

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 2663 Session of  
1976

INTRODUCED BY REED, ZELLER, CIMINI AND GRIECO,  
SEPTEMBER 22, 1976

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 22, 1976

AN ACT

1 Amending the act of June 11, 1935 (P.L.319, No.141), entitled  
2 "An act authorizing the waiver of trial by jury in certain  
3 criminal cases, and the trial of such cases by a judge  
4 without a jury; regulating such trials; and conferring a  
5 jurisdiction upon the judges of the several courts in such  
6 cases," further providing for the waiver of trial by jury,  
7 declaring such waiver to be a matter of substantive law, and  
8 making certain repeals.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 1, act of June 11, 1935 (P.L.319,  
12 No.141), entitled "An act authorizing the waiver of trial by  
13 jury in certain criminal cases, and the trial of such cases by a  
14 judge without a jury; regulating such trials; and conferring a  
15 jurisdiction upon the judges of the several courts in such  
16 cases," amended March 24, 1945 (P.L.57, No.32), is reenacted and  
17 amended to read:

18 Section 1. That in all criminal cases, [except murder and  
19 treason,] the defendant shall have the privilege, with the  
20 consent of his attorney of record, the judge and the district  
21 attorney, to waive trial by jury. Such waiver must be in

1 writing, signed by the defendant, and shall operate as an  
2 election by the defendant to be tried by a judge without a jury.

3 Section 2. Section 3 of the act is reenacted and amended to  
4 read:

5 Section 3. The Supreme Court shall make rules, for the  
6 administration of this act, applicable to courts having criminal  
7 jurisdiction, such rules to be consistent with legislation  
8 passed by the General Assembly. The General Assembly hereby  
9 declares that the waiver of trial by jury in criminal cases is a  
10 matter of substantive right and is not procedural. Therefore,  
11 the provisions of this act shall not be subject to suspension by  
12 the Supreme Court.

13 Section 3. All acts, parts of acts or rules of court  
14 inconsistent with the provisions of this act are hereby  
15 repealed.

16 Section 4. This act shall take effect immediately.