

No. 1985-60

## AN ACT

SB 282

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, increasing the salaries of district justices, judges of the Philadelphia Municipal Court and judges of the Philadelphia Traffic Court; and providing for community public service programs ordered by district justices.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding sections to read:

**§ 1517. Salary.**

*A district justice shall receive an annual salary payable by the Commonwealth and computed by adding to \$21,500 the product of the population of his magisterial district times \$1, but in no event shall the salary exceed \$33,000. Furthermore, the annual salary for each magisterial district shall be increased from the salary level existing prior to this section by no more than \$6,000.*

**§ 1518. Philadelphia Municipal Court.**

*The President Judge of the Philadelphia Municipal Court shall receive an annual salary of \$64,500. The annual salary for the other judges of the Philadelphia Municipal Court shall be \$63,000.*

**§ 1519. Philadelphia Traffic Court.**

*The President Judge of the Philadelphia Traffic Court shall receive an annual salary of \$35,000. The annual salary for the other judges of the Philadelphia Traffic Court shall be \$34,500.*

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

**§ 1520. Community public service program.**

*(a) General rule.—A district justice may, upon hearing the facts of a case, admit to the adjudication alternative authorized by this section persons charged with summary offenses or misdemeanors of the third degree within the jurisdiction of the district justice. Where applicable, the defendant shall be required to waive his rights to a speedy trial. The defendant shall not be required to plead guilty to be accepted by the district justice into the program.*

*(b) Public service programs.—A district justice may, in lieu of making a disposition, authorize an offender to participate in a program in which an agency or organization is willing to assume supervision or placement responsibility for such offenders. The program in general shall be approved by the court of common pleas of that district and the district attorney. This program may include work, counseling, public service, job training, education or other appropriate community service or self-improvement. The conditions of the program may include the imposition of costs and restitution,*

*the imposition of a reasonable charge relating to the expense of administering the program and any other conditions agreed to by the offender.*

*(c) Completion of program.—The district justice shall dismiss the charges and shall relieve the person of the obligation to pay any fine or serve any sentence of imprisonment, upon the successful completion of the program.*

*(d) Refusal to accept or complete program.—If the person refuses to accept the conditions required by the district justice or fails to complete the program without good cause or violates any condition of the program without good cause, the district justice shall proceed on the charges as provided by law.*

*(e) Immunity.—A district justice and any public service or charitable organization supervising or administering a public service program under this section shall be immune from any civil action for damages brought by a person admitted to this program. Nothing in this section shall be construed to limit or otherwise affect or preclude liability resulting from gross negligence or intentional misconduct. Reckless, willful or wanton misconduct constitutes gross negligence.*

*(f) Definition.—As used in this section the term “district justice” includes a judge of the Pittsburgh Magistrates Court.*

Section 3. Section 1515(a)(5)(iii) and (6)(i)(C) of Title 42 is repealed insofar as it is inconsistent with this act.

Section 4. Section 2(e), (f) and (g) of the act of September 30, 1983 (P.L.160, No.39), known as the Public Official Compensation Law, are repealed.

Section 5. (a) Sections 1 and 4 shall take effect October 1, 1985, or if enacted thereafter, on the first day of the first month commencing thereafter.

(b) The remainder of this act shall take effect in 90 days.

APPROVED—The 27th day of September, A. D. 1985.

DICK THORNBURGH