement, and who shall provide, within and without the state, information necessary to the effective operation of this agreement.

#### Article VIII

This agreement shall enter into full force and effect as to a party state when such state has enacted the same into law. A state party to this agreement may withdraw herefrom by enacting a statute repealing the same. However, the withdrawal of any state shall not affect the status of any proceedings already initiated by inmates or by state officers at the time such withdrawal takes effect, nor shall it affect their rights in respect thereof.

#### Article IX

This agreement shall be liberally construed so as to effectuate its purpose. The provisions of this agreement shall be severable and if any phrase, clause, sentence or provision of this agreement is declared to be

contrary to the Constitution of any party state or of the United States or the applicability thereof to any government, agency, person or circumstance is held invalid, the validity of the remainder of this agreement and the applicability thereof to any government, agency, person or circumstance shall not be affected thereby. If this agreement shall be held contrary to the Constitution of any state party hereto, the agreement shall remain in full force and effect as to the remaining states and in full force and effect as to the state affected as to all severable matters.

§ 9102. Appropriate court.

The phrase "appropriate court" as used in the Agreement on Detainers shall mean, with reference to the courts of this Commonwealth, any court of common pleas or the Philadelphia Municipal Court.

§ 9103. Enforcement and cooperation.

All government units of this Commonwealth are hereby directed to enforce the Agreement on Detainers and to cooperate with one another and with other party states in enforcing the agreement and effectuating its purpose.

§ 9104. Second and subsequent offenses.

Nothing in this subchapter or in the Agreement on Detainers shall be construed to require the enhancement of any penalty imposed under the law of this Commonwealth on account of any conviction in another jurisdiction had in a proceeding brought to final disposition by reason of the use of said agreement.

§ 9105. Escape.

Escape from custody while in another state pursuant to the Agreement on Detainers, shall constitute an offense against the laws of this Commonwealth to the same extent and degree as an escape from the institution in which the prisoner was confined immediately prior to having been sent to another state pursuant to the provisions of the Agreement on Detainers, and shall be punishable in the same manner as an escape from such institution.

§ 9106. Duty of warden or other official.

It shall be lawful and mandatory upon the warden or other official in charge of a penal or correctional institution in this Commonwealth to give over the person of any inmate thereof whenever so required by the operation of the Agreement on Detainers.

§ 9107. Administrator and information agent.

The Department of Justice shall serve as central administrator of and information agent for the Agreement on Detainers.

§ 9108. Transmission of subchapter.

The Department of State shall certify and deliver a copy of this subchapter to the executive authority of each state.

SUBCHAPTER B  
EXTRADITION OF PERSONS CHARGED WITH CRIME

Sec.

- 9121. Short title of subchapter.
- 9122. Definitions.
- 9123. Duty of Governor with respect to fugitives from justice.
- 9124. Form of demand.
- 9125. Governor may investigate case.
- 9126. Extradition of persons imprisoned or awaiting trial in another state or who have left the demanding state under compulsion.
- 9127. Extradition of persons not present in demanding state at time of commission of crime.
- 9128. Issue by Governor of warrant of arrest.
- 9129. Manner and place of execution.
- 9130. Authority of arresting officer.
- 9131. Rights of accused person.
- 9132. Penalty for noncompliance.
- 9133. Confinement in jail.
- 9134. Arrest prior to requisition.
- 9135. Arrest without a warrant.
- 9136. Commitment to await requisition.
- 9137. Bail.
- 9138. Extension of time of commitment.
- 9139. Forfeiture of bail.
- 9140. Persons under criminal prosecution in this Commonwealth at time of requisition.
- 9141. Inquiry into guilt or innocence of accused.
- 9142. Governor may recall warrant or issue another.
- 9143. Duty of Governor in case of fugitives from this Commonwealth.
- 9144. Issuance of requisition.
- 9145. Immunity from service of process in certain civil actions.
- 9146. Written waiver of extradition proceedings.
- 9147. Nonwaiver by Commonwealth.
- 9148. Liability to further criminal prosecutions.

§ 9121. Short title of subchapter.

This subchapter shall be known and may be cited as the "Uniform Criminal Extradition Act."

§ 9122. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Executive authority." Includes the Governor and any person performing the functions of Governor in a state other than this Commonwealth.



“Governor.” Includes any person performing the functions of Governor by authority of the law of this Commonwealth.

“State.” Includes, when referring to a state other than this Commonwealth, any other state or territory, organized or unorganized, of the United States of America.

§ 9123. Duty of Governor with respect to fugitives from justice.

Subject to the provisions of this subchapter, the provisions of the Constitution of the United States controlling, and any and all acts of Congress enacted in pursuance thereof, it is the duty of the Governor of this Commonwealth to have arrested and delivered up to the executive authority of any other state of the United States any person charged in that state with treason, felony or other crime, who has fled from justice and is found in this Commonwealth.

§ 9124. Form of demand.

No demand for the extradition of a person charged with crime in another state shall be recognized by the Governor unless in writing, alleging, except in cases arising under section 9127 (relating to extradition of persons not present in demanding state at time of commission of crime) that the accused was present in the demanding state at the time of the commission of the alleged crime and that thereafter he fled from the state, and accompanied by a copy of an indictment found or by information supported by affidavit in the state having jurisdiction of the crime or by a copy of an affidavit made before a magistrate there, together with a copy of any warrant which was issued thereupon or by a copy of a judgment of conviction or of a sentence imposed in execution thereof, together with a statement by the executive authority of the demanding state that the person claimed has escaped from confinement or has broken the terms of his bail, probation or parole. The indictment, information or affidavit made before the magistrate must substantially charge the person demanded with having committed a crime under the law of that state, and the copy of indictment, information, affidavit, judgment of conviction or sentence must be authenticated by the executive authority making the demand.

§ 9125. Governor may investigate case.

When a demand shall be made upon the Governor of this Commonwealth by the executive authority of another state for the surrender of a person so charged with crime, the Governor may call upon the Attorney General or any prosecuting officer in this Commonwealth to investigate or assist in investigating the demand and to report to him the situation and circumstances of the person so demanded and whether he ought to be surrendered.

§ 9126. Extradition of persons imprisoned or awaiting trial in another state or who have left the demanding state under compulsion.

(a) Extradition from another state.—When it is desired to have returned to this Commonwealth a person charged in this Commonwealth with a crime, and such person is imprisoned or is held under criminal proceedings then pending against him in another state, the Governor of this

Commonwealth may agree with the executive authority of such other state for the extradition of such person before the conclusion of such proceedings or his term of sentence in such other state, upon condition that such person be returned to such other state at the expense of this Commonwealth as soon as the prosecution in this Commonwealth is terminated.

(b) Surrender to another state.—The Governor of this Commonwealth may also surrender on demand of the executive authority of any other state any person in this Commonwealth who is charged, in the manner provided in section 9144 (relating to issuance of requisition), with having violated the laws of the state whose executive authority is making the demand, even though such person left the demanding state involuntarily.

§ 9127. Extradition of persons not present in demanding state at time of commission of crime.

The Governor of this Commonwealth may also surrender on demand of the executive authority of any other state any person in this Commonwealth charged in such other state in the manner provided in section 9124 (relating to form of demand) with committing an act in this Commonwealth or in a third state intentionally resulting in a crime in the state whose executive authority is making the demand, and the provisions of this subchapter not otherwise inconsistent shall apply to such cases even though the accused was not in that state at the time of the commission of the crime and has not fled therefrom.

§ 9128. Issue by Governor of warrant of arrest.

If the Governor decides that the demand should be complied with he shall sign a warrant of arrest which shall be sealed with the State seal and be directed to any peace officer or other person whom he may think fit to entrust with the execution thereof. The warrant must substantially recite the facts necessary to the validity of its issuance.

§ 9129. Manner and place of execution.

Such warrant shall authorize the peace officer or other person to whom directed to arrest the accused at any time and any place where he may be found within this Commonwealth and to command the aid of all peace officers or other persons in the execution of the warrant and to deliver the accused, subject to the provisions of this subchapter, to the duly authorized agent of the demanding state.

§ 9130. Authority of arresting officer.

Every such peace officer or other person empowered to make the arrest shall have the same authority in arresting the accused to command assistance therein as peace officers have by law in the execution of any criminal process directed to them, with like penalties against those who refuse their assistance.

§ 9131. Rights of accused person.

No person arrested upon such warrant shall be delivered over to the agent whom the executive authority demanding him shall have appointed to receive him unless he shall first be taken forthwith before a judge of a

court of record in this Commonwealth who shall inform him of the demand made for his surrender and of the crime with which he is charged and that he has the right to demand and procure legal counsel, and, if the prisoner or his counsel shall state that he or they desire to test the legality of his arrest, the judge of such court of record shall fix a reasonable time to be allowed him within which to apply for a writ of habeas corpus. When such writ is applied for, notice thereof and of the time and place of hearing thereon shall be given to the prosecuting officer of the county in which the arrest is made and in which the accused is in custody and to the said agent of the demanding state.

§ 9132. Penalty for noncompliance.

Any officer who shall deliver to the agent for extradition of the demanding state a person in his custody under the warrant of the Governor in willful disobedience to section 9131 (relating to rights of accused person) shall commit a misdemeanor of the third degree.

§ 9133. Confinement in jail.

(a) General rule.—The officer or persons executing the Governor's warrant of arrest or the agent of the demanding state to whom the prisoner may have been delivered may, when necessary, confine the prisoner in the jail of any county or city or borough through which he may pass, and the keeper of such jail must receive and safely keep the prisoner until the officer or person having charge of him is ready to proceed on his route, such officer or person being chargeable with the expense of keeping.

(b) Prisoner in transit.—The officer or agent of a demanding state to whom a prisoner may have been delivered following extradition proceedings in another state, or to whom a prisoner may have been delivered after waiving extradition in such other state, and who is passing through this Commonwealth with such a prisoner for the purpose of immediately returning such prisoner to the demanding state, may, when necessary, confine the prisoner in the jail of any county or city or borough through which he may pass, and the keeper of such jail must receive and safely keep the prisoner until the officer or agent having charge of him is ready to proceed on his route, such officer or agent, however, being chargeable with the expense of keeping. Such officer or agent shall produce and show to the keeper of such jail satisfactory written evidence of the fact that he is actually transporting such prisoner to the demanding state after a requisition by the executive authority of such demanding state. Such prisoner shall not be entitled to demand a new requisition while in this Commonwealth.

§ 9134. Arrest prior to requisition.

Whenever any person within this Commonwealth shall be charged on the oath of any credible person before any judge or issuing authority of this Commonwealth with the commission of any crime in any other state, and, except in cases arising under section 9127 (relating to extradition of persons not present in demanding state at time of commission of crime) with having fled from justice or with having been convicted of a crime in

that state and having escaped from confinement or having broken the terms of his bail, probation or parole, or whenever complaint shall have been made before any judge or issuing authority in this Commonwealth, setting forth on the affidavit of any credible person in another state that a crime has been committed in such other state and that the accused has been charged in such state with the commission of the crime, and, except in cases arising under section 9127, has fled from justice or with having been convicted of a crime in that state and having escaped from confinement or having broken the terms of his bail, probation or parole and is believed to be in this Commonwealth, the judge or issuing authority shall issue a warrant directed to any peace officer commanding him to apprehend the person named therein wherever he may be found in this Commonwealth and to bring him before the same or any other judge or issuing authority who or which may be available in, or convenient of, access to the place where the arrest may be made to answer the charge or complaint and affidavit, and a certified copy of the sworn charge or complaint and affidavit upon which the warrant is issued shall be attached to the warrant.

§ 9135. Arrest without a warrant.

The arrest of a person may be lawfully made also by any peace officer or a private person without a warrant upon reasonable information that the accused stands charged in the courts of a state with a crime punishable by death or imprisonment for a term exceeding one year, but when so arrested the accused must be taken before a judge or issuing authority with all practicable speed, and complaint must be made against him under oath setting forth the ground for the arrest as in section 9134 (relating to arrest prior to requisition), and thereafter his answer shall be heard as if he had been arrested on a warrant.

§ 9136. Commitment to await requisition.

If from the examination before the judge or issuing authority it appears that the person held is the person charged with having committed the crime alleged, and, except in cases arising under section 9127 (relating to extradition of persons not present in demanding state at time of commission of crime), that he has fled from justice, the judge or issuing authority must, by a warrant reciting the accusation, commit him to the county jail for such a time, not exceeding 30 days, and specified in the warrant, as will enable the arrest of the accused to be made under a warrant of the Governor on a requisition of the executive authority of the state having jurisdiction of the offense unless the accused give bail as provided in section 9137 (relating to bail), or until he shall be legally discharged.

§ 9137. Bail.

Unless the offense with which the prisoner is charged is shown to be an offense punishable by death or life imprisonment under the laws of the state in which it was committed, a judge or issuing authority in this Commonwealth may admit the person arrested to bail by bond with sufficient sureties and in such sum as he deems proper, conditioned for his appearance before him at a time specified in such bond and for his

surrender to be arrested upon the warrant of the Governor of this Commonwealth.

§ 9138. Extension of time of commitment.

If the accused is not arrested under warrant of the Governor by the expiration of the time specified in the warrant or bond, a judge or issuing authority may discharge him or may recommit him for a further period, not to exceed 60 days, or a judge or issuing authority may again take bail for his appearance and surrender, as provided in section 9137 (relating to bail), but within a period not to exceed 60 days after the date of such new bond.

§ 9139. Forfeiture of bail.

If the prisoner is admitted to bail and fails to appear and surrender himself according to the conditions of his bond, the judge or issuing authority by proper order shall declare the bond forfeited and order his immediate arrest without warrant if he be within this Commonwealth. Recovery may be had on such bond in the name of the Commonwealth as in the case of other bonds given by the accused in criminal proceedings within this Commonwealth.

§ 9140. Persons under criminal prosecution in this Commonwealth at time of requisition.

If a criminal prosecution has been instituted against such person under the laws of this Commonwealth and is still pending, the Governor in his discretion either may surrender him on demand of the executive authority of another state or hold him until he has been tried and discharged or convicted and punished in this Commonwealth.

§ 9141. Inquiry into guilt or innocence of accused.

The guilt or innocence of the accused as to the crime of which he is charged may not be inquired into by the Governor, or in any proceeding after the demand for extradition accompanied by a charge of crime in legal form as provided in this subchapter shall have been presented to the Governor, except as it may be involved in identifying the person held as the person charged with the crime.

§ 9142. Governor may recall warrant or issue another.

The Governor may recall his warrant of arrest or may issue another warrant whenever he deems proper.

§ 9143. Duty of Governor in case of fugitives from this Commonwealth.

Whenever the Governor of this Commonwealth shall demand a person charged with crime or with escaping from confinement or breaking the terms of his bail, probation or parole in this Commonwealth, from the executive authority of any other state, or from the official of the District of Columbia authorized to receive such demand under the laws of the United States, he shall issue a warrant under the seal of this Commonwealth to some agent commanding him to receive the person so charged if delivered to him and convey him to the proper officer of the county in this Commonwealth in which the offense was committed.

§ 9144. Issuance of requisition.

(a) Return of accused.—When the return to this Commonwealth of a

person charged with crime in this Commonwealth is required the prosecuting attorney shall present to the Governor his written application for a requisition for the return of the person charged, in which application shall be stated the name of the person so charged, the crime charged against him, the approximate time, place and circumstances of its commission, the state in which he is believed to be, including the location of the accused therein at the time the application is made, and certifying that in the opinion of the said prosecuting attorney the ends of justice require the arrest and return of the accused to this Commonwealth for trial, and that the proceeding is not instituted to enforce a private claim.

(b) Return of convict.—When the return to this Commonwealth is required of a person who has been convicted of a crime in this Commonwealth and has escaped from confinement or broken the terms of his bail, probation or parole, the prosecuting attorney of the county in which the offense was committed, the parole board or the warden of the institution or sheriff of the county from which escape was made shall present to the Governor a written application for a requisition for the return of such person in which application shall be stated the name of the person, the crime of which he was convicted, the circumstances of his escape from confinement or of the breach of the terms of his bail, probation or parole, the state in which he is believed to be, including the location of the person therein at the time application is made.

(c) Procedure.—The application shall be verified by affidavit, shall be executed in duplicate and shall be accompanied by two certified copies of the indictment returned, or information and affidavit filed, or of the complaint made to the judge or issuing authority stating the offense with which the accused is charged, or of the judgment of conviction, or of the sentence. The prosecuting officer, parole board, warden or sheriff may also attach such further affidavits and other documents in duplicate as he shall deem proper to be submitted with such application. One copy of the application with the action of the Governor indicated by endorsement thereon and one of the certified copies of the indictment, complaint, information and affidavits, or of the judgment of conviction, or of the sentence, shall be filed in the Department of State to remain of record in that office. The other copies of all papers shall be forwarded with the requisition of the Governor.

§ 9145. Immunity from service of process in certain civil actions.

A person brought into this Commonwealth by or after waiver of extradition based on a criminal charge shall not be subject to service of personal process in civil actions arising out of the same facts as the criminal proceedings, to answer which he is being or has been returned, until he has been convicted in the criminal proceeding or, if acquitted, until he has had reasonable opportunity to return to the state from which he was extradited.

§ 9146. Written waiver of extradition proceedings.

(a) General rule.—Any person arrested in this Commonwealth charged with having committed any crime in another state or alleged to

have escaped from confinement or broken the terms of his bail, probation or parole may waive the issuance and service of the warrant provided for in section 9128 (relating to issue by Governor of warrant of arrest) and section 9129 (relating to manner and place of execution) and all other procedure incidental to extradition proceedings by executing or subscribing in the presence of a judge of any court of record within this Commonwealth a writing which states that he consents to return to the demanding state. Before such waiver shall be executed or subscribed by such person it shall be the duty of such judge to inform such person of his rights to the issuance and service of a warrant of extradition and to obtain a writ of habeas corpus, as provided in section 9131 (relating to rights of accused person).

(b) Action following waiver.—If and when such consent has been duly executed it shall forthwith be forwarded to the office of the Governor of this Commonwealth and filed therein. The judge shall direct the officer having such person in custody to deliver forthwith such person to the duly accredited agent or agents of the demanding state, and shall deliver or cause to be delivered to such agent or agents a copy of such consent.

(c) Effect of section.—Nothing in this section shall be deemed to limit the rights of the accused person to return voluntarily and without formality to the demanding state, nor shall this waiver procedure be deemed to be an exclusive procedure or to limit the powers, rights or duties of the officers of the demanding state or of this Commonwealth.

§ 9147. Nonwaiver by Commonwealth.

Nothing in this subchapter contained shall be deemed to constitute a waiver by this Commonwealth of its right, power or privilege to try such demanded person for crime committed within this Commonwealth or of its right, power or privilege to regain custody of such person by extradition proceedings, or otherwise, for the purpose of trial, sentence or punishment for any crime committed within this Commonwealth, nor shall any proceedings had under this subchapter which result in or fail to result in extradition be deemed a waiver by this Commonwealth of any of its rights, privileges or jurisdiction in any way whatsoever.

§ 9148. Liability to further criminal prosecutions.

After a person has been returned to this Commonwealth by or after waiver of extradition proceedings he may be tried in this Commonwealth for other crimes which he may be charged with having committed here, as well as the crimes specified in the requisition for his extradition.

CHAPTER 93

TRIAL

(Reserved)

CHAPTER 95

POST-TRIAL MATTERS

(Reserved)

Section 3. Conforming amendment to Title 15.—(a) Section 104 of Title 15, added November 15, 1972 (P.L.1063, No.271), is repealed.

(b) Title 15 is amended by adding a section to read:

**§ 104. Jurisdiction of courts.**

*Except in cases where a statutory remedy is provided by this title, the court shall have the jurisdiction and powers of a court of chancery so far as relates to the supervision and control of corporations.*

Section 4. Conforming amendments to Title 18.—(a) Section 108 of Title 18, added December 6, 1972 (P.L.1462, No.334), is repealed.

(b) Title 18 is amended by adding a section to read:

**§ 108. Time limitations.**

*A prosecution for any offense under this title must be commenced within the period, if any, limited by Chapter 55 of Title 42 (relating to limitation of time).*

(c) Subsection (g) of section 1311 of Title 18, added March 26, 1974 (P.L.213, No.46) and reenacted December 30, 1974 (P.L.1052, No.345), is amended to read:

§ 1311. Sentencing for murder.

\* \* \*

(g) Review of death sentence.—A sentence of death shall be subject to automatic review by the Supreme Court of Pennsylvania within **[sixty days after certification by the sentencing court of the entire record]** *the time prescribed by general rule.* In the event that the sentence of death shall for any reason be invalidated then the convicted defendant shall undergo the sentence of life imprisonment.

Section 5. Conforming amendment to Title 71.—The definition of “head of department” in section 5102 of Title 71, added March 1, 1974 (P.L.125, No.31), is amended to read:

§ 5102. Definitions.

The following words and phrases as used in this part, unless a different meaning is plainly required by the context, shall have the following meanings:

\* \* \*

“Head of department.” The chief administrative officer of the department, the chairman or executive director of the agency, authority, or independent board or commission, the **[Chief Justice or the President Judge of a court, any justice of the peace]** *Court Administrator of Pennsylvania*, and the Chief Clerk of the Senate, or the Chief Clerk of the House of Representatives.

\* \* \*

Section 6. Notice to Insurance Department.—The Department of State shall forward to the Insurance Department for its information each process, or a copy thereof, received by the Department of State with respect to any fraternal benefit society or other insurer subject to the jurisdiction of the Insurance Department.



Section 7. Existing president judges.—Except in the City of Philadelphia, 42 Pa.C.S. § 325(a) and (b) (relating to Chief Justice and president judges) shall become effective upon the expiration of the term of the president judge in office on January 1, 1969 or upon earlier vacancy.

Section 8. Pending actions and proceedings.—(a) Except as otherwise provided in this section, no appeal or other matter pending in any court on the effective date of this act shall be affected by the provisions of this act changing the jurisdiction of courts, and all such matters shall proceed to a final determination in such court, which court shall have continuing jurisdiction over such matter, including jurisdiction on remand following any appellate review of any order entered in such matter, whether such appellate review was had before or after the effective date of this act.

(b) A court vested with continuing jurisdiction over a pending matter under subsection (a) may at any time, with the consent of the transferee court, transfer jurisdiction of such matter to the court which would have been vested with jurisdiction of such matter if the action or proceeding had been commenced in or the appeal had been taken to such transferee court after the effective date of this act. Such transfers shall be effected with due regard for the interests of justice and the convenience of the parties. In every such case the clerk of the transferor court shall transfer to the custody of the clerk of the transferee court all dockets, records, pleadings and other papers, or certified copies thereof, relating to the matter so transferred.

Section 9. Philadelphia Municipal Court.—(a) Until all judges of the Philadelphia Municipal Court are members of the bar of the Supreme Court, the President Judge of the Court of Common Pleas of Philadelphia County shall appoint one of the judges of the municipal court as president judge for a five-year term or at the pleasure of the president judge of the court of common pleas. The president judge of the municipal court appointed under this section shall be eligible to succeed himself as president judge for any number of terms and shall be the administrative head of that court, shall supervise the judicial business of the court, and shall promulgate all administrative rules and regulations and make all judicial assignments.

(b) The President Judge of the Court of Common Pleas of Philadelphia County may assign temporarily judges of the municipal court who are members of the bar of the Supreme Court to the Court of Common Pleas of Philadelphia County when required to expedite the business of the court.

(c) The judges of the Philadelphia Municipal Court who are not members of the bar of the Supreme Court may exercise no rule-making power of the court and may exercise the jurisdiction of the court in only the classes of cases specified in 42 Pa.C.S. § 1123(a)(1),(3) and (5) (relating to jurisdiction and venue).

Section 10. Concurrent jurisdiction of Court of Common Pleas of Philadelphia County.—Until there are a sufficient number of judges of the Philadelphia Municipal Court who are members of the bar of the Supreme

Court to handle such matters the Court of Common Pleas of Philadelphia County shall have concurrent jurisdiction over the matters specified in 42 Pa.C.S. § 1123(a)(2) (relating to jurisdiction and venue) and the assignment of cases between the two courts shall be determined by rule prescribed by the President Judge of the Court of Common Pleas of Philadelphia County.

Section 11. Loan Interest and Protection Law.—Nothing in 42 Pa.C.S. § 1722(b) (relating to enforcement and effect of orders and process) or in any other provision of this act shall in any way repeal, modify or otherwise affect the act of January 30, 1974 (P.L.13, No.6), referred to as the Loan Interest and Protection Law.

Section 12. Allegheny County appointments.—Notwithstanding the provisions of 42 Pa.C.S. § 2301(a)(1) (relating to appointment of personnel), until otherwise provided or prescribed by law (and subject to the provisions of 42 Pa.C.S. § 2301(c)) the President Judge of the Court of Common Pleas of Allegheny County shall:

(1) Appoint necessary personal staff of the judges of such court upon the designation of the appointee by the affected judge.

(2) Appoint necessary personal staff of district justices elected or appointed to magisterial districts established within Allegheny County upon the designation of the appointee by the affected district justice.

Section 13. (Reserved).

Section 14. Continuation of existing judicial boards, commissions and committees.—The enactment of this act shall not affect the existence or membership of the following bodies:

(1) The Advisory Committee on Appellate Court Rules.

(2) Civil Procedural Rules Committee.

(3) Criminal Procedural Rules Committee.

(4) The Disciplinary Board of the Supreme Court of Pennsylvania.

(5) Judicial Council of Pennsylvania.

(6) Minor Court Civil Procedural Rules Committee.

(7) Philadelphia Judicial Council.

(8) State Board of Law Examiners.

(9) Supreme Court Committee for Proposed Standard Jury Instructions.

(10) Supreme Court Orphans' Court Rules Committee.

Section 15. Minor Judiciary Education Board.—The Minor Judiciary Education Board is hereby transferred to the unified judicial system. All personnel, allocations, appropriations, equipment, files, records, contracts, agreements, obligations and other material which are used, employed or expended in connection with the powers, duties or functions of the Minor Judiciary Education Board are hereby transferred to the unified judicial system. The terms of the members of the Minor Judiciary Education Board in office on the effective date of this act shall not be affected by this act. Until otherwise provided pursuant to 42 Pa.C.S. § 2132(c) (relating to compensation) each member of the board shall be paid

\$50 for each day or part thereof upon which he attends a board meeting or performs any duty assigned to him by the chairman and he shall be reimbursed for reasonable traveling or other expenses incurred incident to such attendance and to such assigned duty.

Section 16. Boards of viewers.—Appointments and removals of persons as members of the county board of viewers pursuant to 42 Pa.C.S. § 2142 (relating to composition of boards) shall be made by a majority of the judges of the court of common pleas of the appropriate judicial district.

Section 17. Landlord and tenant officers and writ servers.—Appointments and removals of landlord and tenant officers and writ servers for the Philadelphia Municipal Court under 42 Pa.C.S. § 2301 (relating to appointment of personnel) shall be by the president judge of that court.

Section 18. Traffic court writ servers.—Appointments and removals of writ servers for the Traffic Court of Philadelphia pursuant to 42 Pa.C.S. § 2301 (relating to appointment of personnel) shall be by the president judge of that court from among persons who shall possess such qualifications as the judges of that court shall prescribe.

Section 19. Applicability of minor judiciary education requirements.—Subchapter B of Chapter 31 of Title 42 (relating to qualifications of certain minor judiciary) shall not apply to any judge or district justice in office on the effective date of this act.

Section 20. Minor judiciary education expenses.—Until otherwise provided by the governing authority pursuant to 42 Pa.C.S. § 3117(a) (relating to expenses) a district justice or judge receiving expenses thereunder shall receive per diem at the rate of \$10 per day and such mileage expenses as may be determined by the Administrative Office.

Section 21. Certain judges of Commonwealth Court.—No judge appointed to the Commonwealth Court pursuant to the former provisions of section 3(d) of the act of January 6, 1970 (1969 P.L.434, No.185), known as "The Commonwealth Court Act," shall be authorized prior to the expiration of his appointive term to file a declaration of candidacy for retention as provided in section 15 of Article V of the Constitution of Pennsylvania.

Section 22. Existing judges of the Traffic Court of Philadelphia.—In the event of the establishment of a community court in the City and County of Philadelphia prior to the expiration of the current term of office of a judge of the Traffic Court of Philadelphia holding office on the effective date of this act, the status of such judge shall be determined under subsection (z) of section 16, Schedule to Article V of the Constitution of Pennsylvania, adopted April 23, 1968, and not by the provisions of 42 Pa.C.S. § 3321(b) (relating to establishment of community courts).

Section 23. Existing judicial officers.—Notwithstanding 42 Pa.C.S. § 3351 (relating to automatic retirement on age) a judge or justice in office on January 1, 1969 may complete the term of office which he was serving on that date.

Section 24. Financial matters.—(a) All existing fees and charges and all fees and charges hereafter fixed by statute or pursuant to existing statutory authority shall continue in effect until superseded by fees and charges fixed pursuant to 42 Pa.C.S. § 1725 (relating to establishment of fees and charges).

(b) Notwithstanding any other provision of this act, the salary and expenses of the judges of the Pittsburgh Magistrates Court shall be paid by the City of Pittsburgh.

(c) For the purposes of 42 Pa.C.S. § 3703(b) (relating to local chamber facilities) and 42 Pa.C.S. § 3704(b) (relating to local facilities for holding sessions of Statewide courts) the Pennsylvania Judicial Center shall not be deemed to be located in a county until the facilities specified in 42 Pa.C.S. § 3703(a) and 42 Pa.C.S. § 3704(a) are provided by the center.

(d) Until otherwise provided by statute, in every county of the first class:

(1) There shall be set apart by the officer receiving the same from the fees fixed under 42 Pa.C.S. § 1725 and remitted monthly to the treasurer of the bar association or other nonprofit corporation operating the public law library of such county:

(i) The sum of \$1.50 for each defendant named in all original actions brought in the county, entries of a judgment in the court of common pleas (except a judgment by confession for the payment of money) where an action has not been previously commenced, appeals from the municipal court established for the county, issued or reissued writs of execution and revivals of a judgment.

(ii) The sum of \$2.25 for each entry of a judgment by confession for the payment of money in any court of record of the county.

(iii) The sum of \$2.00 for every filing with respect to fictitious names, whether individual or corporate, in the office of prothonotary of the county.

(iv) Ten percent of the filing fees at the time in effect for the probate of wills, the issue of letters testamentary, the issue of letters of administration and the filing of accounts with the register of wills and the filing of accounts of trustees and guardians in the court of common pleas of the county.

(2) The provisions of paragraph (1)(i), (iii) and (iv) shall not apply to any actions taken or initiated by any political subdivision.

(3) The written receipt for said moneys of the treasurer of such bar association or nonprofit corporation, as the case may be, shall be the only legal discharge of such officer.

(4) The Department of General Services shall annually, and free of charge, distribute to the treasurer of each such bar association or nonprofit corporation, as the case may be, for the use of its library, 60 copies of the Laws of Pennsylvania for the purpose of enabling the said library to exchange a copy of the said laws for a copy of similar publications of other states and of the territories of the United States of America.

(e) Until otherwise provided by statute, the prothonotary of all counties of the second class shall set apart the sum of 50¢ from the fees fixed under 42 Pa.C.S. § 1725 and collected by them on the following proceedings and remit monthly the total collected to the county treasurer for the exclusive use and benefit of the public law library in the county:

(1) All appeals to the court of common pleas from administrative boards, agencies, commissions, authorities, ordinances of local government bodies, or other entities.

(2) Any and all other appeals which are filed with or are to be heard by the court of common pleas not specifically set forth in paragraph (1), including but not limited to appeals from district justices.

(3) Appointments of Boards of View.

(4) Certiorari to district justices and magistrates.

(5) Commencement of any civil action.

(6) Filing praecipes for and issuance of writs of execution.

(7) Entry of judgment by confession.

(8) Filing adversary and amicable scire facias.

(9) Miscellaneous writs not specifically provided for.

(f) Except as otherwise provided by statute, by general rule or by order of the governing authority, the president judge of a court of common pleas shall exercise the powers of the court under 42 Pa.C.S. § 3726 (relating to manner of expenditure of local funds).

Section 25. Effect of act on periods of limitation.—(a) Any civil action or proceeding:

(1) the time heretofore limited by statute for the commencement of which is reduced by any provision of this act; and

(2) which is not fully barred by statute on the day prior to the effective date of this act;

may be commenced within one year after the effective date of this act, or within the period heretofore limited by statute, whichever is less, notwithstanding any provisions of Subchapter B of Chapter 55 of Title 42 (relating to civil actions and proceedings) or any other provision of this act providing a shorter limitation.

(b) No cause of action fully barred prior to the effective date of this act shall be revived by reason of the enactment of this act.

(c) The period of limitations specified in this act with respect to crimes and offenses shall not apply to crimes and offenses committed before the effective date of Title 18 (relating to crimes and offenses) and the prior statutes of limitation are hereby continued in force as to such crimes and offenses.

Section 26. Repeals and related provisions.—(a) Section 1 (except insofar as it relates to the powers of the Supreme Court), first sentence of section 2, sections 4 and 13, subsections (a), (b), (c), (d), (e), (f), (g), (h), (i), (j), (r), (s), (t), (u), (w) and (except as provided in section 22 of this act) (z) of section 16, sections 18, 20, 21 and 27, Schedule to Article V of the

Constitution of Pennsylvania, adopted April 23, 1968, are hereby superseded and suspended absolutely.

(b) Subsections (o), (p) and (q) of section 16, and sections 17 and 25, Schedule to Article V of the Constitution of Pennsylvania, adopted April 23, 1968, are hereby superseded and suspended absolutely effective upon the date upon which the provision is or was suspended absolutely by general rule.

(c) The provisions of 1 Pa.C.S. § 1952 (relating to effect of separate amendments on code provisions enacted by same General Assembly) and 1 Pa.C.S. § 1974 (relating to effect of separate repeals on code provisions by same General Assembly) shall not be applicable to this act insofar as relates to acts of the present General Assembly through the act of April 17, 1976 (No.52).

(d) The following provisions are hereby repealed insofar as they relate to any county office or officer any of the fees and charges of which are established by the governing authority of the unified judicial system pursuant to 42 Pa.C.S. § 1725 (relating to establishment of fees and charges):

(1) Any provision of law limiting the salary of any officer of the City and County of Philadelphia by reference to the net fees received and paid in or earned and due the said city and county for services rendered by his office, after deduction of payments to deputies and clerks.

(2) Section 1806, act of July 28, 1953 (P.L.723, No.230), known as the "Second Class County Code."

(e) Section 601 of the act of April 9, 1929 (P.L.177, No.175), known as "The Administrative Code of 1929," is hereby repealed insofar as it authorizes or requires the Budget Secretary to distribute blanks necessary for the preparation of budget estimates to the prothonotaries of the various courts of the Commonwealth.

(f) (1) Last sentence of clause (7) of subsection (b) of section 605, act of March 16, 1972 (P.L.108, No.39), known as the "Environmental Improvement Compact," is hereby repealed absolutely.

(2) Subsections (c) and (d) of section 18, act of December 6, 1972 (P.L.1614, No.335), known as the "Pennsylvania Blood Bank Act," are hereby repealed absolutely.

Section 27. Effect on certain officers.—(a) Neither this act nor any provision of Title 42 (relating to judiciary and judicial procedure) as added by this act shall impair or limit the existing rights, powers, functions or immunities of any district attorney, sheriff, register of wills, prothonotary of any county except the City and County of Philadelphia, clerk of the courts, Clerk of Quarter Sessions of the City and County of Philadelphia, clerk of the orphans' court division or coroner.

(b) The provisions of subsection (a) shall not affect the power of the governing authority under 42 Pa.C.S. § 1725 (relating to establishment of fees and charges) and 42 Pa.C.S. § 1726 (relating to establishment of taxable costs), it being hereby declared that such sections relate to the fees,

charges and costs to be collected from the public and not to the remuneration and official expense reimbursement to be received by system and related personnel.

Section 28. Short title.—This act shall be known and may be cited as the “Judiciary Act of 1976.”

Section 29. Effective date.—This act shall take effect as follows:

- (1) This section shall take effect immediately.
- (2) 42 Pa.C.S. § 1725 (relating to establishment of fees and charges) and 42 Pa.C.S. § 503(b) (relating to procedures), insofar as applicable to 42 Pa.C.S. § 1725, and section 24(a),(d) and (e) of this act and 42 Pa.C.S. § 102 (relating to definitions), insofar as applicable to all of the foregoing shall take effect January 1, 1977.
- (3) The provisions of this act relating to budgeting and financial matters shall take effect with respect to fiscal years commencing July 1, 1977.
- (4) All other provisions of this act shall take effect upon the absolute repeal of this paragraph (4). This act shall expire December 31, 1978 unless this paragraph is repealed absolutely prior thereto.

APPROVED—The 9th day of July, A. D. 1976.

MILTON J. SHAPP