

---

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

---

SENATOR GREENLEAF, JUDICIARY, IN SENATE, AS AMENDED,  
JUNE 3, 1997

---

A JOINT RESOLUTION

1 Proposing amendments to the Constitution of the Commonwealth of  
2 Pennsylvania, further providing for judicial administration  
3 and for retirement of justices, judges and justices of the  
4 peace.

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

7 Section 1. The following amendments to the Constitution of  
8 Pennsylvania are proposed in accordance with Article XI:

9 (1) That section 10(d) of Article V be amended to read:

10 § 10. Judicial administration.

11 \* \* \*

12 (d) The Chief Justice and president judges of all courts  
13 with [~~seven~~~~two~~ or less] FOUR OR FEWER judges shall be the <—  
14 justice or judge longest in continuous service on their  
15 respective courts; and in the event of his resignation from this  
16 position the justice or judge next longest in continuous service  
17 shall be the Chief Justice or president judge. The president

1 judges of all other courts shall be selected for five-year terms  
2 by the members of their respective courts, except that the  
3 president judge of the traffic court in the City of Philadelphia  
4 shall be appointed by the Governor. A Chief Justice or president  
5 judge may resign such position and remain a member of the court.  
6 In the event of a tie vote for office of president judge in a  
7 court which elects its president judge, the Supreme Court shall  
8 appoint as president judge one of the judges receiving the  
9 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 these proposed constitutional amendments, the  
30 Secretary of the Commonwealth shall proceed immediately to

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

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