

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1358 Session of
2001

INTRODUCED BY JAMES, BELFANTI, BEBKO-JONES, LEDERER, WASHINGTON,
LAUGHLIN, DeWEESE, TRELLO, HORSEY, SCRIMENTI, CRUZ, KELLER,
TIGUE, STABACK, JOSEPHS, WATERS, FRANKEL, CALTAGIRONE,
YOUNGBLOOD, MICHLOVIC, THOMAS, J. WILLIAMS, KIRKLAND AND
MYERS, APRIL 17, 2001

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 17, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, providing for jury
3 composition.

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

6 Section 1. Title 42 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 4521.1 Jury composition.

9 (a) All but three jurors selected.--An attorney representing
10 a defendant or a prosecuting attorney in a criminal case may
11 insist there be at least three jurors of the same race as the
12 defendant or victim if:

13 (1) the defendant or the victim is a member of a racial
14 category representing one-fourth or more of the population of
15 the judicial district, as determined by the most recently
16 available United States Census figures;

17 (2) there is no member of the jury who is a member of

1 the same race as any defendant or victim; and

2 (3) all but three jurors have been selected.

3 (b) All but two jurors selected.--An attorney representing a
4 defendant or a prosecuting attorney in a criminal case may
5 insist that there be a juror of the same race as the defendant
6 or victim if:

7 (1) the defendant or the victim is a member of a racial
8 category representing one-sixth or more, yet less than one-
9 fourth of the population of the judicial district, as
10 determined by the most recently available United States
11 Census figures;

12 (2) there is no member of the jury who is a member of
13 the same race as any defendant or victim; and

14 (3) all but two jurors have been selected.

15 (c) All but one juror selected.--An attorney representing a
16 defendant or a prosecuting attorney in a criminal case may
17 insist that there be a juror of the same race as the defendant
18 or victim if:

19 (1) the defendant or the victim is a member of a racial
20 category representing one-twelfth or more, yet less than one-
21 sixth of the population of the judicial district, as
22 determined by the most recently available United States
23 Census figures;

24 (2) there is no member of the jury who is a member of
25 the same race as any defendant or victim; and

26 (3) all but one juror has been selected.

27 (d) Any racial minority.--An attorney representing a
28 defendant or a prosecuting attorney in a criminal case may
29 insist there be a juror who is a member of a racial minority if:

30 (1) the defendant or the victim is a member of a racial

1 category representing less than one-twelfth of the population
2 of the judicial district, as determined by the most recently
3 available United States Census figures;

4 (2) there is no member of the jury who is a member of
5 any racial minority; and

6 (3) all but one juror has been selected.

7 (e) Conflicting petitions.--In the event of multiple
8 conflicting petitions, the judge shall remove jurors, at the
9 judge's discretion, to achieve the required jury composition
10 under this section.

11 (f) Change of venue.--A motion for a change of venue may be
12 granted if the judge determines that it is unlikely that a jury
13 can be impaneled in a timely manner.

14 Section 2. This act shall take effect in 60 days.