
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 389 Session of
2019

INTRODUCED BY D. MILLER, SCHLOSSBERG, McNEILL, MURT, RABB,
STURLA, KINSEY, DAVIDSON, HILL-EVANS, DEASY, FRANKEL, WARREN,
McCLINTON AND SCHWEYER, FEBRUARY 6, 2019

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 6, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in selection and
3 retention of judicial officers, further providing for content
4 of course of instruction and examination and for continuing
5 education requirement.

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

8 Section 1. Section 3113 of Title 42 of the Pennsylvania
9 Consolidated Statutes is amended by adding subsections to read:

10 § 3113. Content of course of instruction and examination.

11 * * *

12 (c) Specific topics of instruction.--The course of training
13 and instruction shall specifically include:

14 (1) Information regarding the awareness, support,
15 treatment and diversionary options relating to mental health,
16 intellectual disabilities, autism and addiction.

17 (2) Instruction on the imposition and collection of
18 finances, costs and restitution in summary cases, including the
19 following topics:

- 1 (i) Properly evaluating a defendant's ability to
2 pay.
- 3 (ii) Setting affordable payment plans.
- 4 (iii) Possible collection methods.
- 5 (iv) Alternatives to payment.
- 6 (v) Proper procedures when a defendant does not pay.
- 7 (vi) Sentencing options if a defendant willfully
8 does not pay.
- 9 (vii) The right to appeal.
- 10 (viii) The right to counsel.
- 11 (3) Information regarding the following:
- 12 (i) Adolescent development.
- 13 (ii) At-risk behaviors and causes.
- 14 (iii) The intersection of dependency and
15 delinquency.
- 16 (iv) Positive behavior tools and juvenile-specific
17 resources designed to improve outcomes for individuals
18 under 18 years of age.

19 (d) Public information.--All materials for the course of
20 training and instruction shall be made available on the publicly
21 accessible Internet website of the board.

22 Section 2. Section 3118(a) of Title 42 is amended to read:

23 § 3118. Continuing education requirement.

24 (a) Magisterial district judges.--

25 (1) Every magisterial district judge shall complete a
26 continuing education program each year equivalent to not less
27 than 32 hours per year in such courses or programs as are
28 approved by the board. [At least every six years, the program
29 shall include the identification of mental illness,
30 intellectual disabilities and autism and the availability of

1 diversionary options for individuals with mental illness,
2 intellectual disabilities or autism.] Annual training topics
3 shall specifically include:

4 (i) Information regarding the awareness, support,
5 treatment and diversionary options relating to mental
6 health, intellectual disabilities, autism and addiction.

7 (ii) Instruction on the imposition and collection of
8 fines, costs and restitution in summary cases, including
9 the following topics and any updates on relevant rules
10 and case law:

11 (A) Properly evaluating a defendant's ability to
12 pay.

13 (B) Setting affordable payment plans.

14 (C) Possible collection methods.

15 (D) Alternatives to payment.

16 (E) Proper procedures when a defendant does not
17 pay.

18 (F) Sentencing options if a defendant willfully
19 does not pay.

20 (G) The right to appeal.

21 (H) The right to counsel.

22 (iii) Information regarding the following:

23 (A) Adolescent development.

24 (B) At-risk behaviors and causes.

25 (C) The intersection of dependency and
26 delinquency.

27 (D) Positive behavior tools and juvenile-
28 specific resources designed to improve outcomes for
29 individuals under 18 years of age.

30 (1.1) All materials for the course under paragraph (1)

1 shall be made available on the publicly accessible Internet
2 website of the board.

3 (2) If a magisterial district judge fails to meet these
4 continuing education requirements, such judge shall be
5 subject to suspension by the Supreme Court until such time as
6 evidence of compliance with such requirements is submitted by
7 the board, but in no event longer than six months at which
8 time the failure to meet the continuing education
9 requirements shall be grounds for the Supreme Court, after a
10 hearing, to declare a vacancy in that district.

11 * * *

12 Section 3. This act shall take effect in 60 days.