

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2633** Session of  
2008

INTRODUCED BY JAMES, DeWEESE, McCALL, WATERS, WILLIAMS, KIRKLAND  
AND WALKO, JUNE 13, 2008

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 13, 2008

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 § 4521.2. 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  
18 the same race as the defendant or victim; and

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

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

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

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

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

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

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

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

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

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

29           (1) the defendant or the victim is a member of a racial  
30 category representing less than one-twelfth of the population

1 of the judicial district, as determined by the most recently  
2 available United States Census figures;

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

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

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

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

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