

## No. 1984-218

## AN ACT

## HB 353

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, limiting the bail-setting jurisdiction of district justices; further providing for compensation of district justices assigned to additional duties; authorizing service of process for misdemeanors on Sunday; providing for prosecutions of certain criminal offenses; and providing for payment by the Commonwealth of the costs and expenses incurred in trials resulting from issuance of presentments by multicounty investigating grand juries.

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

Section 1. Section 1515(a)(4) of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 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:

\* \* \*

(4) As commissioners to preside at arraignments, fix and accept bail, *except for offenses under 18 Pa.C.S. §§ 2502 (relating to murder) and 2503 (relating to voluntary manslaughter) for which the fixing and accepting of bail shall be performed by any judge of any court of common pleas, and to issue warrants and perform duties of a similar nature, including the jurisdiction of a committing magistrate in all criminal proceedings.*

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Section 2. Section 4122 of Title 42 is amended to read:

§ 4122. Assignment of district justices.

(a) General rule.—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.

(b) Senior district justices.—A senior district justice who shall not have been defeated for reelection or been suspended or removed from office may, with his consent, be assigned on temporary magisterial service pursuant to subsection (a). A senior district justice shall be paid a per diem salary at the same annual rate as is applicable in the district where he is temporarily assigned and shall receive expenses at the same per diem rate as other justices temporarily assigned.

(c) Additional compensation.—A district justice, assigned by the *president judge of the* court of common pleas to perform additional [part-time] duties [in] for a district other than the one in which he is elected, shall be enti-

ted to receive additional compensation of \$20 per day [for each day] when he performs assigned duties, *except that no additional compensation shall be allowed for routine duties scheduled by the president judge of the court of common pleas.* Any assignment, *compensable under this subsection, for which the per diem exceeds [five days within any 30-day period] \$100 a calendar month* shall be approved by the Court Administrator of Pennsylvania.

Section 3. Section 4553 of Title 42 is amended to read:

§ 4553. Expenses of investigating grand juries *and trials resulting therefrom.*

(a) County.—The expenses of a county investigating grand jury shall be borne by the county in which it is impaneled.

(b) Multicounty.—The expenses of any multicounty investigating grand jury shall be borne by the Commonwealth. *In addition, the costs and expenses resulting from any trial of a person against whom a presentment has been issued by a multicounty investigating grand jury shall be borne by the Commonwealth. Costs and expenses under this subsection include, but are not limited to, all reasonable costs incurred by the county for the services of the courts, the trial jury, the sheriff, the clerk of courts, the county prison, the district attorney and any public defender appointed by the court, and related costs and expenses incurred by the county in the course of the trial. Counties shall be reimbursed from the General Fund of the Commonwealth upon application to the State Treasurer through the Office of Attorney General pursuant to procedures prescribed by that office.*

Section 4. Section 5107 of Title 42 is amended to read:

§ 5107. Service of process on Sunday.

(a) General rule.—No process shall be served or executed on a Sunday except in the case of:

- (1) Felony *or misdemeanor.*
- (2) Breach of the peace.
- (3) Criminal or civil contempt of court in orders relating to support or custody matters.
- (4) When authorized or directed by the court upon a finding that the exigency of the case is such as to impel the court to suspend the rule against service or execution of process on a Sunday.

(5) Any matter where the service or execution of process on a Sunday is expressly authorized by statute.

(b) Effect of violation.—Process served or executed in violation of subsection (a) shall be void and the person so serving or executing such process shall be liable to any person aggrieved to the same extent as if the action was taken without any process at all.

Section 5. Section 5551 of Title 42 is amended to read:

§ 5551. No limitation applicable [to murder or voluntary manslaughter].

A prosecution for [murder or for voluntary manslaughter] *the following offenses* may be commenced at any time:

- (1) *Murder.*
- (2) *Voluntary manslaughter.*

**(3) Conspiracy to commit murder or solicitation to commit murder if a murder results from the conspiracy or solicitation.**

**(4) Any felony alleged to have been perpetrated in connection with a murder of the first or second degree, as set forth in 18 Pa.C.S. § 2502(a) or (b) and (d) (relating to murder).**

Section 6. Section 5552(a) and (b) of Title 42 are amended to read:

§ 5552. Other offenses.

(a) General rule.—Except as otherwise provided in this subchapter, a prosecution for an offense **[other than murder or voluntary manslaughter]** must be commenced within two years after it is committed.

(b) Major offenses.—A prosecution for any of the following offenses must be commenced within five years after it is committed:

(1) Under the following provisions of Title 18 (relating to crimes and offenses):

Section 911 (relating to corrupt organizations).

Section 2706 (relating to terroristic threats).

Section 2901 (relating to kidnapping).

Section 3121 (relating to rape).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3301 (relating to arson and related offenses).

Section 3502 (relating to burglary).

Section 3701 (relating to robbery).

Section 3921 (relating to theft by unlawful taking or disposition) through section 3931 (relating to theft of unpublished dramas and musical compositions).

Section 4101 (relating to forgery).

Section 4108 (relating to commercial bribery and breach of duty to act disinterestedly).

Section 4109 (relating to rigging publicly exhibited contest).

Section 4302 (relating to incest).

Section 4701 (relating to bribery in official and political matters) through section 4703 (relating to retaliation for past official action).

Section 4902 (relating to perjury) through section 4912 (relating to impersonating a public servant).

Section 4952 (relating to intimidation of witnesses or victims).

Section 4953 (relating to retaliation against witness or victim).

Section 5101 (relating to obstructing administration of law or other governmental function).

Section 5512 (relating to lotteries, etc.) through section 5514 (relating to pool selling and bookmaking).

Section 5902(b) (relating to prostitution and related offenses).

(2) Any offense punishable under section 13(f) of the act of April 14, 1972 (P.L.233, No.64), known as "The Controlled Substance, Drug, Device and Cosmetic Act."

(3) Any conspiracy to commit any of the offenses set forth in paragraphs (1) and (2) **and any solicitation to commit any of the offenses in paragraphs (1) and (2) if the solicitation results in the completed offense.**

(4) Under the act of June 13, 1967 (P.L.31, No.21), known as the "Public Welfare Code."

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Section 7. The sum of \$100,000, or as much thereof as may be necessary, is hereby appropriated for the fiscal year July 1, 1984, to June 30, 1985, to the Office of Attorney General for the costs of trials resulting from presentments issued by multicounty investigating grand juries pursuant to 42 Pa.C.S. § 4553(b) (relating to expenses of investigating grand juries and trials resulting therefrom).

Section 8. Sections 3 and 7 of this act shall be retroactive to March 29, 1983.

Section 9. This act shall take effect immediately.

APPROVED—The 19th day of December, A. D. 1984.

DICK THORNBURGH