



The Judiciary Review

Report from the Senate Judiciary Committee (D)

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The Senate Judiciary Committee Meets to Consider a Variety of Bills

COURTS

■ Senate Bill 54

Printer's No. 143

The legislation proposes a Joint Resolution amending the Constitution of the Commonwealth of Pennsylvania making several editorial changes to Article V and the schedule to Article V by replacing the term "Justice of the Peace" with "Magisterial District Justice." District Justice is currently the term used for the minor judicial officers of the Unified Judicial System, outside of the city and county of Philadelphia as designated in the Judicial Repealer Act of 1978.

Current status: Senate Appropriations Committee

■ Senate Bill 1005

Printer's No. 1363

The legislation amends Section 327 of the Judicial Code to provide that a district justice or notary public is not authorized to administer the oath of office to a judge as defined under Section 102 of the Judicial Code with the exception of administering the oath of office to a district justice, Pittsburgh Magistrates Court or Traffic Court of Philadelphia. Further, any person refusing to take the oath or affirmation provided in Section 3151 (relating to oath of office) or unable to take such an oath administered by a person with the statutory

authority to do so shall forfeit the office.

Current status: Senate Calendar—Third Consideration

DECEDENTS AND FIDUCIARIES

■ Senate Bill 978

Printer's No. 1502

This proposed legislation contains the Pennsylvania Uniform Trust Act, codifying the Uniform Trust Code, with some deviations to preserve Pennsylvania's terminology and substantive law on certain points. The bill provides the legislative changes recommended by the Joint State Government Commission Advisory Committee on Decedents Estates Laws.

Current status: Senate Calendar—Second Consideration

FAMILIES

■ Senate Bill 985

Printer's No. 1512

The bill amends Section 1103 of the Domestic Relations Code to provide that no common law marriage contracted after January 1, 2005, shall be valid in the Commonwealth of Pennsylvania. The act takes effect immediately. The bill is the legislative response to the recent Commonwealth Court decision in *PNC Bank Corporation v. Workers Compensation Appeal Board—Stamos*.

Current status: Senate Calendar—Second Consideration

■ House Bill 2083

Printer's No. 2773

House Bill 2083 amends Title 23 of the PA Consolidated Statutes to replace the Uniform Child Custody Jurisdiction Act (UCCJA) with the Uniform Child Custody Jurisdiction and Enforcement Act. The legislation establishes priorities for courts assuming jurisdiction over actions for custody and for exclusive, continuing jurisdiction of such actions.

Current status: Senate Appropriations Committee

■ House Bill 434

Printer's No. 1569

The legislation provides foster parents with the right to an interview in adoption proceedings and requires county agencies to interview a child's foster parents as prospective adoptive parents, if that child has lived with the foster parents for a period of at least six months and the child's goal has been changed from placement in foster care to adoption. The Department of Public Welfare would be responsible for the promulgation of regulations that would include an appeal process for foster parents who felt that they may have been treated unjustly.

Current status: Senate Appropriations Committee

■ **Senate Bill 1032**
Printer's No. 1421

The legislation establishes the procedures that will be required for a court ordered name change under Title 54. The legislation provides the information required for the petition, who may be covered by the petition and the duties of the court after a petition is filed. Further, the legislation provides publication requirements for name changes. Finally, the court may enter a decree ordering the name change if the court is satisfied, after conducting the hearing, that there is no lawful objection to the granting of the petition. Any change of name under this section would apply to minor children of the person unless otherwise ordered by the court.
Current status: Senate Calendar—Second Consideration

CRIMES AND OFFENSES

■ **Senate Bill 679**
Printer's No. 1549

The legislation amends the Controlled Substance, Drug, Device and Cosmetic Act making it a misdemeanor to possess or transport ammonia gas for any purpose other than a legitimate agricultural or industrial use in a container not approved by the Department of Agriculture or the Department of Transportation or both. Additionally, the legislation makes it a felony of the Act to possess or transport the following items with the intent to manufacture a controlled substance: red phosphorous, phosphorous, iodine, hydriodic acid, ephedrine, pseudoephedrine, lithium, sodium, potassium,

sassafras oil, safrole oil or other oil containing safrole or its equivalent. Finally, the legislation directs the Pennsylvania State Police to maintain a statewide repository of data relating to clandestine drug laboratories, dump sites and materials including laboratory equipment associated with the manufacture of controlled substances.
Current status: House Judiciary Committee

■ **Senate Bill 1004**
Printer's No. 1362

The legislation amends Section 3126 of the Crimes Code to increase the grading of indecent assault from a misdemeanor of the first degree to a felony of the third degree when the victim is less than 13 years of age. Otherwise, the grading of the offense is raised from a misdemeanor of the second degree to a misdemeanor of the first degree.
Current status: Senate Calendar—Second Consideration

■ **House Bill 832**
Printer's No. 3598

The bill amends Section 6311 of Title 18 to include body piercing and a definition of body piercing to the section on tattooing. Additionally, in both cases of body piercing and tattooing a minor, a requirement for a parent or guardian to be present at the time of tattooing or piercing is added rather than the consent of the parent or guardian. A violation under this section is graded as a misdemeanor of the third degree. A second or subsequent offense is graded as a misdemeanor of the second

degree. The bill would take effect in 60 days after enactment.
Current status: Senate Calendar—Third Consideration

■ **House Bill 506**
Printer's No. 1647

This bill adds language to clarify that a person commits the offense of deceptive or fraudulent business practice if the person intentionally, knowingly or recklessly engages in acts that include inducing others to rely on a false or misleading written statement for the purpose of obtaining property or credit, promoting the sale of securities, or to induce an investor to invest in a business venture.
Current status: Signed by Governor—Act 26 of 2004



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