

No. 2012-79

## AN ACT

HB 1026

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for oaths and acknowledgments, for senior judge operational support grants and for expiration of provisions relating to access to justice.

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

Section 1. Sections 327, 1906(i) and 4907 of Title 42 of the Pennsylvania Consolidated Statutes are amended to read:

§ 327. Oaths and acknowledgments.

**(a) General ability.**—Each judicial officer, each clerk of court, *each retired or senior judge* 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.

**(b) Retired or senior judges.**—*A retired or senior judge may administer oaths and affirmations and take acknowledgments so long as all of the following criteria are met:*

**(1) *The retired or senior judge has served as a magisterial district judge, judge or justice, whether or not continuously or on the same court, by election or appointment, for an aggregate period equaling a full term of office.***

**(2) *The retired or senior judge has not been defeated for reelection or retention.***

**(3) *The retired or senior judge has not been convicted of or pleaded nolo contendere to any misdemeanor or felony offense under the laws of this Commonwealth or an equivalent offense under the laws of the United States or one of its territories or possessions, another state, the District of Columbia, the Commonwealth of Puerto Rico or a foreign nation.***

**(4) *The retired or senior judge has not resigned a judicial commission to avoid having charges filed or to avoid prosecution by Federal, State or local law enforcement agencies or by the Judicial Conduct Board.***

**(5) *The retired or senior judge has not been removed from office by the Court of Judicial Discipline.***

**(6) *The retired or senior judge is a resident of this Commonwealth.***

§ 1906. Senior judge operational support grants.

\* \* \*

(i) Expiration.—This section shall expire on June 30, **[2012] 2017**, unless reenacted prior to that date.

§ 4907. Expiration of chapter.

This chapter shall expire on November 1, **[2012] 2017**. At least one year prior to the expiration of this chapter, the Legislative Budget and Finance Committee shall conduct and submit to the General Assembly a performance audit for the purpose of determining whether there is a continuing justification for the activities and level of financial support provided for under this chapter.

Section 2. This act shall take effect as follows:

- (1) The amendment of 42 Pa.C.S. § 327 shall take effect in 60 days.
- (2) The remainder of this act shall take effect immediately.

APPROVED—The 30th day of June, A.D. 2012

TOM CORBETT