

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 737

Session of  
1981

INTRODUCED BY CALTAGIRONE, MARCH 9, 1981

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 9, 1981

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, abolishing the office of  
3 jury commissioner.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. The definition of "system and related personnel"  
7 in section 102 of Title 42, act of November 25, 1970 (P.L.707,  
8 No.230), known as the Pennsylvania Consolidated Statutes,  
9 amended October 5, 1980 (No.142) is amended to read:

10 § 102. Definitions.

11 Subject to additional definitions contained in subsequent  
12 provisions of this title which are applicable to specific  
13 provisions of this title, the following words and phrases when  
14 used in this title shall have, unless the context clearly  
15 indicates otherwise, the meanings given to them in this section:

16 \* \* \*

17 "System and related personnel." Personnel of the system and  
18 related staff. The term includes district attorneys, public

1 defenders, sheriffs and other officers serving process or  
2 enforcing orders, registers of wills, prothonotaries, clerks of  
3 the courts, clerks of the orphans' court division, coroners,  
4 jury [commissioners,] selection personnel, probation officials  
5 and the personnel of all of the foregoing.

6 \* \* \*

7 Section 2. The heading of Subchapter C of Chapter 21 and  
8 sections 2121, 2122 and 2123 of Title 42, sections 2121, 2122  
9 and 2123 amended June 26, 1980 (No.78), are amended to read:

10 SUBCHAPTER C

11 JURY SELECTION [COMMISSIONS]

12 § 2121. Jury selection [commissions].

13 [Except in the first judicial district the] The jury  
14 selection [commission] in each county shall [consist of three  
15 persons selected as provided in this subchapter or as provided  
16 by home rule charter] be under the jurisdiction and direction of  
17 the court of common pleas.

18 [§ 2122. Composition of jury selection commissions.

19 (a) General rule.--Except in the first judicial district and  
20 other home rule charter counties, the jury selection commission  
21 shall consist of two jury commissioners elected as provided in  
22 this section and the president judge of the court of common  
23 pleas of the judicial district embracing the county. The  
24 president judge may from time to time assign another judge of  
25 court to perform his duties temporarily. The president judge or  
26 his assigned replacement shall be chairman.

27 (b) Election of commissioners.--The jury commissioners shall  
28 be elected as provided in this subsection and, to the extent not  
29 inconsistent with this subsection, as provided by the act of  
30 July 28, 1953 (P.L.723, No.230), known as the "Second Class

1 County Code" and the act of August 9, 1955 (P.L.323, No.130),  
2 known as "The County Code," as the case may be, and the act of  
3 June 3, 1937 (P.L.1333, No.320), known as the "Pennsylvania  
4 Election Code." Any jury commissioner shall be eligible for  
5 reelection for any number of terms. The two persons elected as  
6 jury commissioners shall not be of the same political party. The  
7 candidate for the office who receives the highest number of  
8 votes shall be one of the jury commissioners, and the other  
9 shall be that candidate not being of the same political party as  
10 the first who receives the next highest number of votes.

11 (c) Filling of vacancy.--In case of the inability of a jury  
12 commissioner, by sickness, death, or other unavoidable cause, to  
13 discharge the duties of his office, or in case of neglect or  
14 refusal to serve, the president judge of the court of common  
15 pleas of the judicial district shall appoint a suitable person  
16 to perform the duties of the office during the period of  
17 inability.

18 (d) Philadelphia.--In the first judicial district, the jury  
19 selection board shall constitute the jury selection commission.  
20 The clerk of the board shall be the commissioner, the assistant  
21 clerk of the board shall be the deputy commissioner and the  
22 masters, not to exceed four, shall be the assistant  
23 commissioners.

24 (e) Quorum.--A jury selection commission may act by a  
25 majority of its members.]

26 § 2123. [Expenses, staff and quarters.

27 The expenses, staff and quarters shall be provided for the  
28 jury selection commission in accordance with sections 1724  
29 (relating to personnel of the system), 3721 (relating to county  
30 judicial center or courthouse) and 3722 (relating to general

1 facilities and services furnished by county).] Staff.

2 The president judge of the court of common pleas shall  
3 appoint and fix the compensation of and may remove such  
4 administrative staff as may be necessary for the selection and  
5 custody of jurors.

6 Section 3. Sections 2124 and 3721 of Title 42 are amended to  
7 read:

8 § 2124. Powers and duties.

9 [Each jury selection commission] The persons appointed to  
10 select jurors and provide for their custody shall exercise the  
11 powers and perform the duties [vested in and imposed upon such  
12 commissions by] provided in Subchapter B of Chapter 45 (relating  
13 to selection and custody of jurors) and any other powers and  
14 duties [vested in and imposed upon such commissions] relating to  
15 the selection of jurors as may be provided by law.

16 § 3721. County judicial center or courthouse.

17 (a) General rule.--There shall be maintained at the county  
18 seat of each county a facility known as the county judicial  
19 center, which may be the existing county courthouse. The  
20 facility shall provide accommodations and supporting facilities  
21 and services for the following functions, agencies and units of  
22 or related to the unified judicial system:

23 (1) One or more courtrooms for the holding of sessions  
24 of the court of common pleas of the district, including  
25 related conference and other facilities.

26 (2) Chamber facilities for judges of the court of common  
27 pleas and their personal staff.

28 (3) The office of the clerk of the court of common pleas  
29 of the district and the administrative staff of the court,  
30 including the offices of the prothonotary, clerk of the

1 courts and clerk of the orphans' court division.

2 (4) The district court administrator.

3 (5) The county law library.

4 (6) The offices of [jury commissioners,] register of  
5 wills, sheriff, district attorney and public defender.

6 (7) The offices of the bar association of the county  
7 necessary for public services performed by the bar  
8 association.

9 (8) In the City and County of Philadelphia, courtrooms,  
10 related conference and other facilities and chamber  
11 facilities for the minor judiciary.

12 (9) Such other functions, agencies and units of or  
13 related to the unified judicial system as may be designated  
14 by the governing authority and approved by the governing body  
15 of the county.

16 (b) Multisite locations.--The facilities of the county  
17 judicial center may be located either at a common site or at  
18 multiple sites, as required by local circumstances and  
19 conditions.

20 Section 4. (a) The following acts and parts of acts are  
21 repealed absolutely:

22 Act of May 20, 1921 (P.L.976, No.347), entitled "An act  
23 fixing the salary of the jury commissioners of the counties of  
24 the third class."

25 Act of May 4, 1933 (P.L.276, No.99), entitled "An act fixing  
26 the compensation and mileage of jury commissioners in counties  
27 of the sixth class."

28 Section 10, act of November 1, 1971 (P.L.495, No.113),  
29 reenacted and amended October 7, 1976 (P.L.1101, No.223),  
30 entitled "An act providing for the compensation of county

1 officers in counties of the second through eight classes, for  
2 the disposition of fees, for filing of bonds in certain cases  
3 and for duties of certain officers."

4 Subsection (f) of section 1002, act of April 13, 1972  
5 (P.L.184, No.62), known as the "Home Rule Charter and Optional  
6 Plans Law."

7 (b) The office of jury commissioner is abolished. The duties  
8 and functions of the jury commissioners shall be performed by  
9 persons appointed by the president judge of the court of common  
10 pleas.

11 Section 5. The following parts of acts and their supplements  
12 are repealed insofar as they are inconsistent herewith:

13 Sections 410, 1313 and 1810, act of July 28, 1953 (P.L.723,  
14 No.230), known as the "Second Class County Code."

15 Section 1, act of August 14, 1963 (P.L.839, No.407),  
16 entitled, as amended, "An act creating a county records  
17 committee; imposing powers and duties upon it; authorizing the  
18 Pennsylvania Historical and Museum Commission to assist and  
19 cooperate with it; defining county records; and authorizing the  
20 disposition of certain county records by county officers in  
21 counties of the second to eighth class."

22 Section 6. This act shall take effect immediately.