

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE RESOLUTION

No. 268 Session of 2002

INTRODUCED BY ORIE, KITCHEN, COSTA, TARTAGLIONE, HELFRICK, LEMMOND, SCHWARTZ, C. WILLIAMS, MURPHY, BODACK, GREENLEAF, A. WILLIAMS AND CONTI, SEPTEMBER 20, 2002

AMENDED, OCTOBER 8, 2002

A RESOLUTION

1 Directing the Joint State Government Commission to study whether <—
2 minorities are systematically underrepresented in juries for
3 THE LEVEL OF REPRESENTATION OF MINORITIES IN COMPARISON TO <—
4 THE GENERAL POPULATION OF THE RESPECTIVE COUNTIES IN THE JURY
5 POOLING PROCESS FOR criminal proceedings across this
6 Commonwealth, including the reasons therefor, AND THE AMOUNT <—
7 OF COMPENSATION FOR JURORS, and to report its findings AND <—
8 MAKE AMELIORATIVE RECOMMENDATIONS to the General Assembly.

9 WHEREAS, There is a constitutional guarantee for a defendant <—
10 in a criminal proceeding to be given a fair trial by an
11 impartial jury in this Commonwealth; and

12 WHEREAS, THE JURY POOLING PROCESS RELIES UPON OUTDATED JURY <—
13 POOLING INFORMATIONAL RESOURCES AND COMPENSATION SCHEDULE; AND

14 WHEREAS, A JURY POOL IS TO REPRESENT A CROSS SECTION OF THE
15 COMMUNITY AND THE EXISTING PROCESS MAY INTERFERE WITH THE
16 ASSEMBLY OF PEERS FOR THE JURY POOL; AND

17 WHEREAS, Recent evidence finds that the system which selects <—
18 people for jury duty in a portion of this Commonwealth
19 consistently overlooks blacks and favors whites; and

20 WHEREAS, RECENT EVIDENCE HAS COME TO LIGHT INDICATING THAT <—

1 THE JURY POOL SELECTION SYSTEM IN CERTAIN COUNTIES IS
2 ANTIQUATED, INCONSISTENT AND LIKELY TO RESULT IN MINORITY
3 CITIZENS BEING OVERLOOKED; AND

4 WHEREAS, According to a recent investigation by the
5 Pittsburgh Tribune-Review, people living in white neighborhoods
6 in Allegheny County are more than twice as likely to be called
7 for jury duty as residents of black communities; and

8 WHEREAS, An analysis of a five-month survey of persons who
9 reported for jury duty in Allegheny County revealed that the
10 county's criminal jury rooms are typically less than 5% black,
11 while blacks comprise 11% of the county's adult population; and

12 ~~WHEREAS, This imbalance casts reasonable doubt on the~~ <—
13 ~~guarantee to a fair trial in this Commonwealth; therefore be it~~

14 WHEREAS, COMPENSATION FOR PERSONS SERVING AS JURORS IN THIS <—
15 COMMONWEALTH MAY BE AS A RESULT OF INFLATION NO LONGER ADEQUATE;
16 THEREFORE BE IT

17 RESOLVED, That the Senate direct the Joint State Government
18 Commission to study ~~whether minorities are systematically~~ <—
19 ~~underrepresented~~ THE LEVEL OF REPRESENTATION OF MINORITIES IN <—
20 COMPARISON TO THE GENERAL POPULATION OF THE RESPECTIVE COUNTIES
21 in juries for criminal proceedings across this Commonwealth,
22 including the reasons therefor, ~~and to report its findings to~~ <—
23 ~~the General Assembly within 120 days of passage.~~ AND IF <—

24 NECESSARY TO DETERMINE METHODS TO IMPROVE THE JURY POOLING
25 PROCESS TO ENSURE THAT THE LEVEL OF MINORITY REPRESENTATION
26 GENERALLY REFLECTS THE PERCENTAGE OF MINORITIES IN THE
27 RESPECTIVE COUNTIES, INCLUDING, BUT NOT LIMITED TO, INCREASING
28 THE SOURCES OF NAMES FOR JUROR ROLLS BY USING TAX RECORDS,
29 SCHOOL CENSUS RECORDS, UPDATED ELECTION REGISTRATION LISTS,
30 WELFARE ENROLLMENT LISTS AND OTHER SOURCES; AND BE IT FURTHER

1 RESOLVED, THAT THE JOINT STATE GOVERNMENT COMMISSION ALSO
2 STUDY THE AMOUNT OF COMPENSATION GIVEN TO JURORS, THE IMPACT OF
3 INFLATION ON THE ACTUAL LEVEL OF COMPENSATION SINCE IT WAS LAST
4 ESTABLISHED BY THE GENERAL ASSEMBLY AND THE EFFECT OF INADEQUATE
5 COMPENSATION, AND REPORT ALL OF ITS FINDINGS TO THE GENERAL
6 ASSEMBLY WITHIN 120 DAYS OF PASSAGE OF THIS RESOLUTION.