

No. 2007-30

AN ACT

HB 10

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for compensation of judges, for exclusive jurisdiction of Supreme Court and for the Criminal Justice Enhancement Account; and making related repeals.

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

Section 1. Chapter 17 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subchapter to read:

**SUBCHAPTER C
COMPENSATION**

Sec.

1741. Compensation of judges.

1742. Exclusive jurisdiction of Supreme Court.

§ 1741. Compensation of judges.

(a) Base salaries.—Notwithstanding any other provision of law to the contrary:

(1) A person who is elected or appointed to a term as a justice of the Supreme Court, judge of the Superior Court, judge of the Commonwealth Court, judge of a court of common pleas, judge of the Philadelphia Municipal Court, judge of the Philadelphia Traffic Court or magisterial district judge after the effective date of this section shall receive a salary that is equal to the salary payable to persons who held that particular judicial office on the day prior to the effective date of this section, plus \$1 and any applicable cost-of-living adjustment or adjustments under subsection (b).

(2) A person who serves a term as a justice of the Supreme Court, judge of the Superior Court, judge of the Commonwealth Court, judge of a court of common pleas, judge of the Philadelphia Municipal Court, judge of the Philadelphia Traffic Court or magisterial district judge on the effective date of this section shall receive a salary that is equal to the salary payable to persons holding that particular judicial office on the day prior to the effective date of this section, plus \$1 and any applicable cost-of-living adjustment or adjustments under subsection (b).

(b) Cost-of-living adjustments.—

(1) For the 12-month period beginning January 1, 2008, and each January 1 thereafter, the annual salaries for persons subject to subsection (a)(1) or (2) shall be increased by the percentage change, if

any, in the Consumer Price Index for All Urban Consumers (CPI-U) for the Pennsylvania, New Jersey, Delaware and Maryland area for the most recent 12-month period for which figures are officially reported by the United States Department of Labor, Bureau of Labor Statistics, immediately prior to the date the adjustment is due to take effect.

(2) In no event shall deflation result in a negative cost-of-living adjustment to a salary under subsection (a)(1) or (2).

(c) *Limitation.*—

(1) No justice of the Supreme Court shall receive any annual salary insofar as that salary is based on any increase in the base salary of a circuit court judge of the United States Court of Appeals that occurs after the effective date of this section.

(2) No judge of the Superior Court or Commonwealth Court shall receive any annual salary insofar as that salary is based on any increase in the base salary of a judge of the United States District Court that occurs after the effective date of this section.

(3) No judge of a court of common pleas or Philadelphia Municipal Court, Philadelphia Traffic Court or magisterial district judge shall receive any annual salary insofar as that annual salary is based on any increase in the base salary of a United States magistrate judge that occurs after the effective date of this section.

§ 1742. *Exclusive jurisdiction of Supreme Court.*

The Pennsylvania Supreme Court shall have exclusive jurisdiction to hear any challenge to or to render a declaratory judgment concerning the constitutionality of this subchapter. The Supreme Court is authorized to take such action as it deems appropriate, consistent with the Supreme Court retaining jurisdiction over such a matter, to find facts or to expedite a final judgment in connection with such a challenge or request for declaratory relief.

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

§ 3575. *Criminal Justice Enhancement Account.*

(a) *Establishment.*—There is established within the State Treasury a restricted account to be known as the Criminal Justice Enhancement Account. The account shall be comprised of all of the following:

(1) Costs of prosecution imposed pursuant to subsection (b).

(2) Fines statutorily designated by subsection (c) to the account.

(b) *Costs of prosecution.*—In addition to any other costs of prosecution, an assessment in the amount of \$50 shall be imposed and directed to the account in each judicial proceeding where:

(1) the defendant accepts Accelerated Rehabilitative Disposition;

(2) the defendant is convicted of or enters a plea of guilt or nolo contendere for a felony, misdemeanor of the first degree or misdemeanor of the second degree set forth in 18 Pa.C.S. (relating to crimes and offenses); or

(3) the defendant is convicted of or enters a plea of guilt or nolo contendere for a violation of section 13(a)(16) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act.

(c) Designated offenses.—Any fines imposed for the following offenses under 18 Pa.C.S. shall be directed to the account:

Chapter 41 (relating to forgery and fraudulent practices) other than summary offenses under section 4105 (relating to bad checks).

Chapter 47 (relating to bribery and corrupt influence).

Chapter 49 Subch. A (relating to perjury and falsification in official matters).

Chapter 57 (relating to wiretapping and electronic surveillance).

Chapter 76 (relating to computer offenses).

(d) Distribution from account.—The money in the account is appropriated upon approval of the Governor to fulfill the provisions of section 1401(p) of the act of August 9, 1955 (P.L.323, No.130), known as The County Code.

Section 3. Repeals are as follows:

(1) As much of section 2.1 of the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, that is inconsistent with the addition of 42 Pa.C.S. Ch. 17 Subch. C is repealed.

(2) The General Assembly declares that the repeal under paragraph (3) is necessary to effectuate the addition of 42 Pa.C.S. Ch. 17 Subch. C.

(3) The provisions of 42 Pa.C.S. Ch. 18, added July 7, 2005 (P.L.201, No.44), repealed November 16, 2005 (P.L.385, No.72) and repeal declared unconstitutional 905 A.2d 918 (Pa. 2006), are repealed.

Section 4. This act shall take effect as follows:

(1) The addition of 42 Pa.C.S. § 3575 shall take effect in 120 days.

(2) The remainder of this act shall take effect immediately.

APPROVED—The 13th day of July, A.D. 2007.

EDWARD G. RENDELL