
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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JULY 14, 2007

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, PROVIDING FOR <—
3 PROPORTIONAL REDUCTION OF CERTAIN COUNTY COURT
4 REIMBURSEMENTS; FURTHER PROVIDING FOR SENIOR JUDGE
5 OPERATIONAL SUPPORT GRANTS; providing for the adoption of
6 guidelines for fines; further providing for ~~exemptions from~~ <—
7 ~~jury duty and for~~ selection of prospective jurors; providing
8 for Statewide jury information system; and further providing
9 for no limitation applicable.

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

12 ~~Section 1. Title 42 of the Pennsylvania Consolidated~~ <—
13 ~~Statutes is amended by adding a section to read:~~

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

16 § 915. PROPORTIONAL REDUCTION.

17 NOTWITHSTANDING THE PROVISIONS OF SECTION 914 (RELATING TO
18 REIMBURSEMENT FOR COMMON PLEAS COURT COSTS) IN THE EVENT THAT
19 THE TOTAL COUNTY COURT REIMBURSEMENT QUALIFYING FOR PAYMENT FOR
20 ANY CALENDAR YEAR EXCEEDS THE AMOUNT APPROPRIATED BY THE GENERAL

1 ASSEMBLY FOR SUCH PURPOSE, THE COURT ADMINISTRATOR OF
2 PENNSYLVANIA SHALL PROPORTIONALLY REDUCE THE AMOUNT OF
3 REIMBURSEMENT FOR EVERY COUNTY SO THAT THE TOTAL OF ALL
4 REIMBURSEMENTS DOES NOT EXCEED THE AMOUNT APPROPRIATED.

5 SECTION 1.1. SECTION 1906 OF TITLE 42 IS AMENDED TO READ:
6 [§ 1906. SENIOR JUDGE OPERATIONAL SUPPORT GRANTS.

7 (A) PROGRAM.--THE COURT ADMINISTRATOR OF PENNSYLVANIA SHALL
8 CREATE A PROGRAM TO DEFRAY THE COSTS IMPOSED ON COUNTIES BY THE
9 RULES OF JUDICIAL ADMINISTRATION FOR FACILITIES AND STAFF FOR
10 SENIOR JUDGES ASSIGNED TO THE COURTS OF COMMON PLEAS.

11 (B) AVAILABILITY.--GRANTS WILL BE MADE AVAILABLE TO COUNTIES
12 BASED ON THE LEVEL OF OPERATIONAL SUPPORT PROVIDED BY A COUNTY
13 TO:

14 (1) SENIOR JUDGES FORMERLY OF THE JUDICIAL DISTRICT IN
15 WHICH THE COUNTY IS SITUATED WHO ARE REGULARLY OR
16 PERIODICALLY ASSIGNED IN THAT COUNTY OR WHO ARE ASSIGNED
17 PURSUANT TO SECTION 4544 (RELATING TO CONVENING MULTICOUNTY
18 INVESTIGATING GRAND JURY).

19 (2) VISITING SENIOR JUDGES.

20 (C) PURPOSE.--GRANTS WILL BE MADE AVAILABLE TO COUNTIES TO
21 REIMBURSE THEM FOR OPERATIONAL SUPPORT PROVIDED BY THE COUNTY
22 DURING THE PRECEDING CALENDAR YEAR. GRANTS WILL BE CALCULATED
23 BASED ON USE OF JUDICIAL CHAMBERS, UTILIZATION OF THE SERVICES
24 OF A LAW CLERK AND UTILIZATION OF THE SERVICES OF A SECRETARY,
25 WHICH CHAMBERS OR SERVICES ARE DEEMED ADEQUATE AND APPROPRIATE
26 BY THE ADMINISTRATIVE OFFICE AS FOLLOWS:

27 (1) USE OF JUDICIAL CHAMBERS WILL BE REIMBURSED AT THE
28 RATE OF \$60 PER DAY, BILLABLE IN ONE-HALF-DAY INCREMENTS.

29 (2) UTILIZATION OF SERVICES OF A LAW CLERK WILL BE
30 REIMBURSED AT \$20 PER HOUR.

1 (3) UTILIZATION OF SERVICES OF A SECRETARY WILL BE
2 REIMBURSED AT \$12 PER HOUR.

3 (D) REIMBURSEMENT.--COUNTIES WILL BE REIMBURSED UPON TIMELY
4 APPLICATION BY THE BOARD OF COMMISSIONERS OR, IN THE ABSENCE OF
5 A BOARD OF COMMISSIONERS, THE EXECUTIVE AUTHORITY OF THE COUNTY
6 OR, IN THE CASE OF A COUNTY WHICH IS COTERMINOUS WITH A CITY OF
7 THE FIRST CLASS, THE MAYOR OF THE CITY OF THE FIRST CLASS. THE
8 APPLICATION SHALL BE CERTIFIED BY THE PRESIDENT JUDGE OF THE
9 JUDICIAL DISTRICT IN WHICH THE COUNTY IS SITUATED, SHALL INCLUDE
10 SUCH DOCUMENTATION AS MAY BE REQUIRED BY THE ADMINISTRATIVE
11 OFFICE AND SHALL BE SUBMITTED AS FOLLOWS:

12 (1) APPLICATIONS FOR REIMBURSEMENT FOR OPERATIONAL
13 SUPPORT PROVIDED BY COUNTIES DURING CALENDAR YEAR 2001 SHALL
14 BE SUBMITTED BY APRIL 1, 2002, AND GRANTS SHALL BE PAID BY
15 JUNE 30, 2002.

16 (2) THE DUE DATES FOR APPLICATIONS FOR OPERATIONAL
17 SUPPORT PROVIDED DURING CALENDAR YEARS BEGINNING JANUARY 1,
18 2002, AND THEREAFTER SHALL BE ESTABLISHED BY THE COURT
19 ADMINISTRATOR OF PENNSYLVANIA.

20 (E) MINIMUM STANDARDS.--THE ADMINISTRATIVE OFFICE SHALL SET
21 FORTH MINIMUM STANDARDS REGARDING ADEQUACY, APPROPRIATENESS AND
22 QUALITY OF JUDICIAL CHAMBERS AND SERVICES REQUIRED TO QUALIFY
23 FOR REIMBURSEMENT.

24 (F) REDUCTION.--IN THE EVENT THAT THE TOTAL REIMBURSEMENT
25 QUALIFYING FOR PAYMENT FOR ANY CALENDAR YEAR EXCEEDS THE AMOUNT
26 APPROPRIATED BY THE GENERAL ASSEMBLY FOR SUCH PURPOSE, THE COURT
27 ADMINISTRATOR OF PENNSYLVANIA SHALL PROPORTIONALLY REDUCE THE
28 GRANT FOR EACH COUNTY SO THAT THE TOTAL OF ALL GRANTS DOES NOT
29 EXCEED THE AMOUNT APPROPRIATED.

30 (G) LIMIT ON GRANT AMOUNT.--NO COUNTY SHALL RECEIVE MORE

1 THAN 20% OF THE AMOUNT APPROPRIATED FOR SENIOR JUDGE OPERATIONAL
2 SUPPORT GRANTS IN ANY FISCAL YEAR.

3 (H) REPORT.--NOT LATER THAN 60 DAYS FOLLOWING PAYMENT OF
4 GRANTS FOR ANY YEAR, THE COURT ADMINISTRATOR OF PENNSYLVANIA
5 SHALL MAKE A REPORT TO THE APPROPRIATIONS COMMITTEE OF THE
6 SENATE AND THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
7 REPRESENTATIVES SETTING FORTH THE PAYMENTS MADE TO COUNTIES AND
8 THE SERVICES PROVIDED.

9 (I) EXPIRATION.--THIS SECTION SHALL EXPIRE ON JUNE 30, 2007,
10 UNLESS REENACTED PRIOR TO THAT DATE.]

11 § 1906. SENIOR JUDGE OPERATIONAL SUPPORT GRANTS.

12 (A) PROGRAM.--THE COURT ADMINISTRATOR OF PENNSYLVANIA SHALL
13 CREATE A PROGRAM TO DEFRAY THE COSTS IMPOSED ON COUNTIES BY THE
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1 BY THE ADMINISTRATIVE OFFICE AS FOLLOWS:

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12 THE FIRST CLASS, THE MAYOR OF THE CITY OF THE FIRST CLASS. THE
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3 GRANT FOR EACH COUNTY SO THAT THE TOTAL OF ALL GRANTS DOES NOT
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6 THAN 20% OF THE AMOUNT APPROPRIATED FOR SENIOR JUDGE OPERATIONAL
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11 SENATE AND THE APPROPRIATIONS COMMITTEE OF THE HOUSE OF
12 REPRESENTATIVES SETTING FORTH THE PAYMENTS MADE TO COUNTIES AND
13 THE SERVICES PROVIDED.

14 (I) EXPIRATION.--THIS SECTION SHALL EXPIRE ON JUNE 30, 2012,
15 UNLESS REENACTED PRIOR TO THAT DATE.

16 SECTION 1.2. TITLE 42 IS AMENDED BY ADDING A SECTION TO
17 READ:

18 § 2154.3. Adoption of guidelines for fines.

19 The commission shall adopt guidelines for fines or other
20 lawful economic sanctions, within the limits established by law,
21 which shall be considered by the sentencing court in determining
22 the appropriate sentence for defendants who plead guilty or nolo
23 contendere to or who are found guilty of felonies and
24 misdemeanors. The guidelines shall do all of the following:

25 (1) Specify the range of fines or other lawful economic
26 sanctions, applicable to crimes of a given degree of gravity.

27 (2) Specify a range of fines or other lawful economic
28 sanctions, of increased amount for defendants previously
29 convicted or adjudicated delinquent for one or more
30 misdemeanor or felony offenses committed prior to the current

1 offense. For purposes of this paragraph, the term "previously
2 convicted or adjudicated delinquent" shall include any
3 finding of guilt or adjudication of delinquency whether or
4 not sentence has been imposed or disposition ordered prior to
5 the commission of the current offense.

6 (3) Prescribe variations from the range of fines
7 applicable on account of aggravating or mitigating
8 circumstances.

9 (4) Prescribe community service alternatives which may
10 be imposed in lieu of all or part of the fines where the
11 sentencing court finds the defendant lacks the ability to pay
12 all or part of the fine.

13 ~~Section 1.1. Section 4503(a) of Title 42 is amended by~~ <—
14 ~~adding a paragraph to read:~~

15 ~~§ 4503. Exemptions from jury duty.~~

16 ~~(a) General rule. No person shall be exempt or excused from~~
17 ~~jury duty except the following:~~

18 ~~* * *~~

19 ~~(5) Persons 70 years of age or older who opt not to~~
20 ~~serve.~~

21 ~~* * *~~

22 Section 2. Section 4521(a) of Title 42 is amended to read:

23 § 4521. Selection of prospective jurors.

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

25 (1) At least annually the jury selection commission
26 shall prepare a master list of prospective jurors[.] that
27 shall contain the most recent available address for
28 prospective jurors.

29 (2) The list shall also contain all voter registration
30 lists for the county, which lists may be incorporated by

1 reference, or names from such other lists which in the
2 opinion of the commission will provide a number of names of
3 prospective jurors which is equal to or greater than the
4 number of names contained in the voter registration list.

5 (3) The commission may, but will not be required to,
6 supplement the master list of prospective jurors to include,
7 without being limited to, persons in any of the following
8 categories:

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

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

13 [(3)] (ii) Persons in the county participating in any
14 State, county or local program authorized by law and, to the
15 extent such names are available, persons participating in any
16 Federal program authorized by law.

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

18 [(5)] (iv) Any other person whose name does not appear
19 in the master list of prospective jurors and who meets the
20 qualifications for jurors set forth in this chapter and who
21 makes application to the commission to be listed on the
22 master list of prospective jurors.

23 (v) Persons who appear on the list provided to the
24 county pursuant to section 4521.1 (relating to Statewide
25 jury information system) may be used to supplement or
26 substitute the master jury list.

27 * * *

28 Section 3. Title 42 is amended by adding a section to read:

29 § 4521.1. Statewide jury information system.

30 (a) General rule.--Notwithstanding any prohibition found in

1 any other law, regulation or rule to the contrary, the following
2 departments shall submit to the Court Administrator of
3 Pennsylvania, in a format provided herein, a list of individuals
4 as designated for that department to be included in a Statewide
5 jury information system on or before October 31 of each year:

6 (1) The Department of Public Welfare - every individual
7 resident in this Commonwealth who receives cash assistance or
8 food stamps pursuant to a Federal or State program through
9 the department except as prohibited by Federal law or
10 regulation.

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

15 (3) The Department of Revenue - every individual
16 resident who files a return for the payment of taxes imposed
17 by the Commonwealth under Article III of the act of March 4,
18 1971 (P.L.6, No.2), known as the Tax Reform Code of 1971.

19 (4) The Department of State - every individual resident
20 who is listed as a registered voter under 25 Pa.C.S. Pt. IV
21 (relating to voter registration).

22 (b) Identifying information.--Each list submitted by a
23 department pursuant to subsection (a) shall contain only the
24 following identifying information, if available, of an
25 individual to be included in the Statewide jury information
26 system:

27 (1) Name, including first, middle and last names,
28 including any suffixes.

29 (2) Except as provided in 23 Pa.C.S. Ch. 67 (relating to
30 domestic and sexual violence victim address confidentiality),

1 each individual's street address, municipality and zip code.

2 (3) Date of birth.

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

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

8 (1) Collecting the names from the departments as
9 submitted under subsection (a).

10 (2) Combining each individual department list submitted
11 into a master list.

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

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

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

17 (d) Dissemination.--Upon request from the jury selection
18 commission of the county, the Court Administrator shall make
19 available to the requesting county the list of names for that
20 county from the Statewide jury information system. In providing
21 the information, the Court Administrator shall only provide the
22 name, address and date of birth of each individual on the list
23 being provided. All other identifying information shall be
24 removed from any list made available pursuant to the request.
25 Under no circumstances may the Court Administrator include any
26 other identifying information.

27 (e) Restrictions on use of information.--Information
28 provided by the departments to the Court Administrator shall be
29 provided by agreement executed by the appropriate authorities.
30 The agreement shall include, but not be limited to, the

1 following conditions:

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

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

7 (3) Except for the purpose of internal review and
8 compliance by the Court Administrator, no lists may be
9 printed from the information submitted, created or produced
10 under this section.

11 (4) Except as provided in section 4521(b) (relating to
12 selection of prospective jurors), any re-release of the
13 information provided pursuant to this section is strictly
14 prohibited.

15 (5) The Statewide jury information system and any list
16 provided by the Court Administrator to the county jury
17 selection commission pursuant to this section may not reveal
18 the source of names on that list or indicate in any way the
19 source of the names submitted pursuant to subsection (a).

20 (6) Except as provided in section 4521(b), nothing
21 submitted, created or produced under this section shall
22 constitute a public document nor shall it be subject to
23 release or disclosure under the act of June 21, 1957
24 (P.L.390, No.212), referred to as the Right-to-Know Law or
25 any other similar rule, enactment or decision.

26 Section 4. Section 5551 of Title 42 is amended to read:

27 § 5551. No limitation applicable.

28 A prosecution for the following offenses may be commenced at
29 any time:

30 (1) Murder.

1 (2) Voluntary manslaughter.

2 (3) Conspiracy to commit murder or solicitation to
3 commit murder if a murder results from the conspiracy or
4 solicitation.

5 (4) Any felony alleged to have been perpetrated in
6 connection with a murder of the first or second degree, as
7 set forth in 18 Pa.C.S. § 2502(a) or (b) and (d) (relating to
8 murder).

9 (5) A violation of 75 Pa.C.S. § 3742 (relating to
10 accidents involving death or personal injury) or 3732
11 (relating to homicide by vehicle) if the accused was the
12 driver of a vehicle involved in an accident resulting in the
13 death of any person.

14 (6) A violation of 18 Pa.C.S. § 2702(a)(1), (2), (4) or
15 (7) (relating to aggravated assault) if the accused knew the
16 victim was a law enforcement officer and the law enforcement
17 officer was acting within the scope of the officer's duties.

18 Section 5. The addition of 42 Pa.C.S. § 5551(6) (relating to
19 no limitation applicable) which provides for a new statute of
20 limitations for certain violations of 18 Pa.C.S. § 2702(a)(1),
21 (2), (4) or (7) (relating to aggravated assault) shall apply to
22 such aggravated assaults committed after the effective date of
23 this section.

24 ~~Section 6. This act shall take effect as follows:~~ <—

25 ~~(1) The addition of 42 Pa.C.S. §§ 2154.3 and 4521.1~~
26 ~~shall take effect in 120 days.~~

27 ~~(2) The remainder of this act shall take effect in 60~~
28 ~~days.~~

29 SECTION 6. THE AMENDMENT OF 42 PA.C.S. § 1906 SHALL APPLY <—
30 RETROACTIVELY TO JULY 1, 2007.

1 SECTION 7. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

2 (1) THE AMENDMENT OR ADDITION OF 42 PA.C.S. §§ 2154.3,
3 4521 AND 4521.1 SHALL TAKE EFFECT IN 120 DAYS.

4 (2) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
5 IMMEDIATELY:

6 (I) THE AMENDMENT OF 42 PA.C.S. § 1906.

7 (II) SECTION 6 OF THIS ACT.

8 (III) THIS SECTION.

9 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 60
10 DAYS.