

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 767 Session of  
2005

INTRODUCED BY JAMES, WASHINGTON, WILLIAMS, CALTAGIRONE,  
BLACKWELL, DeWEESE, FRANKEL, JOSEPHS, KIRKLAND, LEDERER,  
OLIVER, PRESTON, READSHAW, STABACK, STETLER, TIGUE, WHEATLEY,  
WATERS, YOUNGBLOOD, BEBKO-JONES, PISTELLA AND PALLONE,  
MARCH 14, 2005

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 14, 2005

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 § 4521.1 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

1 the same race as the defendant or victim; and

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

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

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

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

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

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

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

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

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

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

30 (1) the defendant or the victim is a member of a racial

1 category representing less than one-twelfth of the population  
2 of the judicial district, as determined by the most recently  
3 available United States Census figures;

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

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

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

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

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