

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 128 Session of 2009

INTRODUCED BY GINGRICH, CLYMER, CREIGHTON, CUTLER, FABRIZIO,
FAIRCHILD, FLECK, GEIST, HARRIS, HORNAMAN, M. KELLER,
MILLARD, MILLER, MOUL, O'NEILL, PHILLIPS, PICKETT, RAPP,
SAYLOR, SIPTROTH, STERN, SWANGER, WATSON AND YOUNGBLOOD,
MARCH 9, 2009

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 9, 2009

A RESOLUTION

1 Urging the Pennsylvania Supreme Court to enact a rule of
2 criminal procedure allowing written jury instructions
3 pertaining to the elements of each crime charged and any
4 relevant defenses to be provided to jurors for use as part of
5 the deliberative process by the jury.

6 WHEREAS, Trial by a jury of one's peers is the touchstone of
7 American jurisprudence; and

8 WHEREAS, Jury determinations in criminal cases are an
9 integral part of the trial process; and

10 WHEREAS, Criminal case jurors are often called upon to decide
11 complex issues, and each juror is required to be well prepared
12 to render a fair and impartial verdict based upon the facts of
13 the case, the evidence and the relevant law; and

14 WHEREAS, In order to better assist jurors in recalling the
15 facts of the case, the Pennsylvania Rules of Criminal Procedure
16 currently allow jurors to take written notes during a trial but
17 not during the charge by the presiding judge; and

18 WHEREAS, After the presiding judge instructs the jury on the

1 applicable law, many jurors may have questions; and

2 WHEREAS, Jury questions about the applicable law may result
3 in requests to the court to repeat or explain instructions,
4 causing inefficiency in the deliberative process and unnecessary
5 delay; and

6 WHEREAS, Written instructions may reduce the number of
7 questions by the jury about their instructions during
8 deliberations, while serving to remind jurors to consider all
9 aspects of the legal claims or offenses and as a means of
10 structuring the deliberative process; and

11 WHEREAS, Written instructions can also reduce the likelihood
12 of disputes among jurors regarding the content and application
13 of instructions; and

14 WHEREAS, Written instructions may result in reduced
15 deliberation time and in greater juror confidence in the
16 verdict; and

17 WHEREAS, To better inform jurors and alleviate potential
18 mistakes, confusion and delay, there is a national trend to
19 allow jurors to take with them to the jury deliberation room a
20 copy of the written instructions by the presiding judge on the
21 elements of the relevant crimes in a case; and

22 WHEREAS, According to a study conducted by the National
23 Center for State Courts Center for Jury Studies, 25 states
24 currently require the use of written instructions in criminal
25 trials and 19 states and the District of Columbia permit the use
26 of such instructions; and

27 WHEREAS, Only Alabama, Georgia and Pennsylvania currently
28 prohibit the use of written instructions in criminal trials; and

29 WHEREAS, Determinations concerning judicial and juror conduct
30 are usually governed by the rulemaking authority of the

1 Pennsylvania Supreme Court; therefore be it

2 RESOLVED, That the General Assembly urge the Pennsylvania
3 Supreme Court, in the exercise of its rulemaking authority, to
4 enact a rule of criminal procedure allowing written jury
5 instructions pertaining to the elements of each crime charged
6 and any relevant defenses to be provided to jurors for use as
7 part of the deliberative process by the jury.