

No. 1984-187

AN ACT

HB 1579

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for duties and jurisdiction of the Municipal Court of Philadelphia and bail commissioners; providing for interpreters for deaf persons in civil proceedings; and repealing certain acts relating to the assignment of counsel and compensation of counsel assigned to represent defendants in counties of the first class.

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

Section 1. The definition of "minor judiciary" in section 102 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 102. Definitions.

Subject to additional definitions contained in subsequent provisions of this title which are applicable to specific provisions of this title, the following words and phrases when used in this title shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

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"Minor judiciary." The community courts, district justices, **[Philadelphia Municipal Court,]** Pittsburgh Magistrates Court and Traffic Court of Philadelphia.

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Section 2. Section 1123(a) of Title 42 is amended and a subsection is added to read:

§ 1123. Jurisdiction and venue.

(a) General rule.—Except as otherwise prescribed by any general rule adopted pursuant to section 503 (relating to reassignment of matters), the Philadelphia Municipal Court shall have jurisdiction of the following matters:

(1) Summary offenses, except those within the jurisdiction of the Traffic Court of Philadelphia.

(2) Criminal offenses by any person (other than a juvenile) for which no prison term may be imposed or which are punishable by imprisonment for a term of not more than five years, including indictable offenses under Title 75 (relating to vehicles). In cases under this paragraph the defendant shall have no right of trial by jury in the municipal court, but shall have the right of appeal for trial de novo, including the right of trial by jury, to the court of common pleas. The judges of the municipal court exercising jurisdiction under this paragraph shall have the same jurisdiction in probation and parole arising out of sentences imposed by them as judges of the court of common pleas.

(3) Matters arising under the act of April 6, 1951 (P.L.69, No.20), known as "The Landlord and Tenant Act of 1951."

(4) Civil actions, except actions by or against a Commonwealth party as defined by section 8501 (relating to definitions), wherein the sum demanded does not exceed **[\$1,000] \$5,000**, exclusive of interest and costs, in the following classes of actions:

(i) In assumpsit.

(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 **[\$1,000] \$5,000** so as to bring the matter within the monetary jurisdiction of the municipal court. Such waiver shall be revoked automatically if the defendant appeals the final order of the municipal court. In cases under this paragraph the defendant shall have no right of trial by jury in the municipal court, but shall have the right to appeal for trial de novo, including the right of trial by jury, to the court of common pleas, it being the purpose of this paragraph to establish an expeditious small claims procedure whereby it shall not be necessary for the litigants to obtain counsel. Judgments by confession shall not be entered in the municipal court.

(5) 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. *In addition to the exercise of the powers by the judges set forth in this paragraph, the Philadelphia Municipal Court, through the president judge and a majority of the judges of the court, shall have the power to appoint for four-year terms six bail commissioners, to administer oaths and affirmations, preside at preliminary arraignments, assign counsel in certain cases, issue criminal complaints, fix bail and issue arrest warrants and search and seizure warrants. The bail commissioners shall be employees of the Commonwealth and they shall receive an annual salary equal to the salary of an associate judge of the Traffic Court of Philadelphia. The method of selection and appointment and removal of bail commissioners and establishing standards of conduct and the rights, responsibilities and authority of the bail commissioners and the procedures for appealing from the decisions of the bail commissioners shall be provided by local rules adopted by the municipal court.*

(6) Civil actions wherein the sum demanded does not exceed **\$15,000** in matters involving judgments of real estate taxes and school taxes levied by cities of the first class.

(a.1) Appeal from contempt citation.—There shall be a right to appeal to the Court of Common Pleas of Philadelphia County of a contempt citation issued by a municipal court judge, but the appeal shall be limited to a review of the record.

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Section 3. Sections 3111, 3112, 3113, 3114, 3115 and 3118 of Title 42 are amended to read:

§ 3111. Definitions.

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

"Bail commissioner." *A bail commissioner of the Philadelphia Municipal Court.*

"Board." The board existing under Subchapter D of Chapter 21 (relating to Minor Judiciary Education Board).

"Judge." A judge of the Pittsburgh Magistrates Court or the Traffic Court of Philadelphia.

§ 3112. Course of instruction and examination required.

District justices, **bail commissioners** and judges who are not members of the bar of this Commonwealth shall complete a course of training and instruction in the duties of their respective offices and pass an examination prior to assuming office.

§ 3113. Content of course of instruction and examination.

(a) General rule.—The board shall prescribe and approve the subject matter and the examination for the course of training and instruction required by this subchapter. The Administrative Office shall, subject to the direction of the board, administer the course of training and instruction and conduct the examination. The Administrative Office shall conduct the course and examination at such times, at such places and in such manner as the regulations of the board may prescribe. The board shall make the course of instruction available at such times so as to insure that any district justice, **bail commissioner** or judge elected or appointed may qualify to assume office as soon as possible.

(b) Content of course.—The course of training and instruction shall not exceed four weeks in duration and shall consist of a minimum of 40 hours of class instruction in civil and criminal law, including evidence and procedure, summary proceedings, motor vehicles and courses in judicial ethics, in the case of all such officials except **bail commissioners**, *in which case it shall consist of a minimum of 30 hours of class instruction in criminal law, search and seizure, arrest and bail practices and procedures, and except* judges of the Traffic Court of Philadelphia, in which case it shall consist of a minimum of 20 hours of class instruction in summary proceedings and laws relating to motor vehicles.

§ 3114. Admission of interested persons.

In addition to those required by this subchapter to complete the course of training and instruction and successfully pass an examination prior to assuming office, any interested person may apply to the Administrative Office to be enrolled in the course of instruction and take the examination. 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, **bail commissioner** or judge may secure a certificate from the Administrative Office as provided in section 3115 (relating to certification of successful completion of course) without again taking the course of training and instruction and passing the examination required by this subchapter.

§ 3115. Certification of successful completion of course.

Upon the successful completion of the course of training and instruction and examination, the Administrative Office shall issue to a person elected or appointed as a district justice, *bail commissioner* or judge 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 Pennsylvania. Such certificate shall be filed in the office of the clerk of the court of common pleas of the judicial district embracing the district to be served by the district justice, *bail commissioner* or judge.

§ 3118. Continuing education requirement.

(a) *District justices.*—Every district justice shall complete a continuing education program each year equivalent to not less than 32 hours per year in such courses or programs as are approved by the board. If a district justice fails to meet these continuing education requirements, such justice shall be subject to suspension by the Supreme Court until such time as evidence of compliance with such requirements is submitted by the board, but in no event longer than six months at which time the failure to meet the continuing education requirements shall be grounds for the Supreme Court, after a hearing, to declare a vacancy in that district.

(b) *Bail commissioners.*—*Every bail commissioner shall complete a continuing education program each year equivalent to not less than 20 hours per year in such courses or programs as are approved by the board.*

Section 4. Section 5105(d) of Title 42 is amended to read:

§ 5105. Right to appellate review.

* * *

(d) Scope of appeal.—

(1) Except as otherwise provided in this subsection an appeal under this section shall extend to the whole record, with like effect as upon an appeal from a judgment entered upon the verdict of a jury in an action at law and the scope of review of the order shall not be limited as on broad or narrow certiorari.

(2) An order which is appealable by reason of subsection (a)(2), but which would not be appealable under Chapter 7 of Title 2 or under any other corresponding provision of law, shall not be reversed or modified on appeal unless the appellant would be entitled to equivalent relief upon an action in the nature of equity, replevin, mandamus or quo warranto or for declaratory judgment or for a writ of certiorari or prohibition or otherwise objecting to such order.

(3) Nothing in this subsection shall supersede any general rule or rule of court or any unsuspended statute authorizing or requiring an appellate court to receive additional evidence or to hear the appeal de novo.

(4) Except as otherwise prescribed by general rule *and section 1123(a.1) (relating to jurisdiction and venue)*, an appeal from a final order of the minor judiciary shall be de novo under procedures established by general rule.

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

§ 7103. *Interpreters for the deaf.*

(a) *General rule.*—*In any civil proceeding in which a party is deaf, the court may appoint an interpreter to assist the party throughout the proceeding. Disposition of costs shall be in discretion of the court.*

(b) *Oath.*—*The interpreter shall swear or affirm that he will make a true interpretation to the deaf person and that he will repeat the statements of the deaf person to the best of his ability.*

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

“*Deaf.*” *Persons who are deaf or whose hearing is so impaired that they are unable to understand or communicate the spoken English language.*

“*Interpreter.*” *A person qualified and trained to translate for or communicate with deaf persons. Any person certified by the National or Local Registry of Interpreters for the Deaf or similar registry shall be considered qualified for the purposes of this section.*

Section 6. The following acts and parts of acts are repealed:

Act of January 19, 1968 (1967 P.L.984, No.438), entitled “An act to provide in cities of the first class for the allowance of compensation to counsel assigned to represent a defendant charged with a non-capital indictable offense and reimbursement for necessary expenses reasonably incurred.”

Act of July 22, 1970 (P.L.535, No.180), entitled “An act providing for the assignment of counsel in murder cases in counties of the first class, setting forth a schedule of fees for counsel assigned in all cases and establishing the responsibility for the payment of such fees.”

Section 7. (a) Sections 1, 2, 3 and 4 of this act shall take effect in 60 days.

(b) Section 6 shall take effect upon the adoption of court rules accomplishing the purpose of the acts being repealed.

(c) Sections 5 and 7 of this act shall take effect immediately.

APPROVED—The 12th day of October, A. D. 1984.

DICK THORNBURGH