

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 114 Session of
1997

INTRODUCED BY GODSHALL, HALUSKA, JAMES, ITKIN, BUNT, DEMPSEY,
E. Z. TAYLOR, GEIST, READSHAW, STABACK, FICHTER, BAKER,
BELFANTI AND CLYMER, JANUARY 29, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 14, 1997

A JOINT RESOLUTION

1 Proposing ~~an amendment~~ AMENDMENTS to the Constitution of the <—
2 Commonwealth of Pennsylvania, further providing FOR JUDICIAL <—
3 ADMINISTRATION AND for retirement of justices, judges and
4 justices of the peace.

5 The General Assembly of the Commonwealth of Pennsylvania
6 hereby resolves as follows:

7 Section 1. The following ~~amendment~~ AMENDMENTS to the <—
8 Constitution of Pennsylvania ~~is~~ ARE proposed in accordance with <—
9 Article XI:

10 (1) THAT SECTION 10(D) OF ARTICLE V BE AMENDED TO READ: <—

11 § 10. JUDICIAL ADMINISTRATION.

12 * * *

13 (D) THE CHIEF JUSTICE AND PRESIDENT JUDGES OF ALL COURTS
14 WITH [SEVEN] TWO OR LESS JUDGES SHALL BE THE JUSTICE OR JUDGE
15 LONGEST IN CONTINUOUS SERVICE ON THEIR RESPECTIVE COURTS; AND IN
16 THE EVENT OF HIS RESIGNATION FROM THIS POSITION THE JUSTICE OR
17 JUDGE NEXT LONGEST IN CONTINUOUS SERVICE SHALL BE THE CHIEF

1 JUSTICE OR PRESIDENT JUDGE. THE PRESIDENT JUDGES OF ALL OTHER
2 COURTS SHALL BE SELECTED FOR FIVE-YEAR TERMS BY THE MEMBERS OF
3 THEIR RESPECTIVE COURTS, EXCEPT THAT THE PRESIDENT JUDGE OF THE
4 TRAFFIC COURT IN THE CITY OF PHILADELPHIA SHALL BE APPOINTED BY
5 THE GOVERNOR. A CHIEF JUSTICE OR PRESIDENT JUDGE MAY RESIGN SUCH
6 POSITION AND REMAIN A MEMBER OF THE COURT. IN THE EVENT OF A TIE
7 VOTE FOR OFFICE OF PRESIDENT JUDGE IN A COURT WHICH ELECTS ITS
8 PRESIDENT JUDGE, THE SUPREME COURT SHALL APPOINT AS PRESIDENT
9 JUDGE ONE OF THE JUDGES RECEIVING THE HIGHEST NUMBER OF VOTES.

10 * * *

11 (2) That section 16(b) of Article V be amended to read: <—

12 § 16. Compensation and retirement of justices, judges and
13 justices of the peace.

14 * * *

15 (b) Justices, judges and justices of the peace shall be
16 retired [upon attaining] on the last day of the calendar year in
17 which they attain the age of 70 years. Former and retired
18 justices, judges and justices of the peace shall receive such
19 compensation as shall be provided by law. Except as provided by
20 law, no salary, retirement benefit or other compensation,
21 present or deferred, shall be paid to any justice, judge or
22 justice of the peace who, under section 18 or under Article VI,
23 is suspended, removed or barred from holding judicial office for
24 conviction of a felony or misconduct in office or conduct which
25 prejudices the proper administration of justice or brings the
26 judicial office into disrepute.

27 * * *

28 Section 2. (a) Upon the first passage by the General
29 Assembly of ~~this~~ THESE proposed constitutional ~~amendment~~ <—
30 AMENDMENTS, the Secretary of the Commonwealth shall proceed <—

1 immediately to comply with the advertising requirements of
2 section 1 of Article XI of the Constitution of Pennsylvania and
3 shall transmit the required advertisements to two newspapers in
4 every county in which such newspapers are published in
5 sufficient time after passage of ~~this~~ THESE proposed
6 constitutional ~~amendment~~ AMENDMENTS.

7 (b) Upon the second passage by the General Assembly of ~~this~~
8 THESE proposed constitutional ~~amendment~~ AMENDMENTS, the
9 Secretary of the Commonwealth shall proceed immediately to
10 comply with the advertising requirements of section 1 of Article
11 XI of the Constitution of Pennsylvania and shall transmit the
12 required advertisements to two newspapers in every county in
13 which such newspapers are published in sufficient time after
14 passage of ~~this~~ THESE proposed constitutional ~~amendment~~
15 AMENDMENTS. The Secretary of the Commonwealth shall submit ~~this~~
16 THESE proposed constitutional ~~amendment~~ AMENDMENTS to the
17 qualified electors of this Commonwealth at the first primary,
18 general or municipal election occurring at least three months
19 after the proposed constitutional ~~amendment~~ ~~is~~ AMENDMENTS ARE
20 passed by the General Assembly which meets the requirements of
21 and is in conformance with section 1 of Article XI of the
22 Constitution of Pennsylvania.