

No. 22

AN ACT

SB 257

Implementing the provisions of subsection (b) of section 12 of Article V and subsection (b) of section 12, subsection (d) of section 13, and section 21 of the Schedule to Article V of the Constitution of the Commonwealth of Pennsylvania requiring a course of training, instruction and examination for certain members of the minor judiciary prior to their assuming office; creating a Minor Judiciary Education Board; and imposing duties upon it and the Department of Public Instruction, and repealing an act.

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

Section 1. Short Title.—This act shall be known and may be cited as the “Minor Judiciary Education Act.”

Section 2. Definitions.—As used in this act—

(1) “Board” means the administrative board known as the “Minor Judiciary Education Board” established by this act.

(2) “Department” means the Department of Public Instruction.

(3) “Justice of the peace” means a justice of the peace or alderman, or in Pittsburgh, a police magistrate, elected or appointed to office prior to the municipal election in 1969 who is not a member of the bar of the Pennsylvania Supreme Court or who will not have completed one full term in office prior to the first Monday of January, 1970.

(4) “District justice” means a justice of the peace or police magistrate elected at the municipal election in 1969 or elected or appointed thereafter, but shall not include a district justice who is a member of the bar of the Pennsylvania Supreme Court or a district justice who has completed one full term in the office of justice of the peace or alderman or police magistrate on or before the first Monday of January, 1970.

(5) “Judge” means a judge of the Traffic Court of the City of Philadelphia elected or appointed to a term of office beginning on or after January 1, 1969, but shall not include a judge who is a member of the bar of the Pennsylvania Supreme Court or a judge who occupies the office of magistrate on December 31, 1968.

Section 3. Minor Judiciary Education Board; Department of Public Instruction.—There shall be appointed by the Governor with the consent of two-thirds of the members elected to the Senate an administrative board composed of seven members to be known as the “Minor Judiciary Education Board.” Three of the members of the board shall be members of the bar of the Pennsylvania Supreme Court, three of the members shall be district justices, justices of the peace, aldermen or judges of the Traffic Court of the City of Philadelphia, and one member shall be a lay citizen. Three members shall be appointed for terms of five years, three members shall be appointed for terms of four years, and one member shall be

appointed for a term of three years, and until their successors have been appointed and qualified. Thereafter each appointment shall be for a term of five years and until a successor has been appointed and qualified. Four members of the board shall constitute a quorum; and, no action of the board shall be valid unless it shall have the concurrence of at least four members. Each member shall be paid fifty dollars (\$50) for each day or part thereof upon which he attends a board meeting, or performs any duty assigned to him by the chairman; and, he shall be reimbursed for reasonable traveling or other expenses incurred incident to such attendance and to such assigned duty. The board shall organize by electing a chairman. The board shall prescribe and approve the subject matter and the examination for the course of instruction and training required by the Constitution of the Commonwealth of Pennsylvania and this act. The department shall serve as the administrative officers of the board and in such capacity shall, subject to the direction of the board, administer the course of instruction and training and conduct the examination.

Section 4. Course of Instruction.—District justices, justices of the peace and judges shall complete a course of training and instruction in the duties of their offices as required by the Constitution of the Commonwealth of Pennsylvania and successfully pass an examination prior to assuming office, which course of training and instruction shall not exceed four weeks in duration and shall consist of a minimum of forty hours of class instruction in civil and criminal law including evidence and procedure in the case of all said officials except judges, in which case it shall consist of a minimum of twenty hours of class instruction in summary proceedings and laws relating to motor vehicles; where it is economically unfeasible to conduct a class, the department shall provide equivalent instruction by correspondence, such training and instruction to be prescribed by the board. The department shall make the course of instruction available at such times as determined by it and the board, so as to insure that any district justice, justice of the peace or judge elected or appointed may qualify to assume office as soon as possible. By regulation the board shall direct the department to conduct the course at such times, at such places and in such manner as it shall prescribe.

In addition to those required by the Constitution of the Commonwealth of Pennsylvania and this act to complete the course of training and instruction and successfully pass an examination prior to assuming office, any interested person may apply to the department to be enrolled in the course of instruction and take the examination, subject to such rules and regulations as the department with the approval of the board may determine. Any such interested person who successfully completes the course and passes the examination, and who subsequently is elected or appointed to the office of district justice or judge may secure the appropriate certificate from the department and file same as set forth in section 7 herein.

Section 5. Costs.—The course of training and instruction required by the Constitution of the Commonwealth of Pennsylvania and this act shall be provided at the expense of the Commonwealth. Any person elected or appointed to the office of district justice, justice of the peace or judge required to successfully complete said course shall receive the sum of ten dollars (\$10) for each day of actual attendance at class instruction to defray his expenses, together with such mileage expenses as determined by the department. Until such person has successfully completed the course of training and instruction and passed the examination, he shall not receive any salary from the Commonwealth.

The foregoing expense allowance shall not be payable to any person enrolled in the course of training and instruction who is not required by the Constitution of the Commonwealth of Pennsylvania and this act to successfully complete the course of instruction and examination; however, if such person not required at the time of the successful completion of the course and examination, subsequently, within two years of the date of his successful completion of the examination, is elected or appointed to the office of district justice or judge, he shall be reimbursed for his expenses as though he had been eligible to receive such expenses at the time he was enrolled in the course of training and instruction.

Section 6. Rules and Regulations.—The department shall, with the approval of the board, have the power to promulgate such rules and regulations as are necessary to carry out its duties under this act.

Section 7. Completion of Course.—Upon the successful completion of the course of training and instruction and examination, the department shall issue a certificate in the form prescribed by the board, certifying that such person is qualified to perform his duties as required by the Constitution of the Commonwealth of Pennsylvania. Such certificate shall be filed in the office of the prothonotary of the county in which the district justice, justice of the peace or judge resides. In the event that a district justice, justice of the peace or judge as required by the Constitution of the Commonwealth of Pennsylvania and this act to successfully complete such course, has failed to obtain and file such certificate in the proper prothonotary's office within nine months after his election or appointment, said office of district justice or judge shall be vacant, such vacancy to be filled as otherwise provided by law, and in the case of justice of the peace, said office shall be abolished.

Section 8. Repeal.—The act of January 19, 1968 (P.L.1030), entitled "An act providing for a course of instruction and training for justices of the peace and aldermen," is hereby repealed.

Section 9. Effective Date.—This act shall take effect immediately.

APPROVED—The 24th day of February, A. D. 1970.

RAYMOND P. SHAFER

The foregoing is a true and correct copy of Act of the General Assembly
No. 22.

A handwritten signature in black ink, appearing to read "Robert R. Kelly". The signature is written in a cursive style with a large initial "R" and "K".

Secretary of the Commonwealth.