

No. 1987-21

AN ACT

HB 196

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for oaths and acknowledgments; further providing for Statewide jurisdiction of municipal police in certain circumstances; providing for public service and other adjudication alternative programs for certain offenders; and deleting provisions relating to Accelerated Rehabilitative Disposition for summary offenders.

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

Section 1. Section 327 of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:

§ 327. Oaths and acknowledgments.

Each judicial officer, each clerk of court, and such other personnel of the system and jurors as may be designated by or pursuant to general rules may administer oaths and affirmations and take acknowledgments. *An acknowledgment may be taken by a member of the bar of the Supreme Court of Pennsylvania if the document is thereafter certified to an officer authorized to administer oaths. Certification by an attorney shall be in accordance with section 7(5) of the act of July 24, 1941 (P.L.490, No.188), known as the Uniform Acknowledgment Act, and shall include the attorney's Supreme Court identification number.*

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

§ 1520. *Adjudication alternative program.*

(a) *General rule.—Except for cases charging offenses under Titles 75 (relating to vehicles) and 34 (relating to game), the district justice may, upon hearing the facts of a case, admit to an appropriate adjudication alternative authorized by this section persons charged with summary offenses. The defendant shall not be required to plead guilty to be accepted by the district justice into the program. Acceptance of participation in an alternative authorized by this section shall be considered a first conviction for the purpose of computing whether a subsequent conviction of an offense shall be considered a second or subsequent conviction.*

(b) *Public service programs and other adjudication alternatives.—A district justice may, in lieu of making a disposition, place an offender in an appropriate program in which a public service or charitable agency or organization or political subdivision agrees to assume supervisory responsibility for the offender. The program in general shall be approved by the court of common pleas having supervision over that magisterial district. This program may include work, counseling, public service, job training, education or other appropriate community service or self-improvement. The placement authorized by the district justice shall be appropriate to the offense charged and in the best interests of the community and the offender. 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 provide written notice to the public service or charitable agency or organization or political subdivision of the placement of the offender. Upon notification, the public service or charitable agency or organization or political subdivision shall, as a condition to agreeing to accept responsibility for supervision of the offender, make periodic reports on the fulfillment of the conditions and a final report upon the completion of the appropriate adjudication alternative as required by the supervising district justice. The district justice shall dismiss the charges and shall relieve the offender 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 offender 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 agency or organization or political subdivision 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 1521 of Title 42 is repealed.

Section 4. Section 8953(a)(3) of Title 42 is amended to read:

§ 8953. Statewide municipal police jurisdiction.

(a) General rule.—Any duly employed municipal police officer who is within this Commonwealth, but beyond the territorial limits of his primary jurisdiction, shall have the power and authority to enforce the laws of this Commonwealth or otherwise perform the functions of that office as if enforcing those laws or performing those functions within the territorial limits of his primary jurisdiction in the following cases:

* * *

(3) Where the officer has been requested to aid or assist any local, State or Federal law enforcement officer *or park police officer* or otherwise has probable cause to believe that the other officer is in need of aid or assistance.

* * *

Section 5. This act shall take effect immediately.

APPROVED—The 1st day of July, A. D. 1987.

ROBERT P. CASEY