

No. 2001-28

AN ACT

HB 1697

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for the number of judges of the courts of common pleas in certain judicial districts.

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

Section 1. Section 911 of Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a subsection to read:

§ 911. Courts of common pleas.

* * *

(a.1) Interim judgeship.—Notwithstanding the provisions of subsection (a), the Court of Common Pleas of the Fourteenth Judicial District shall consist of six judges. This subsection shall expire upon the happening of the first vacancy on the Court of Common Pleas of the Fourteenth Judicial District or January 8, 2002, whichever is later.

* * *

Section 2. (a) The provisions of 42 Pa.C.S. § 3135 shall not be applicable to the selection of the judge for the judgeship created by the addition of 42 Pa.C.S. § 911(a.1).

(b) The new judgeship added by the addition of 42 Pa.C.S. § 911(a.1) shall be created on January 7, 2002, and shall be initially filled by election at the 2001 municipal election.

(c) Notwithstanding any other provision of law to the contrary, the person or persons nominated in the primary election held for a judgeship in the Fourteenth Judicial District on May 15, 2001, shall be deemed to have been nominated for the new judgeship added by the addition of 42 Pa.C.S. § 911(a.1).

(d) Except as provided by subsection (c), the provisions of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, shall apply to the election for the newly created judgeship.

Section 3. The General Assembly finds and declares as follows:

(1) Acting pursuant to the duties prescribed in section 903 of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code, the Secretary of the Commonwealth determined that an election should be held in 2001 for the office of Judge of the Court of Common Pleas of the Fourteenth Judicial District. The secretary made her determination in accordance with the Constitution of Pennsylvania by anticipating the mandatory retirement of a commissioned judge of the Court of Common Pleas of the Fourteenth Judicial District then scheduled to occur on the judge's 70th birthday on January 6, 2002, prior

to the first Monday in January in the year following the municipal election. The primary for that election was held as directed by the secretary on May 15, 2001.

(2) As a result of the approval of the electors on May 15, 2001, of an amendment to section 16(b) of Article V of the Constitution of Pennsylvania altering the dates on which a justice, judge or district justice must retire from the date of his 70th birthday to the last day of the calendar year on which he reaches his 70th birthday, the secretary can no longer legally anticipate the mandatory retirement of a judge of the Court of Common Pleas of the Fourteenth Judicial District by reason of age prior to the first Monday in January 2002, the date on which a newly elected judge would commence his elective term.

(3) For these reasons, the election for the judgeship on the Court of Common Pleas of the Fourteenth Judicial District previously designated by the secretary to be conducted in the municipal election scheduled for November 7, 2001, shall be cancelled.

(4) Because the primary election conducted May 15, 2001, in the Fourteenth Judicial District was properly conducted in ordinary course for an anticipated vacancy on the court of common pleas that now cannot proceed based on a change in the Constitution of Pennsylvania, it is proper and in the public interest that the person or persons nominated in the primary election held for a judgeship in the Fourteenth Judicial District on May 15, 2001, be deemed to have been nominated for the new judgeship as provided by section 2(c) of this act.

Section 4. This act shall take effect immediately.

APPROVED—The 22nd day of June, A.D. 2001.

THOMAS J. RIDGE