

No. 1981-95

## AN ACT

HB 581

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, making a conforming change relating to certain misdemeanors.

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

Section 1. Section 1515(a) of Title 42, act of November 25, 1970 (P.L.707, No.230), known as the Pennsylvania Consolidated Statutes, is amended to read:

§ 1515. Jurisdiction and venue.

(a) Jurisdiction.—Except as otherwise prescribed by general rule adopted pursuant to section 503 (relating to reassignment of matters), district justices shall, under procedures prescribed by general rule, have jurisdiction of all of the following matters:

(1) Summary offenses, except those within the jurisdiction of an established and open traffic court.

(2) Matters arising under the act of April 6, 1951 (P.L.69, No.20), known as "The Landlord and Tenant Act of 1951," which are stated therein to be within the jurisdiction of a district justice.

(3) Civil claims wherein the sum demanded does not exceed \$2,000, exclusive of interest and costs, in the following classes of actions:

(i) In assumpsit, except cases of real contract where the title to real estate may be in question.

(ii) In trespass, including all forms of trespass and trespass on the case.

(iii) For fines and penalties by any government agency.

A plaintiff may waive a portion of his claim of more than \$2,000 so as to bring the matter within the jurisdiction of a district justice. Such waiver shall remain effective except upon appeal by either party or when the judgment is set aside upon certiorari.

(4) As commissioners to preside at arraignments, fix and accept bail, issue warrants and perform duties of a similar nature, including the jurisdiction of a committing magistrate in all criminal proceedings.

(5) Offenses under 75 Pa.C.S. § 3731 (relating to driving under influence of alcohol or controlled substance), if the following criteria are met:

(i) The offense is the first offense by the defendant under such provision in this Commonwealth.

(ii) No personal injury (other than to the defendant or the immediate family of the defendant) resulted from the offense.

(iii) The defendant pleads guilty.

(iv) No property damage in excess of \$500 other than to the defendant's property resulted from the violation.

(v) The defendant is not subject to the provisions of Chapter 63 (relating to juvenile matters).

(vi) The arresting authority shall cause to be transmitted a copy of the charge of any violation of 75 Pa.C.S. § 3731 to the county clerk of courts within five days after the preliminary arraignment.

In determining that the above criteria are met the district justice shall rely on the certification of the arresting authority. Certification that the criteria are met need not be in writing. Within ten days after the disposition, the district justice shall certify the disposition to the county clerk of courts in writing.

(6) (i) Offenses under Title 18 (crimes and offenses) *and Title 30 (fish)* which are classified as misdemeanors of the third degree, if the following criteria are met:

(A) The misdemeanor is not the result of a reduced charge.

(B) Any personal injury or property damage is less than \$500.

(C) The defendant pleads guilty.

(D) The defendant is not subject to the provisions of Chapter

63.

(ii) Subparagraph (i) shall not apply to any offense under the following provisions of Title 18:

Section 4303 (relating to concealing death of bastard child).

Section 4321 (relating to willful separation or nonsupport).

Section 5103 (relating to unlawfully listening into deliberations of jury).

(7) Matters jurisdiction of which is vested in district justices by any statute.

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Section 2. This act shall take effect immediately.

APPROVED—The 1st day of October, A. D. 1981.

DICK THORNBURGH