

No. 1980-106

AN ACT

HB 960

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding additional judges to courts of common pleas in Lycoming, Butler, Montgomery, Erie, Lebanon, Bucks, York, Mercer, Chester, Westmoreland, Monroe, Pike, Lehigh and Delaware counties, further providing for costs in civil and criminal cases, and further providing for the Pennsylvania Commission on Sentencing.

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

Section 1. Subsection (a) of section 911 of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, amended November 26, 1978 (P.L.1264, No.301), is amended to read:

§ 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	6
Third	5
Fourth	1
Fifth	39
Sixth	[5] 6
Seventh	[9] 10
Eighth	2
Ninth	3
Tenth	[7] 8
Eleventh	7
Twelfth	6
Thirteenth	1
Fourteenth	4
Fifteenth	[6] 7
Sixteenth	2
Seventeenth	1
Eighteenth	1
Nineteenth	[5] 6
Twentieth	1
Twenty-first	5
Twenty-second	1
Twenty-third	6

Twenty-fourth	3
Twenty-fifth	1
Twenty-sixth	1
Twenty-seventh	5
Twenty-eighth	1
Twenty-ninth	[2] 3
Thirtieth	2
Thirty-first	[5] 6
Thirty-second	[12] 14
Thirty-third	1
Thirty-fourth	1
Thirty-fifth	[2] 3
Thirty-sixth	5
Thirty-seventh	1
Thirty-eighth	[14] 15
Thirty-ninth	2
Fortieth	2
Forty-first	1
Forty-second	1
Forty-third	[2] 3
Forty-fourth	1
Forty-fifth	5
Forty-sixth	1
Forty-seventh	4
Forty-eighth	1
Forty-ninth	2
Fiftieth	[2] 3
Fifty-first	1
Fifty-second	[2] 3
Fifty-third	2
Fifty-fourth	1
Fifty-fifth	1
Fifty-sixth	1
Fifty-seventh	1
Fifty-eighth	1
Fifty-ninth	1

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Section 2. Subsections (a) and (b) of section 1725.1 of Title 42 are amended to read:

§ 1725.1. Costs.

(a) Civil cases.—The costs to be charged by the minor judiciary in every civil case, except as otherwise provided in this section, shall be as follows:

(1) Assumpsit or trespass involving \$100 or less	\$10.00
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(2) Assumpsit or trespass involving more than \$100 but not more than \$300	\$15.00
(3) Assumpsit or trespass involving more than \$300 but not more than \$500	\$20.00
(4) Assumpsit or trespass involving more than \$500.....	\$25.00
(5) Landlord and tenant proceeding.....	\$25.00
(6) Order of execution.....	\$15.00
(7) Objection to levy.....	\$ 5.00
(8) Reinstatement of complaint.....	No Charge

Such costs shall include all charges [including, when called for, the costs relating to postage and registered mail,] except the costs of a district justice’s transcript of every proceeding on appeal or certiorari (including affidavit, bail and certificate) which shall be \$2.50 per transcript. *Said costs shall not include, however, the cost of postage and registered mail which shall be borne by the plaintiff.*

(b) Criminal cases.—The costs to be charged by the minor judiciary or by the court of common pleas where appropriate in every criminal case, except as otherwise provided in this section, shall be as follows:

(1) Summary conviction, except motor vehicle cases	\$16.00
(2) Summary conviction, motor vehicles cases, other than paragraph (3).....	\$10.00
(3) Summary conviction, motor vehicle cases, hearing demanded	\$15.00
(4) Misdemeanor.....	\$20.00
(5) Felony.....	\$25.00

Such costs shall include all charges including [the costs of postage and registered mail and] the costs of giving a district justice’s transcript to the prosecutor or defendant, or both, if requested. *Such costs shall not include, however, the cost of postage and registered mail which shall be paid by the defendant upon conviction.*

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Section 3. Sections 2152(d) and 2155 of Title 42, as added by House Bill 1873 of 1980, are amended to read:

§ 2152. Composition of commission.

* * *

(d) Meetings and quorum.—

(1) The commission shall meet not less frequently than quarterly to establish its general policies and rules.

(2) The commission shall be deemed an “agency” within the meaning of the act of July 19, 1974 (P.L.486, No.175), referred to as the Public Agency Open Meeting Law.

(3) Nine commissioners shall constitute a quorum *for the purpose of adopting proposed initial and initial and subsequent guidelines. A majority of commissioners shall constitute a quorum for all other purposes.*

(4) Minutes of meetings shall be kept by the executive director and filed at the executive office of the commission.

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§ 2155. Publication of guidelines for sentencing.

(a) General rule.—The commission shall:

(1) Prior to adoption, publish in the Pennsylvania Bulletin all proposed initial and subsequent sentencing guidelines and hold public hearings not earlier than 30 days and not later than 60 days thereafter to afford an opportunity for the following persons and organizations to testify:

- (i) Pennsylvania District Attorneys Association.
- (ii) Chiefs of Police Associations.
- (iii) Fraternal Order of Police.
- (iv) Public Defenders Organization.
- (v) Law school faculty members.
- (vi) State Board of Probation and Parole.
- (vii) Bureau of Correction.
- (viii) Pennsylvania Bar Association.
- (ix) Pennsylvania Wardens Association.
- (x) Pennsylvania Association on Probation, Parole and Corrections.

(xi) Pennsylvania Conference of State Trial Judges.

(xii) Any other interested person or organization.

(2) Publish in the Pennsylvania Bulletin all initial and subsequent sentencing guidelines as adopted by the commission.

(3) Adopt and publish in the Pennsylvania Bulletin pursuant to subsection (a)(2) the initial sentencing guidelines within 21 months of the first meeting of the Pennsylvania Commission on Sentencing.

(b) Rejection by General Assembly.—The General Assembly may by concurrent resolution reject in their entirety any initial or subsequent guidelines adopted by the commission within 90 days of their publication in the Pennsylvania Bulletin pursuant to subsection (a)(2).

(c) Effective date.—Initial and any subsequent guidelines adopted by the commission shall become effective [90] 180 days after publication in the Pennsylvania Bulletin pursuant to subsection (a)(2) unless rejected in their entirety by the General Assembly by a concurrent resolution *within 90 days of their publication. If not rejected by the General Assembly the commissioners shall conduct training and orientation for trial court judges prior to the effective date of the guidelines.*

Section 4. The vacancies created by the new judgeships added by section 1 of this act shall be filled pursuant to 42 Pa.C.S. § 3135 (relating to increase in number of judges).

Section 5. Section 1 of this act shall take effect January 1, 1981 as to the 38th Judicial District and in 60 days as to all other judicial

districts. Sections 2, 3, 4 and 5 of this act shall take effect immediately.

APPROVED—The 10th day of July, A. D. 1980.

DICK THORNBURGH