

No. 1978-301

AN ACT

HB 1863

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, adding judges to certain courts of common pleas, and providing for optional traffic courts and for subpoenas in criminal proceedings.

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

Section 1. Section 911 of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, added July 9, 1976 (P.L.586, No.142), 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	81
Second	[4] 6
Third	[4] 5
Fourth	1
Fifth	39
Sixth	5
Seventh	9
Eighth	2
Ninth	[2] 3
Tenth	[6] 7
Eleventh	7
Twelfth	6
Thirteenth	1
Fourteenth	4
Fifteenth	6
Sixteenth	2
Seventeenth	1
Eighteenth	1
Nineteenth	5
Twentieth	1
Twenty-first	5
Twenty-second	1
Twenty-third	[5] 6
Twenty-fourth	[2] 3
Twenty-fifth	1

Twenty-sixth	1
Twenty-seventh	5
Twenty-eighth	1
Twenty-ninth	2
Thirtieth	2
Thirty-first	5
Thirty-second	12
Thirty-third	1
Thirty-fourth	1
Thirty-fifth	2
Thirty-sixth	5
Thirty-seventh	1
Thirty-eighth	[12] 14
Thirty-ninth	2
Fortieth	2
Forty-first	1
Forty-second	1
Forty-third	2
Forty-fourth	1
Forty-fifth	5
Forty-sixth	1
Forty-seventh	4
Forty-eighth	1
Forty-ninth	[1] 2
Fiftieth	2
Fifty-first	1
Fifty-second	2
Fifty-third	2
Fifty-fourth	1
Fifty-fifth	1
Fifty-sixth	1
Fifty-seventh	1
Fifty-eighth	1
Fifty-ninth	1

(b) Single county districts.—In single county judicial districts the court of common pleas of the district shall be known as the “Court of Common Pleas of (the respective) County.”

(c) Multicounty districts.—In multicounty judicial districts the court of common pleas of the district shall be known as the “Court of Common Pleas of the (respective) Judicial District.” There shall be a separate branch of the court in each county comprising the judicial district.

Section 2. Chapter 13 of Title 42 is amended by adding a subchapter to read:

CHAPTER 13
TRAFFIC COURTS

* * *

SUBCHAPTER D
OPTIONAL TRAFFIC COURTS

Sec.

1341. Third class city traffic courts authorized.

1342. Operations of optional traffic courts.

§ 1341. Third class city traffic courts authorized.

Any city of the third class may establish by ordinance a traffic court which shall be a court not of record. The court shall be held by such of the district justices of the city as shall be designated by the president judge of the court of common pleas upon petition by the city. If established, the court shall be for the city so establishing it.

§ 1342. Operations of optional traffic courts.

The district justice designated by the president judge shall preside over and supervise the work of the traffic court. The traffic court shall be open for business at such times as shall be designated by city ordinance or prescribed by general rule.

Section 3. Title 42 is amended by adding a section to read:

§ 5904. Subpoena of witnesses.

(a) Method of service.—In addition to any other method of service provided by law, a subpoena may be served upon a witness in a criminal proceeding by registered or certified mail, return receipt requested, or by first class mail.

(b) Proof of service.—A completed return receipt shall be prima facie evidence of service of the subpoena.

(c) Duration.—A subpoena shall remain in force until the termination of the criminal proceeding.

(d) Bench warrants.—Upon proof of service of a subpoena, the court may issue a bench warrant for any witness who fails to appear in response to a subpoena. However, such warrant cannot be issued if service has been by first class mail.

Section 4. (a) At the municipal election in November 1979, the qualified electors of the judicial districts in which the judges authorized herein are added shall elect, in the same manner prescribed by law for the election of president judge of the court of common pleas of the districts, competent persons learned in the law to serve as additional law judges of the court of common pleas of the respective judicial districts from the first Monday in January 1980, for terms of ten years each. The offices hereby created shall come into existence on the first Monday of January 1980. Vacancies in the offices hereby created whether caused by death, resignation, expiration of term or otherwise shall be filled in the same manner as is required by law in case of similar vacancies in the office of president judge of the courts.

(b) The provisions of 42 Pa.C.S. § 3135 (relating to increase in number of judges) shall not apply to the additional judges herein authorized.

Section 5. This act shall take effect immediately.

APPROVED—The 26th day of November, A. D. 1978.

MILTON J. SHAPP