
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 1395 Session of
1977

INTRODUCED BY MESSRS. IRVIS, MANDERINO, BERSON, SCIRICA, YOHN
AND ENGLEHART, JUNE 23, 1977

AS AMENDED ON SECOND CONSIDERATION, IN SENATE, JUNE 7, 1978

A JOINT RESOLUTION

1 Proposing an amendment to the Constitution of the Commonwealth
2 of Pennsylvania by providing for additional judges for the
3 Superior Court, changing certain provisions relating to
4 ~~confirmation and~~ initial terms, and further providing for the ←
5 president judge of the Superior Court.

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

8 Section 1. The following amendments to the Constitution of
9 the Commonwealth of Pennsylvania are proposed in accordance with
10 the provisions of Article XI

11 That section 3 and subsection (b) of section 13 of Article V
12 and section 11 of the Schedule to Article V be amended to read:

13 ARTICLE V

14 THE JUDICIARY

15 § 3. Superior Court.

16 The Superior Court shall be a statewide court, and shall
17 consist of the number of judges, which shall be not less than
18 seven judges, [one of whom shall be the president judge,] and
19 [its] have such jurisdiction as shall be [as] provided by [law]

1 this Constitution or by the General Assembly. One of its judges
2 shall be the president judge.

3 § 13. Election of justices, judges and justices of the peace;
4 vacancies.

5 * * *

6 (b) A vacancy in the office of justice, judge or justice of
7 the peace shall be filled by appointment by the Governor. The
8 appointment shall be with the advice and consent of two-thirds
9 of the members elected to the Senate, except in the case of
10 justices of the peace which shall be by a majority. The person
11 so appointed shall serve for [an initial] A term ending on the <—
12 first Monday of January following the next municipal election
13 more than ten months after the vacancy occurs OR FOR THE <—
14 REMAINDER OF THE UNEXPIRED TERM WHICHEVER IS LESS, except in the
15 case of persons selected as additional judges to the Superior
16 Court, where the General Assembly may stagger and fix the length
17 of the initial terms of such additional judges by reference to
18 any of the first, second and third municipal elections more than
19 ten months after the additional judges are selected. The manner
20 by which any additional judges are selected shall be provided by
21 the General Assembly THIS SECTION FOR THE FILLING OF VACANCIES <—
22 IN JUDICIAL OFFICES

23 * * *

24 SCHEDULE TO JUDICIARY ARTICLE

25 § 11. Selection of president judges.

26 (a) Except in the City of Philadelphia, section 10(d) of the
27 article shall become effective upon the expiration of the term
28 of the present president judge, or upon earlier vacancy.

29 (b) Notwithstanding section 10(d) of the article the
30 president judge of the Superior Court shall be the judge longest

1 in continuous service on such court if such judge was a member
2 of such court on the first Monday of January 1977. If no such
3 judge exists or is willing to serve as president judge the
4 president judge shall be selected as provided by this article.