

No. 2004-217

AN ACT

SB 1099

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for courts of common pleas; providing for summary offenses; and further providing for informal adjustment, for consent decrees, for compulsory arbitration, for disposition of delinquent children and for sentences for offenses against infants.

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

Section 1. Section 911(a) of Title 42 of the Pennsylvania Consolidated Statutes 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 | 93 |
| Second | [13] 15 |
| Third | 8 |
| Fourth | 1 |
| Fifth | [41] 43 |
| Sixth | 9 |
| Seventh | 13 |
| Eighth | 3 |
| Ninth | 5 |
| Tenth | 11 |
| Eleventh | [9] 10 |
| Twelfth | 8 |
| Thirteenth | 2 |
| Fourteenth | 5 |
| Fifteenth | [13] 14 |
| Sixteenth | 3 |
| Seventeenth | 2 |
| Eighteenth | 1 |
| Nineteenth | [12] 14 |
| Twentieth | 1 |
| Twenty-first | 6 |
| Twenty-second | 1 |
| Twenty-third | [12] 13 |
| Twenty-fourth | [4] 5 |

| | |
|----------------|-------|
| Twenty-fifth | 2 |
| Twenty-sixth | 2 |
| Twenty-seventh | [5] 6 |
| Twenty-eighth | 2 |
| Twenty-ninth | 5 |
| Thirtieth | 3 |
| Thirty-first | 10 |
| Thirty-second | 19 |
| Thirty-third | 2 |
| Thirty-fourth | 1 |
| Thirty-fifth | 4 |
| Thirty-sixth | [6] 7 |
| Thirty-seventh | 2 |
| Thirty-eighth | 21 |
| Thirty-ninth | 4 |
| Fortieth | 3 |
| Forty-first | 2 |
| Forty-second | 2 |
| Forty-third | 6 |
| Forty-fourth | 1 |
| Forty-fifth | [7] 8 |
| Forty-sixth | 2 |
| Forty-seventh | 5 |
| Forty-eighth | 2 |
| Forty-ninth | 4 |
| Fiftieth | [5] 6 |
| Fifty-first | 3 |
| Fifty-second | 4 |
| Fifty-third | 4 |
| Fifty-fourth | 1 |
| Fifty-fifth | 1 |
| Fifty-sixth | 2 |
| Fifty-seventh | 2 |
| Fifty-eighth | [1] 2 |
| Fifty-ninth | 1 |
| Sixtieth | [1] 2 |

* * *

Section 2. Title 42 is amended by adding a section to read:

§ 6304.1. Summary offenses.

(a) Review.—Upon notice being certified to the court that a child has failed to comply with a lawful sentence imposed for a summary offense, a probation officer shall review the complaints and charges of delinquency pursuant to section 6304 (relating to powers and duties of probation officers) for the purpose of considering the commencement of proceedings under this chapter.

(b) Administration of money.—Any money subsequently paid by the child pursuant to the disposition of the charges shall be administered and disbursed in accordance with written guidelines adopted by the president judge of the court of common pleas. The court may direct that any portion of the money received from the child shall be deposited into a restitution fund established by the president judge of the court of common pleas pursuant to section 6352(a)(5) (relating to disposition of delinquent child).

Section 3. Section 6323 of Title 42 is amended by adding a subsection to read:

§ 6323. Informal adjustment.

* * *

(f) Terms and conditions.—The terms and conditions of an informal adjustment may include payment by the child of reasonable amounts of money as costs, fees or restitution, including a supervision fee and contribution to a restitution fund established by the president judge of the court of common pleas pursuant to section 6352(a)(5) (relating to disposition of delinquent child).

Section 4. Sections 6340(c.1), 6352(a)(5), 7361(b)(2)(ii) and 9718(a) of Title 42 are amended to read:

§ 6340. Consent decree.

* * *

(c.1) Terms and conditions.—Consistent with the protection of the public interest, the terms and conditions of a consent decree may include payment by the child of reasonable amounts of money as costs, fees or restitution, including a supervision fee and contribution to a restitution fund established by the president judge of the court of common pleas pursuant to section 6352(a)(5) (relating to disposition of delinquent child), and shall, as appropriate to the circumstances of each case, include provisions which provide balanced attention to the protection of the community, accountability for offenses committed and the development of competencies to enable the child to become a responsible and productive member of the community.

* * *

§ 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 determined to be consistent with the protection of the public interest and best suited to the child’s treatment, supervision, rehabilitation and welfare, which disposition shall, as appropriate to the individual circumstances of the child’s case, provide balanced attention to the protection of the community, the imposition of accountability for offenses committed and the development of competencies to enable the child to become a responsible and productive member of the community:

* * *

(5) Ordering payment by the child of reasonable amounts of money as fines, costs, fees or restitution as deemed appropriate as part of the plan of

rehabilitation considering the nature of the acts committed and the earning capacity of the child[.], *including a contribution to a restitution fund. The president judge of the court of common pleas shall establish a restitution fund for the deposit of all contributions to the restitution fund which are received or collected. The president judge of the court of common pleas shall promulgate written guidelines for the administration of the fund. Disbursements from the fund shall be made, subject to the written guidelines and the limitations of this chapter, at the discretion of the president judge and used to reimburse crime victims for financial losses resulting from delinquent acts.* For an order made under this subsection, the court shall retain jurisdiction until there has been full compliance with the order or until the delinquent child attains 21 years of age. Any restitution order which remains unpaid at the time the child attains 21 years of age shall continue to be collectible under section 9728 (relating to collection of restitution, reparation, fees, costs, fines and penalties).

* * *

§ 7361. Compulsory arbitration.

* * *

(b) Limitations.—No matter shall be referred under subsection (a):

* * *

(2) where the amount in controversy, exclusive of interest and costs, exceeds:

* * *

(ii) [~~\$25,000~~] **\$35,000** in any other judicial district.

* * *

§ 9718. Sentences for offenses against infant persons.

(a) Mandatory sentence.—

(1) A person convicted of the following offenses when the victim is under 16 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) and (4) (relating to aggravated assault) - not less than two years.

18 Pa.C.S. [~~§ 3121(1), (2), (3), (4), (5) and (6)~~] **§ 3121(a)(1), (2), (3), (4) and (5)** (relating to rape) - not less than five years.

18 Pa.C.S. § 3123 (relating to involuntary deviate sexual intercourse) - not less than five years.

(2) A person convicted of the following offenses when the victim is less than 13 years of age shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 2702(a)(1) (relating to aggravated assault) - not less than five years.

18 Pa.C.S. [~~§ 3125(1)~~] **§ 3125(a)(1)** through (6) (relating to aggravated indecent assault) - not less than two and one-half years.

(3) A person convicted of the following offenses shall be sentenced to a mandatory term of imprisonment as follows:

18 Pa.C.S. § 3121(c) and (d) - not less than five years.

18 Pa.C.S. § 3125(a)(7) - not less than two and one-half years.

18 Pa.C.S. § 3125(b) - not less than five years.

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Section 5. (a) The provisions of 42 Pa.C.S. § 3135 shall not be applicable to the selection of judges for the judgeships created in the amendment of 42 Pa.C.S. § 911(a).

(b) Except as set forth in subsections (b.1), (c), (d) and (e), the new judgeships added by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 2, 2006, and shall be initially filled by election at the 2005 municipal election.

(b.1) The new judgeships for the second judicial district added by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 7, 2008, and shall be initially filled by election at the 2007 municipal election.

(c) The new judgeship for the eleventh judicial district added by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 7, 2008, and shall be initially filled by election at the 2007 municipal election.

(d) The new judgeship for the fifteenth district added by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 7, 2008, and shall be initially filled by election at the 2007 municipal election.

(e) The new judgeship for the sixtieth judicial district added by the amendment of 42 Pa.C.S. § 911(a) shall be established on January 7, 2008, and shall be initially filled by election at the 2007 municipal election.

Section 6. The addition of 42 Pa.C.S. § 9718(a)(3) shall apply to individuals sentenced on or after the effective date of this section.

Section 7. This act shall take effect immediately.

APPROVED—The 30th day of November, A.D. 2004.

EDWARD G. RENDELL