

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 116 Session of
2007

INTRODUCED BY COSTA, GREENLEAF, FONTANA, TARTAGLIONE, ORIE,
KITCHEN, STOUT, EARLL, MUSTO, O'PAKE, C. WILLIAMS,
WASHINGTON, WOZNIAK, LAVALLE, BROWNE, MELLOW, FERLO AND
LOGAN, FEBRUARY 9, 2007

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, JUNE 30, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, PROVIDING FOR THE <—
3 ADOPTION OF GUIDELINES FOR FINES; further providing FOR <—
4 EXEMPTIONS FROM JURY DUTY AND for selection of prospective
5 jurors; PROVIDING FOR STATEWIDE JURY INFORMATION SYSTEM; AND <—
6 FURTHER PROVIDING FOR NO LIMITATION APPLICABLE.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 ~~Section 1. Section 4521(a) of Title 42 of the Pennsylvania~~ <—
10 ~~Consolidated Statutes is amended to read:~~

11 ~~SECTION 1. SECTION 4503(A) OF TITLE 42 OF THE PENNSYLVANIA~~ <—
12 ~~CONSOLIDATED STATUTES IS AMENDED BY ADDING A PARAGRAPH TO READ:~~

13 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED <—
14 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

15 § 2154.3. ADOPTION OF GUIDELINES FOR FINES.

16 THE COMMISSION SHALL ADOPT GUIDELINES FOR FINES OR OTHER
17 LAWFUL ECONOMIC SANCTIONS, WITHIN THE LIMITS ESTABLISHED BY LAW,
18 WHICH SHALL BE CONSIDERED BY THE SENTENCING COURT IN DETERMINING

1 THE APPROPRIATE SENTENCE FOR DEFENDANTS WHO PLEAD GUILTY OR NOLO
2 CONTENDERE TO OR WHO ARE FOUND GUILTY OF FELONIES AND
3 MISDEMEANORS. THE GUIDELINES SHALL DO ALL OF THE FOLLOWING:

4 (1) SPECIFY THE RANGE OF FINES OR OTHER LAWFUL ECONOMIC
5 SANCTIONS, APPLICABLE TO CRIMES OF A GIVEN DEGREE OF GRAVITY.

6 (2) SPECIFY A RANGE OF FINES OR OTHER LAWFUL ECONOMIC
7 SANCTIONS, OF INCREASED AMOUNT FOR DEFENDANTS PREVIOUSLY
8 CONVICTED OR ADJUDICATED DELINQUENT FOR ONE OR MORE
9 MISDEMEANOR OR FELONY OFFENSES COMMITTED PRIOR TO THE CURRENT
10 OFFENSE. FOR PURPOSES OF THIS PARAGRAPH, THE TERM "PREVIOUSLY
11 CONVICTED OR ADJUDICATED DELINQUENT" SHALL INCLUDE ANY
12 FINDING OF GUILT OR ADJUDICATION OF DELINQUENCY WHETHER OR
13 NOT SENTENCE HAS BEEN IMPOSED OR DISPOSITION ORDERED PRIOR TO
14 THE COMMISSION OF THE CURRENT OFFENSE.

15 (3) PRESCRIBE VARIATIONS FROM THE RANGE OF FINES
16 APPLICABLE ON ACCOUNT OF AGGRAVATING OR MITIGATING
17 CIRCUMSTANCES.

18 (4) PRESCRIBE COMMUNITY SERVICE ALTERNATIVES WHICH MAY
19 BE IMPOSED IN LIEU OF ALL OR PART OF THE FINES WHERE THE
20 SENTENCING COURT FINDS THE DEFENDANT LACKS THE ABILITY TO PAY
21 ALL OR PART OF THE FINE.

22 SECTION 1.1. SECTION 4503(A) OF TITLE 42 IS AMENDED BY
23 ADDING A PARAGRAPH TO READ:

24 § 4503. EXEMPTIONS FROM JURY DUTY.

25 (A) GENERAL RULE.--NO PERSON SHALL BE EXEMPT OR EXCUSED FROM
26 JURY DUTY EXCEPT THE FOLLOWING:

27 * * *

28 (5) PERSONS 70 YEARS OF AGE OR OLDER WHO OPT NOT TO
29 SERVE.

30 * * *

1 SECTION 2. SECTION 4521(A) OF TITLE 42 IS AMENDED TO READ:

2 § 4521. Selection of prospective jurors.

3 (a) Preparation of master list of prospective jurors.--

4 (1) At least annually the jury selection commission
5 shall prepare a master list of prospective jurors[.] that
6 shall contain the most recent available address for
7 prospective jurors.

8 (2) The list shall also contain all voter registration
9 lists for the county, which lists may be incorporated by
10 reference, or names from such other lists which in the
11 opinion of the commission will provide a number of names of
12 prospective jurors which is equal to or greater than the
13 number of names contained in the voter registration list.

14 (3) The commission may, but will not be required to,
15 supplement the master list of prospective jurors to include,
16 without being limited to, persons in any of the following
17 categories:

18 [(1)] (i) Persons listed in telephone, city, municipal
19 directories and similar directories.

20 [(2)] Persons who pay taxes or are assessed for taxes
21 imposed by any political subdivisions.

22 (3)] (ii) Persons in the county participating in any
23 State, county or local program authorized by law and, to the
24 extent such names are available, persons participating in any
25 Federal program authorized by law.

26 [(4)] (iii) Persons who are on school census lists.

27 [(5)] (iv) Any other person whose name does not appear
28 in the master list of prospective jurors and who meets the
29 qualifications for jurors set forth in this chapter and who
30 makes application to the commission to be listed on the

1 master list of prospective jurors.

2 (v) Persons who appear on the list provided to the
3 county pursuant to section 4521.1 (relating to Statewide
4 jury information system) may be used to supplement or
5 substitute the master jury list.

6 * * *

7 Section ~~2~~ 3. Title 42 is amended by adding a section to
8 read:

9 § 4521.1. Statewide jury information system.

10 (a) General rule.--Notwithstanding any prohibition found in
11 any other law, regulation or rule to the contrary, the following
12 departments shall submit to the Court Administrator of
13 Pennsylvania, in a format provided herein, a list of individuals
14 as designated for that department to be included in a Statewide
15 jury information system on or before October 31 of each year:

16 (1) The Department of Public Welfare - every individual
17 resident in this Commonwealth who receives cash assistance or
18 food stamps pursuant to a Federal or State program through
19 the department except as prohibited by Federal law or
20 regulation.

21 (2) The Department of Transportation - every individual
22 resident in this Commonwealth who has been issued a driver's
23 license pursuant to 75 Pa.C.S Ch. 15 (relating to licensing
24 of drivers).

25 (3) The Department of Revenue - every individual
26 resident who files a return for the payment of taxes imposed
27 by the Commonwealth under Article III of the act of March 4,
28 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

29 (4) The Department of State - every individual resident
30 who is listed as a registered voter under 25 Pa.C.S. Pt. IV

1 (relating to voter registration).

2 (b) Identifying information.--Each list submitted by a
3 department pursuant to subsection (a) shall contain only the
4 following identifying information, if available, of an
5 individual to be included in the Statewide jury information
6 system:

7 (1) Name, including first, middle and last names,
8 including any suffixes.

9 (2) Except as provided in 23 Pa.C.S. Ch. 67 (relating to
10 domestic and sexual violence victim address confidentiality),
11 each individual's street address, municipality and zip code.

12 (3) Date of birth.

13 (4) The last four digits of the individual's Social
14 Security number.

15 (c) Duties of Court Administrator.--The Court Administrator
16 shall annually collect information for creation of a Statewide
17 jury information system. This shall be completed by:

18 (1) Collecting the names from the departments as
19 submitted under subsection (a).

20 (2) Combining each individual department list submitted
21 into a master list.

22 (3) Removing any information that identifies the source
23 of the information submitted pursuant to subsection (a).

24 (4) Assembling the names into groups arranged by the
25 county of residence for each individual on the master list.

26 (5) Removing duplicate names from each county list.

27 (d) Dissemination.--Upon request from the jury selection
28 commission of the county, the Court Administrator shall make
29 available to the requesting county the list of names for that
30 county from the Statewide jury information system. In providing

1 the information, the Court Administrator shall only provide the
2 name, address and date of birth of each individual on the list
3 being provided. All other identifying information shall be
4 removed from any list made available pursuant to the request.
5 Under no circumstances may the Court Administrator include any
6 other identifying information.

7 (e) Restrictions on use of information.--Information
8 provided by the departments to the Court Administrator shall be
9 provided by agreement executed by the appropriate authorities.
10 The agreement shall include, but not be limited to, the
11 following conditions:

12 (1) Information required pursuant to this section will
13 be provided only in an electronic form as determined by the
14 Court Administrator.

15 (2) The information provided shall be used only for the
16 purpose provided in this section and for no other purpose.

17 (3) Except for the purpose of internal review and
18 compliance by the Court Administrator, no lists may be
19 printed from the information submitted, created or produced
20 under this section.

21 (4) Except as provided in section 4521(b) (relating to
22 selection of prospective jurors), any re-release of the
23 information provided pursuant to this section is strictly
24 prohibited.

25 (5) The Statewide jury information system and any list
26 provided by the Court Administrator to the county jury
27 selection commission pursuant to this section may not reveal
28 the source of names on that list or indicate in any way the
29 source of the names submitted pursuant to subsection (a).

30 (6) Except as provided in section 4521(b), nothing

1 submitted, created or produced under this section shall
2 constitute a public document nor shall it be subject to
3 release or disclosure under the act of June 21, 1957
4 (P.L.390, No.212), referred to as the Right-to-Know Law or
5 any other similar rule, enactment or decision.

6 SECTION 4. SECTION 5551 OF TITLE 42 IS AMENDED TO READ: <—

7 § 5551. NO LIMITATION APPLICABLE.

8 A PROSECUTION FOR THE FOLLOWING OFFENSES MAY BE COMMENCED AT
9 ANY TIME:

10 (1) MURDER.

11 (2) VOLUNTARY MANSLAUGHTER.

12 (3) CONSPIRACY TO COMMIT MURDER OR SOLICITATION TO
13 COMMIT MURDER IF A MURDER RESULTS FROM THE CONSPIRACY OR
14 SOLICITATION.

15 (4) ANY FELONY ALLEGED TO HAVE BEEN PERPETRATED IN
16 CONNECTION WITH A MURDER OF THE FIRST OR SECOND DEGREE, AS
17 SET FORTH IN 18 PA.C.S. § 2502(A) OR (B) AND (D) (RELATING TO
18 MURDER).

19 (5) A VIOLATION OF 75 PA.C.S. § 3742 (RELATING TO
20 ACCIDENTS INVOLVING DEATH OR PERSONAL INJURY) OR 3732
21 (RELATING TO HOMICIDE BY VEHICLE) IF THE ACCUSED WAS THE
22 DRIVER OF A VEHICLE INVOLVED IN AN ACCIDENT RESULTING IN THE
23 DEATH OF ANY PERSON.

24 (6) A VIOLATION OF 18 PA.C.S. § 2702(A)(1), (2), (4) OR
25 (7) (RELATING TO AGGRAVATED ASSAULT) IF THE ACCUSED KNEW THE
26 VICTIM WAS A LAW ENFORCEMENT OFFICER AND THE LAW ENFORCEMENT
27 OFFICER WAS ACTING WITHIN THE SCOPE OF THE OFFICER'S DUTIES.

28 ~~Section 3-5. This act shall take effect in 60 days.~~ <—

29 SECTION 5. THE ADDITION OF 42 PA.C.S. § 5551(6) (RELATING TO <—
30 NO LIMITATION APPLICABLE) WHICH PROVIDES FOR A NEW STATUTE OF

1 LIMITATIONS FOR CERTAIN VIOLATIONS OF 18 PA.C.S. § 2702(A)(1),
2 (2), (4) OR (7) (RELATING TO AGGRAVATED ASSAULT) SHALL APPLY TO
3 SUCH AGGRAVATED ASSAULTS COMMITTED AFTER THE EFFECTIVE DATE OF
4 THIS SECTION.

5 SECTION 6. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

6 (1) THE ADDITION OF 42 PA.C.S. §§ 2154.3 AND 4521.1
7 SHALL TAKE EFFECT IN 120 DAYS.

8 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
9 DAYS.