

No. 1994-45

## AN ACT

HB 1933

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, extending contempt of court powers to district justices, judges of the Pittsburgh Magistrates Court and judges of the Traffic Court of Philadelphia and clarifying their subpoena powers.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

**§ 4137. Contempt powers of district justices.**

*(a) General rule.—District justices shall have the power to issue attachments and impose summary punishments for criminal contempts of a district justice court in the following cases:*

*(1) Misbehavior of any person in the presence of the court, thereby obstructing the administration of justice.*

*(2) Failure of a person to obey lawful process in the nature of a subpoena issued by a district justice.*

*(3) Failure to comply with an order of a district justice directing a defendant in a criminal proceeding to compensate the victim of the criminal conduct for the damage or injury sustained by the victim.*

*(4) Failure to comply with an order of a district justice directing a defendant in a criminal proceeding to pay fines and costs in accordance with an installment payment order.*

*(5) Violation of an order issued pursuant to 23 Pa.C.S. § 6110 (relating to emergency relief by minor judiciary).*

*(b) Limitation.—The power of contempt shall not include system and related personnel, attorneys or law enforcement officers when performing official duties or acting as officers of the court.*

*(c) Punishment.—Punishment for contempt specified in subsection (a)(1) or (3) may be a fine of not more than \$100 or imprisonment for not more than 30 days, or both. Punishment for contempt specified in subsection (a)(2) shall be a fine of not more than \$100. Failure to pay within a reasonable time could result in imprisonment for not more than ten days. Punishment for contempt specified in subsection (a)(5) shall be in accordance with that specified in 23 Pa.C.S. § 6114(b) (relating to contempt for violation of order or agreement). Punishment for contempt in subsection (a)(4) would be imprisonment for not more than 90 days.*

*(d) Procedure.—A district justice shall have the power to issue an attachment by means of a warrant and to conduct a hearing prior to the imposition of punishment for contempt. Any punishment imposed by a*

*district justice for contempt shall be automatically stayed for a period of ten days from the date of imposition of the punishment during which time an appeal of the action of the district justice may be filed with the court of common pleas of the judicial district. The stay shall remain in effect pending the disposition of an appeal. Upon the filing of the appeal, the court of common pleas shall hear the matter de novo. On appeal, the accused shall have the right to be notified of the accusation and shall have a reasonable time to make a defense. The defendant shall not have a right to a jury trial on appeal.*

*(e) Bail.—A district justice may not impose bail as a condition of release of any person accused of contempt specified in subsection (a)(1), (2) or (3) during the period that punishment is stayed under subsection (d). A district justice may impose bail as a condition of release of any person who has committed contempt specified in subsection (a)(4) and (5).*

**§ 4138. Contempt powers of Pittsburgh Magistrates Court.**

*(a) General rule.—The Pittsburgh Magistrates Court shall have the power to issue attachments and impose summary punishments for criminal contempts in the following cases:*

*(1) Misbehavior of any person in the presence of the court thereby obstructing the administration of justice.*

*(2) Failure of a person to obey lawful process in the nature of a subpoena issued by a judge of the Pittsburgh Magistrates Court.*

*(3) Failure to comply with an order of a judge of the Pittsburgh Magistrates Court directing a defendant in a criminal proceeding to pay fines and costs in accordance with an installment payment order.*

*(b) Limitation.—The power of contempt shall not include system and related personnel, attorneys or law enforcement officers when performing official duties or acting as officers of the court.*

*(c) Punishment.—Punishment for contempt specified in subsection (a)(1) or (3) may be a fine of not more than \$100 or imprisonment for not more than 30 days, or both. Punishment for contempt specified in subsection (a)(2) shall be a fine of not more than \$100. Failure to pay within a reasonable time could result in imprisonment for not more than ten days.*

*(d) Procedure.—A judge of the Pittsburgh Magistrates Court shall have the power to issue an attachment by means of a warrant and to conduct a hearing prior to the imposition of punishment for contempt. Any punishment imposed by a judge of the Pittsburgh Magistrates Court for contempt shall be automatically stayed for a period of ten days from the date of imposition of the punishment during which time an appeal of the action of the judge of the Pittsburgh Magistrates Court may be filed with the court of common pleas of the judicial district. The stay shall remain in effect pending the disposition of an appeal. Upon the filing of the appeal, the court of common pleas shall hear the matter de novo. On appeal, the accused shall have the right to be notified of the accusation and shall have*

*a reasonable time to make a defense. The defendant shall not have a right to a jury trial on appeal.*

**§ 4139. Contempt powers of Traffic Court of Philadelphia.**

*(a) General rule.—The Traffic Court of Philadelphia shall have the power to issue attachments and impose summary punishments for criminal contempts in the following cases:*

*(1) Misbehavior of any person in the presence of the court thereby obstructing the administration of justice.*

*(2) Failure of a person to obey lawful process in the nature of a subpoena issued by a traffic court judge.*

*(3) Failure to comply with an order of a traffic court judge directing a defendant in a criminal proceeding to pay fines and costs in accordance with an installment payment order.*

*(b) Limitation.—The power of contempt shall not include system and related personnel, attorneys or law enforcement officers when performing official duties or acting as officers of the court.*

*(c) Punishment.—Punishment for contempt specified in subsection (a)(1) or (3) may be a fine of not more than \$100 or imprisonment for not more than 30 days, or both. Punishment for contempt specified in subsection (a)(2) shall be a fine of not more than \$100. Failure to pay within a reasonable time could result in imprisonment for not more than ten days.*

*(d) Procedure.—A traffic court judge shall have the power to issue an attachment by means of a warrant and to conduct a hearing prior to the imposition of punishment for contempt. Any punishment imposed by a traffic court judge for contempt shall be automatically stayed for a period of ten days from the date of imposition of the punishment during which time an appeal of the action of the traffic court judge may be filed with the court of common pleas of the judicial district. The stay shall remain in effect pending the disposition of an appeal. Upon the filing of the appeal, the court of common pleas shall hear the matter de novo. On appeal, the accused shall have the right to be notified of the accusation and shall have a reasonable time to make a defense. The defendant shall not have a right to a jury trial on appeal.*

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

APPROVED—The 15th day of June, A.D. 1994.

ROBERT P. CASEY