

No. 2000-105

AN ACT

SB 958

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts; providing for reimbursement for common pleas court costs and for judgment by confession filed against incorrectly identified debtors; further providing for county judicial center or courthouse, for composition of investigating grand jury and for confidential communications with sexual assault counselors; providing for confidential communications to crime stopper or similar anticrime program; and further providing for exemption from attachment of retirement funds and accounts.

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	[90] 93
Second	[11] 13
Third	7
Fourth	1
Fifth	41
Sixth	[8] 9
Seventh	11
Eighth	[2] 3
Ninth	5
Tenth	11
Eleventh	9
Twelfth	8
Thirteenth	2
Fourteenth	5
Fifteenth	[11] 13
Sixteenth	3
Seventeenth	2
Eighteenth	1
Nineteenth	[11] 12
Twentieth	1
Twenty-first	[5] 6
Twenty-second	1

Twenty-third	[11] 12
Twenty-fourth	4
Twenty-fifth	2
Twenty-sixth	2
Twenty-seventh	5
Twenty-eighth	2
Twenty-ninth	5
Thirtieth	[2] 3
Thirty-first	[9] 10
Thirty-second	18
Thirty-third	2
Thirty-fourth	1
Thirty-fifth	3
Thirty-sixth	6
Thirty-seventh	[1] 2
Thirty-eighth	[18] 20
Thirty-ninth	4
Fortieth	2
Forty-first	2
Forty-second	2
Forty-third	5
Forty-fourth	1
Forty-fifth	[6] 7
Forty-sixth	2
Forty-seventh	5
Forty-eighth	1
Forty-ninth	3
Fiftieth	5
Fifty-first	3
Fifty-second	4
Fifty-third	[3] 4
Fifty-fourth	1
Fifty-fifth	1
Fifty-sixth	2
Fifty-seventh	2
Fifty-eighth	1
Fifty-ninth	1
Sixtieth	1

* * *

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

§ 914. *Reimbursement for common pleas court costs.*

For the purposes of reimbursement for common pleas court judge authorized positions, no county shall receive less than 77.5% of the actual reimbursement for court costs provided to them from funds appropriated for the fiscal year July 1, 1980, to June 30, 1981.

§ 2737.1. Incorrect debtor identified.

At the time a creditor files for a judgment by confession under section 2737(3) (relating to powers and duties of the office of the prothonotary), the creditor filing the judgment shall provide the debtor with written instructions regarding the procedure to follow to strike the judgment. A debtor who has been incorrectly identified and had a confession or judgment entered against him shall be entitled to costs and reasonable attorney fees as determined by the court. The instructions provided to the debtor shall explain to the debtor that under this section he is entitled to costs and reasonable attorney fees as determined by the court if he was incorrectly identified.

Section 3. Section 3721 of Title 42 is amended by adding a subsection to read:

§ 3721. County judicial center or courthouse.

* * *

(c) Child-care facilities.—

(1) A county judicial center or courthouse may provide a child-care facility for use by children whose parents or guardians are present at the county judicial center or courthouse for a court appearance or other matter related to any civil or criminal action where the person's presence has been requested or is necessary. The child-care facility must be located within or easily accessible to the county judicial center or courthouse. If the facilities of the county judicial center are located at multiple sites, each site may provide a child-care facility.

(2) If a child-care facility is provided under paragraph (1):

(i) The child-care facility shall be licensed and operated pursuant to Articles IX and X of the act of June 13, 1967 (P.L.31, No.21), known as the Public Welfare Code, and regulations of the Department of Public Welfare.

(ii) In addition to any other court cost or filing fee authorized to be collected by law, an additional fee of \$5 shall be charged and collected by the prothonotary, clerk of orphans' court and register of wills of the county or by any official designated to perform the functions thereof for the initiation of any civil action or legal proceeding.

(iii) In addition to any other court cost or filing fee authorized to be collected by law, an additional fee of \$5 shall be charged and collected by the clerk of courts of the county or by any official designated to perform the functions thereof for the initiation of any criminal proceeding for which a fee, charge or cost authorized on the effective date of this subsection and for which a conviction is obtained or guilty plea is entered.

(3) The additional fees collected under paragraph (2) shall be deposited into a segregated fund established by the county for the

purposes of providing for the start-up and daily operating costs, excluding capital costs, of a child-care facility under this section.

Section 4. Sections 4545(a) and 5945.1 of Title 42 are amended to read:

§ 4545. Composition of investigating grand jury.

(a) General rule.—Each investigating grand jury shall be composed initially of 23 members and have ***a minimum of seven and not more than 15*** alternates. Subsequent vacancies shall be filled by substituting alternates for the members who are excused or otherwise unable to continue their service.

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§ 5945.1. Confidential communications with sexual assault counselors.

(a) Definitions.—As used in this section, the following words and phrases shall have the meanings given to them in this subsection:

“Confidential communication.” All information, oral or written, transmitted between a victim of sexual assault and a sexual assault counselor in the course of their relationship, including, but not limited to, any advice, reports, statistical data, memoranda, working papers, records or the like, given or made during that relationship, ***including matters transmitted between the sexual assault counselor and the victim through the use of an interpreter.***

“Coparticipant.” A victim participating in group counseling.

“Interpreter.” ***A person who translates communications between a sexual assault counselor and a victim through the use of sign language, visual, oral or written translation.***

“Rape crisis center.” Any office, institution or center offering assistance to victims of sexual assault and their families through crisis intervention, medical and legal accompaniment and follow-up counseling.

“Sexual assault counselor.” A person who is engaged in any office, institution or center defined as a rape crisis center under this section, who has undergone 40 hours of sexual assault training and is under the control of a direct services supervisor of a rape crisis center, whose primary purpose is the rendering of advice, counseling or assistance to victims of sexual assault.

“Victim.” A person who consults a sexual assault counselor for the purpose of securing advice, counseling or assistance concerning a mental, physical or emotional condition caused or reasonably believed to be caused by a sexual assault. The term shall also include those persons who have a significant relationship with a victim of sexual assault and who seek advice, counseling or assistance from a sexual assault counselor concerning a mental, physical or emotional condition caused or reasonably believed to be caused by a sexual assault of a victim.

(b) Privilege.—

(1) No sexual assault counselor ***or an interpreter translating the communication between a sexual assault counselor and a victim*** may, without the written consent of the victim, disclose the victim’s

confidential oral or written communications to the counselor nor consent to be examined in any court or criminal proceeding.

(2) No coparticipant who is present during counseling may disclose a victim's confidential communication made during the counseling session nor consent to be examined in any civil or criminal proceeding without the written consent of the victim.

Section 5. Title 42 is amended by adding a section to read:

§ 5945.2. Confidential communications to crime stopper or similar anticrime program.

(a) General rule.—No person engaged in, connected with or employed by any crime stopper or similar anticrime program shall be required in any manner to disclose the source of any information received, procured or obtained by such person or crime stopper or similar anticrime program in any legal proceeding, trial or investigation before any government unit.

(b) Definition.—As used in this section, "crime stopper or similar anticrime program" means a private, nonprofit organization that accepts and expends donations for rewards to persons who report to the organization information concerning criminal activity and that forwards the information to the appropriate law enforcement agency.

Section 6. Section 8124(b)(1)(ix) of Title 42 is amended to read:

§ 8124. Exemption of particular property.

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(b) Retirement funds and accounts.—

(1) Except as provided in paragraph (2), the following money or other property of the judgment debtor shall be exempt from attachment or execution on a judgment:

*** * ***

(ix) Any retirement or annuity fund provided for under section 401(a), 403(a) and (b), 408 [or], **408A**, 409 **or 530** of the Internal Revenue Code of 1986 (Public Law 99-514, 26 U.S.C. § 401(a), 403(a) and (b), 408 [or], **408A**, 409 **or 530**), the appreciation thereon, the income therefrom, the benefits or annuity payable thereunder and transfers and rollovers between such funds. This subparagraph shall not apply to:

(A) Amounts contributed by the debtor to the retirement or annuity fund within one year before the debtor filed for bankruptcy. This shall not include amounts directly rolled over from other funds which are exempt from attachment under this subparagraph.

(B) Amounts contributed by the debtor to the retirement or annuity fund in excess of \$15,000 within a one-year period. This shall not include amounts directly rolled over from other funds which are exempt from attachment under this subparagraph.

(C) Amounts deemed to be fraudulent conveyances.

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Section 7. (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) (1) Except as provided in paragraphs (2), (3), (4) and (5), the new judgeships added by the amendment of 42 Pa.C.S. § 911(a) shall be created on January 2, 2002, and shall be initially filled by election at the 2001 municipal election.

(2) The new judgeships for the second district added by the amendment of 42 Pa.C.S. § 911(a) shall be created as follows:

(i) One judgeship shall be created on January 2, 2002, and shall be initially filled at the 2001 municipal election.

(ii) One judgeship shall be created on January 5, 2004, and shall be initially filled at the 2003 municipal election.

(3) The new judgeships for the fifteenth district added by the amendment of 42 Pa.C.S. § 911(a) shall be created on January 5, 2004, and shall be initially filled at the 2003 municipal election.

(4) The new judgeship for the thirty-first district added by the amendment of 42 Pa.C.S. § 911(a) shall be created on January 5, 2004,¹ and shall be initially filled at the 2003 municipal election.

(5) The new judgeship for the nineteenth district added by the amendment of 42 Pa.C.S. § 911(a) shall be created on January 5, 2004, and shall be initially filled at the 2003 municipal election.

Section 8. This act shall take effect as follows:

(1) The amendment of 42 Pa.C.S. § 3721 shall take effect in 60 days.

(2) The amendment of 42 Pa.C.S. § 911 and this section shall take effect immediately.

(3) The remainder of this act shall take effect in 60 days.

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE

¹January 2, 2004," in enrolled bill.