

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 employes 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.