

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL
No. 55

Session of
1979

INTRODUCED BY MESSRS. CIMINI, RHODES, D. M. FISHER, SPENCER,
HELFRICK, SCIRICA, WHITE, McCLATCHY, GRIECO AND REED,
FEBRUARY 5, 1979

SENATOR O'PAKE, JUDICIARY , IN SENATE, AS AMENDED,
MARCH 10, 1980

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, by providing for the
3 transportation of juries in certain criminal cases.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Title 42, act of November 25, 1970 (P.L.707,
7 No.230), known as the Pennsylvania Consolidated Statutes, is
8 amended by adding a section to read:

9 ~~§ 5106.1. Transportation of juries impaneled in other~~ <—

10 ~~counties to county of trial in certain criminal~~
11 ~~cases.~~

12 ~~If upon motion of the defendant and following a hearing, the~~
13 ~~court of common pleas determines that prejudicial news coverage~~
14 ~~prior to trial has created a reasonable likelihood that a fair~~
15 ~~and impartial jury cannot be impaneled in the county where the~~
16 ~~criminal complaint is filed, said court, as an alternative to~~
17 ~~issuing an order for a change of venue, may direct that jurors~~

~~be impaneled from another county. The jury shall be impaneled as
in other cases in the county where the jury is to be impaneled,
and transported to the county where the complaint is filed and
all costs accruing from same shall be paid by the latter county.
The order for impanelment of a jury from another county shall be
certified forthwith to the Supreme Court which shall designate
and notify the county of impanelment. Nothing herein shall
lessen the power of the court of common pleas to order a change
of venue in criminal cases.~~

§ 8702. IMPANELING JURY FROM ANOTHER COUNTY.

(A) GENERAL RULE.--IF, UPON MOTION AND FOLLOWING A HEARING,
THE COURT OF COMMON PLEAS DETERMINES THAT A FAIR AND IMPARTIAL
JURY CANNOT BE IMPANELED IN THE COUNTY WHERE THE CRIMINAL
COMPLAINT IS FILED, AS AN ALTERNATIVE TO ISSUING AN ORDER FOR A
CHANGE OF VENUE THE COURT MAY DIRECT THAT JURORS BE IMPANELED
FROM ANOTHER COUNTY. THE ORDER FOR IMPANELMENT OF A JURY FROM
ANOTHER COUNTY SHALL BE CERTIFIED FORTHWITH TO THE SUPREME COURT
WHICH SHALL DESIGNATE AND NOTIFY THE COUNTY OF IMPANELMENT.

(B) IMPANELMENT AND TRANSPORTATION.--THE JURY SHALL BE
IMPANELED AS IN OTHER CASES IN THE COUNTY WHERE THE JURY IS TO
BE IMPANELED AND TRANSPORTED TO THE COUNTY WHERE THE COMPLAINT
IS FILED.

(C) PAYMENT OF COSTS.--ALL COSTS INCURRED UNDER THIS SECTION
SHALL BE PAID BY THE COUNTY WHERE THE COMPLAINT IS FILED.

(D) CHANGE OF VENUE POWERS UNAFFECTED.--THIS SECTION DOES
NOT LESSEN THE POWER OF THE COURT OF COMMON PLEAS TO ORDER A
CHANGE OF VENUE.

Section 2. This act shall take effect ~~immediately~~ IN 60
DAYS.