

No. 2013-17

AN ACT

SB 334

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in preliminary provisions, further providing for definitions; in organization, further providing for Chief Justice and president judges; in community and municipal courts, further providing for the Philadelphia Municipal Court and for jurisdiction and venue and providing for hearing officers; and, in traffic courts, further providing for jurisdiction and venue and for the Traffic Court of Philadelphia.

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

Section 1. The definitions of "minor judiciary" and "Traffic Court of Philadelphia" in section 102 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 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:

* * *

"Minor judiciary." The community courts, magisterial district judges[,] **and Pittsburgh Magistrates Court [and Traffic Court of Philadelphia].**

* * *

"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.] *Any of the following:*

(1) *The Traffic Division under section 1121(c) (relating to Philadelphia Municipal Court). This paragraph includes the predecessor of the Traffic Division.*

(2) *The Traffic Court of Philadelphia under section 1321(b) (relating to Traffic Court of Philadelphia). This paragraph includes the predecessor of the Traffic Court of Philadelphia.*

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Section 2. Sections 325(c) and 1121 of Title 42 are amended to read:
§ 325. Chief Justice and president judges.

* * *

[(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.]

* * *

§ 1121. Philadelphia Municipal Court.

(a) Organization.—The Philadelphia Municipal Court shall *be organized as follows:*

(1) The General Division shall consist of [25] 27 judges.

(2) The Traffic Division shall consist of four judges elected to the Traffic Court of Philadelphia prior to the effective date of this paragraph. If a vacancy in the Traffic Division occurs, the vacancy shall not be filled. This paragraph shall expire on the later of:

(i) the date of the ratification by the electorate of an amendment to the Constitution of Pennsylvania abolishing the Philadelphia Traffic Court; or

(ii) the date of the expiration of the longest term of a judge specified in subsection (c)(4).

(b) General Division.—

(1) A judge in the General Division must be an attorney at law.

(2) The salary of a judge in the General Division shall be as set forth in section 2.1(e) and (i) of the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law.

(3) The General Division shall exercise full jurisdiction of the municipal court under section 1123(a) (relating to jurisdiction and venue).

(c) Traffic Division.—

(1) A judge in the Traffic Division must:

(i) be an attorney at law; or

(ii) prior to assuming office, complete a course of training and instruction in the duties of the office and pass an examination.

(2) The salary of a judge in the Traffic Division shall be as set forth in section 2.1(f) and (i) of the Public Official Compensation Law.

(3) The Traffic Division shall, at the direction of the President Judge of the Philadelphia Municipal Court, exercise jurisdiction under section 1123(a)(9).

(4) This subsection shall apply during the terms of all judges of the Philadelphia Traffic Court:

(i) who have been elected prior to January 1, 2014; and

(ii) whose term expires after December 31, 2017.

(5) A judge identified in paragraph (4) shall, until the expiration of the term to which the judge has been elected, serve as a judge in the Traffic Division.

(6) This subsection shall expire on the later of:

(i) the date of the ratification by the electorate of an amendment to the Constitution of Pennsylvania abolishing the Philadelphia Traffic Court; or

(ii) the date of the expiration of the longest term of a judge specified in paragraph (4).

(d) Annual report.—The President Judge of the Philadelphia Municipal Court shall file an annual report with the General Assembly regarding the Traffic Division. The report shall include how funding was allocated for the Traffic Division, the number of cases that came before

the Traffic Division and how the cases were resolved by the Traffic Division.

Section 3. Section 1123(a)(1) of Title 42 is amended and the subsection is amended by adding a paragraph to read:

§ 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 and] those arising out of the same episode or transaction involving a delinquent act for which a petition alleging delinquency is filed under Chapter 63 (relating to juvenile matters).

* * *

(9) Prosecutions for summary offenses arising under:

(i) Title 75; or

(ii) an ordinance of a political subdivision enacted pursuant to Title 75.

* * *

Section 3.1. Title 42 is amended by adding a section to read:

§ 1127. ***Hearing officers.***

(a) Appointment.—The President Judge of the Philadelphia Municipal Court may appoint hearing officers in proceedings under section 1123(a)(9) (relating to jurisdiction and venue).

(b) Code of conduct.—The Supreme Court shall promulgate a code of conduct to govern the conduct of hearing officers and provide for regular audits of the conduct of hearing officers.

(c) Qualifications.—A hearing officer must:

(1) be an attorney at law; or

(2) prior to assuming office, complete a course of training and instruction in the duties of the office and pass an examination.

Section 4. Section 1302(a) introductory paragraph of Title 42 is amended and the section is amended by adding a subsection to read:

§ 1302. Jurisdiction and venue.

(a) General rule.—Except as set forth in subsection (a.1) or 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:

* * *

(a.1) Traffic Court of Philadelphia.—

(1) Except as otherwise prescribed by any general rule adopted pursuant to section 503, each traffic court under Subchapter B (relating to Traffic Court of Philadelphia) shall, at the direction of the President Judge of the Philadelphia Municipal Court, have jurisdiction of all prosecutions for summary offenses arising under:

(i) Title 75.

(ii) Any ordinance of any political subdivision enacted pursuant to Title 75.

(2) This subsection shall expire on the later of:

(i) the date of the ratification by the electorate of an amendment to the Constitution of Pennsylvania abolishing the Philadelphia Traffic Court; or

(ii) January 1, 2018.

* * *

Section 5. Section 1321 of Title 42 is amended to read:

§ 1321. Traffic Court of Philadelphia.

(a) Establishment.—The Traffic Court of Philadelphia shall be a court not of record **[and shall consist of seven judges]**. The court is established for the City and County of Philadelphia.

(b) Composition.—*The court shall consist of two judges:*

(1) who are serving on the court on the effective date of this subsection; and

(2) whose terms expire on December 31, 2017.

(c) Expiration.—*This section shall expire on the later of:*

(1) the date of the ratification by the electorate of an amendment to the Constitution of Pennsylvania abolishing the Philadelphia Traffic Court; or

(2) January 1, 2018.

Section 6. This act shall take effect immediately.

APPROVED—The 19th day of June, A.D. 2013

TOM CORBETT