

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 366

Session of
1975

INTRODUCED BY MESSRS. IRVIS, FISHER, KNEPPER, CAPUTO, BONETTO,
GEISLER, ZORD AND M. M. MULLEN, FEBRUARY 10, 1975

SENATOR MURPHY, LOCAL GOVERNMENT, IN SENATE, AS AMENDED,
APRIL 29, 1975

AN ACT

1 Amending the act of December 6, 1972 (P.L.1376, No.292),
2 entitled "An act to provide for the selection of jurors to
3 serve in the court of common pleas of counties of the second
4 class; defining the qualifications of such jurors; providing
5 for the organization of a commission for the selection of
6 jurors in such counties, and prescribing its powers and
7 duties; and repealing inconsistent acts," ~~deleting certain~~ ←
8 ~~salary requirements,~~ providing for a master list, further
9 defining offenses and penalties, clarifying appeal procedure,
10 and providing protection for juror's employment.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. ~~Section 5, subsections~~ SUBSECTIONS (a) and (c) of ←
14 section 7, and sections 8, 9, 11, 17, 18 and 19, act of December
15 6, 1972 (P.L.1376, No.292), known as the "Second Class County
16 Jury Selection Act," are amended to read:

17 ~~Section 5. Salaries and Expenses. All expenses incurred in~~ ←
18 ~~the maintenance and operation of said commission and the~~
19 ~~salaries of its employes shall be payable out of the county~~
20 ~~funds of the respective county upon payrolls approved by the~~
21 ~~commission. [All salaries shall be payable monthly or semi-~~

1 ~~monthly and shall be fixed by the commission, acting in~~
2 ~~conjunction with the county commissioners and the county~~
3 ~~controller of the respective county, acting as a salary board,~~
4 ~~and said salary board is hereby authorized to fix the number of~~
5 ~~employees and their salaries.] The president judge shall~~
6 ~~represent the commission on the salary board.~~

7 Section 7. Selection of Prospective Jurors.--(a) In order to
8 accomplish the objectives of the policy declared in section 2 of
9 this act, the jury commission, hereinbefore created, shall
10 [prepare a list which shall contain as near as may be the names
11 of all persons residing in the county who meet the
12 qualifications set forth in section 6 of this act. In so doing,
13 the commission shall include but not be limited to those persons
14 in all of the following categories:

15 (1) Persons registered to vote.

16 (2) Persons listed in telephone, city, municipal directories
17 and similar directories.

18 (3) Persons who pay taxes or are assessed for taxes imposed
19 by the State or county or by cities, boroughs, townships or
20 school districts located within the county. State and local
21 officials having custody, possession, or control of said tax
22 records shall make such records available to the jury commission
23 or its employes for inspection, reproduction, and copying as the
24 commission may deem necessary and proper for the performance of
25 its duties under this act. The court of common pleas shall have
26 jurisdiction upon application by the commission to compel
27 compliance with this clause by appropriate process.

28 (4) Persons in the county participating in any State, county
29 or local program authorized by law, and to the extent such names
30 are available persons participating in any Federal program

1 authorized by law. State and local officials having custody,
2 possession or control of such records bearing the names of such
3 persons shall make them available to the jury commission or its
4 employes for inspection, reproduction, and copying as the
5 commission may deem necessary and proper for the performance of
6 its duties under this act. The court of common pleas shall have
7 jurisdiction upon application by the commission to compel
8 compliance with this clause by appropriate process.

9 (5) Any other person whose name does not appear in the
10 master file and who meets the qualifications for jurors set
11 forth in this act and who makes application to be listed on the
12 list of prospective jurors.

13 The group of names compiled as set forth in this clause shall
14 constitute the master list of prospective jurors. The list shall
15 be maintained in a currently accurate state at all times and
16 shall be open to the public.] each year obtain from the Bureau
17 of Elections a list of all electors of the said county
18 registered to vote in the current year. The names on this list
19 of electors shall constitute the master list of prospective
20 jurors. Said list shall be available in the office of the jury
21 commission and shall be open to the public. Any person who was
22 not registered to vote in the current year and who meets the
23 qualifications for jurors set forth in this act may be added to
24 the master list of prospective jurors by the commission on its
25 own initiative or upon the application of said person. Said
26 master list may also be supplemented with names from other lists
27 from time to time designated by the jury commission, as, in its
28 discretion, may be desirable to foster the policies of this act.
29 Names of persons which have been obtained by the jury commission
30 from the lists mentioned in section 7, which persons were not

1 registered to vote in the current year may nevertheless be
2 retained by the commission in the master list of prospective
3 jurors and may be considered by the commission in the selection
4 of jurors.

5 * * *

6 (c) There shall be mailed to each person whose name has been
7 selected in a random manner as set forth in subsection (b) a
8 juror qualification form devised by or for the jury commission
9 in such manner that there may be determined from the answers
10 thereto whether or not the prospective juror is qualified. The
11 juror qualification form shall be executed by the prospective
12 juror under penalty of perjury, or if the person is unable to
13 fill out the form, another shall do it for him, indicate that he
14 has done so, and the reason therefor. In any case, where the
15 form does not appear to be properly executed, the commission
16 shall return the form to the prospective juror with instructions
17 to make such additions or corrections as may be necessary and
18 return it to the commission within the time specified. [Any
19 person who fails to return the juror qualification form as
20 directed may be summoned by the] The commission [through its
21 investigating officers] may request any prospective juror to
22 appear at the offices of the commission to [fill out a juror
23 qualification form.] complete the questionnaire or resolve any
24 ambiguity contained therein. In the event the prospective juror
25 fails to appear as directed, the commission may make application
26 to the court of common pleas for an order requiring the
27 prospective juror to appear before said court to show cause why
28 he has failed to appear. Failure to comply with such order or
29 any further order of the court after he has appeared shall [be
30 punishable as contempt of court.] constitute contempt of court,

1 and the court may impose a fine not exceeding two hundred fifty
2 dollars (\$250) or imprisonment not exceeding ten days, or both.

3 Section 8. Qualifications Ascertained; Withdrawing Names.--
4 After receipt of the juror qualification form as provided in
5 section 7, the commission, through its members or its duly
6 authorized employes, shall ascertain whether or not those
7 individuals returning the questionnaire are qualified for jury
8 service, as provided in section 6 of this act.

9 [All actions by the commission disqualifying, exempting, or
10 excusing any person or persons from jury service shall be taken
11 by the commission in session and a minute made thereof as part
12 of the record of such session.]

13 The names of qualified persons compiled as set forth in this
14 section shall constitute the list of qualified jurors and shall
15 be open to the public.

16 Section 9. Challenging Exclusion.--Any prospective juror who
17 has been disqualified shall [be notified as soon as possible by
18 the commission of such disqualification, the reason therefor,
19 and his right to appeal within thirty days] have the right to
20 appeal to the district justice of the peace in whose district he
21 resides within thirty days after learning of such
22 disqualification. The commission shall provide [with such
23 notice] a simple form for appeal. If such an appeal is taken,
24 the [court] district justice shall take evidence and determine
25 whether the appeal shall be denied or sustained.

26 Section 11. Summons by Mail.--Jurors who have been selected
27 for service shall be summoned to serve by the commission in a
28 manner determined by the commission with the concurrence of the
29 president judge[; in the absence of such determination, jurors
30 who have been selected to serve shall be served by certified

1 mail with a suitable return receipt: Provided, however, That if
2 service cannot be effected by mail, the commission may direct
3 the sheriff to serve the jurors personally]. A prospective juror
4 who has been summoned to serve and fails to appear as summoned
5 shall, unless exempt or excused pursuant to section 12, be
6 punishable for contempt of court, and the court may impose a
7 fine not exceeding two hundred fifty dollars (\$250), or
8 imprisonment not exceeding ten days, or both.

9 Section 17. Penalty for Violation.--Any member of such
10 commission or any employe, clerk, investigator, or assistant in
11 the employ of said commission, who shall wilfully violate any of
12 the provisions of this act, for the purpose of unlawfully
13 procuring the selection of any person for jury service, shall be
14 guilty of a misdemeanor of the third degree and upon conviction
15 thereof [shall] may be forthwith removed from his said office of
16 employment and shall be sentenced to pay a fine not exceeding
17 [five thousand dollars (\$5,000)] one thousand dollars (\$1,000)
18 or to undergo imprisonment for not exceeding [two years] six
19 months, or both, at the discretion of the court[, and in
20 addition thereto shall be ineligible to hold any public office
21 existing under the laws of the Commonwealth of Pennsylvania].
22 Any person other than a member of the commission or employe,
23 clerk, assistant, or investigator of and for said commission,
24 who undertakes or offers by unlawful means to influence the
25 selection or excusing of any person from jury service or who
26 gives money or anything of value to any person for the purpose
27 of effecting the impartial selection of jurors or to procure
28 exemption from jury service or who solicits, demands, or
29 receives money or anything of value or the promise thereof from
30 any person for the purpose of in any manner effecting the

1 selection or exemption of any persons from jury service or does
2 any of these things for the purpose of enabling himself or
3 another to evade or escape jury service, shall be guilty of a
4 misdemeanor of the third degree and upon conviction thereof
5 shall be sentenced to pay a fine not exceeding [five thousand
6 dollars (\$5,000)] one thousand dollars (\$1,000) or to undergo
7 imprisonment not exceeding [two years] six months, or both, at
8 the discretion of the court.

9 Section 18. Tampering with Names; Penalty.--Any person who
10 directly or indirectly unlawfully tampers with the names drawn
11 from the jury wheel or with the jury wheel or with any jury
12 list, with intent to hinder the operation of any of the
13 provisions of this act, shall be guilty of a misdemeanor of the
14 third degree and upon conviction thereof shall be sentenced to
15 pay a fine not exceeding [five thousand dollars (\$5,000)] one
16 thousand dollars (\$1,000) or to undergo imprisonment not
17 exceeding [two years] six months, or both, at the discretion of
18 the court.

19 Section 19. Tampering with Juror; Penalty.--Any person, who
20 having in any way ascertained the names of persons drawn from
21 the jury wheel, shall thereafter discuss with such prospective
22 juror the facts of any particular suit, action, or cause then
23 listed for trial in the court for which said prospective juror
24 has been summoned for jury service, with the intent to influence
25 the said juror in his service or in the consideration of the
26 evidence in such suit, action, or cause, shall be guilty of a
27 misdemeanor of the second degree and upon conviction thereof
28 shall be sentenced to pay a fine not exceeding five thousand
29 dollars (\$5,000) or to undergo imprisonment not exceeding two
30 years, or both, at the discretion of the court. The penalty

1 provided herein shall be in addition to the penalties now
2 prescribed by law for bribery.

3 Section 2. The act is amended by adding a section to read:

4 Section 19.1. Protection of Jurors' Employment.--(a) An
5 employer shall not deprive an employe of his employment, or
6 threaten or otherwise coerce him with respect thereto, because
7 the employe receives a summons, responds thereto, serves as a
8 juror, or attends court for prospective jury service.

9 (b) Any employer who violates subsection (a) is guilty of a
10 misdemeanor of the third degree and upon conviction thereof
11 shall be sentenced to pay a fine not exceeding one thousand
12 dollars (\$1,000) or to undergo imprisonment not exceeding six
13 months, or both, at the discretion of the court.

14 (c) If an employer penalizes an employe in violation of
15 subsection (a) the employe within six months may bring a civil
16 action for recovery of wages or benefits lost as a result of the
17 violation and for an order requiring the reinstatement of the
18 employe. Damages recoverable shall be double the wages and
19 benefits actually lost. The employe shall be allowed a
20 reasonable attorney's fee fixed by the court.

21 Section 3. This act shall take effect immediately.