
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 351 Session of
2011

INTRODUCED BY KORTZ, BURNS, CALTAGIRONE, CONKLIN, DeLUCA,
FABRIZIO, GEIST, HALUSKA, HARKINS, LONGIETTI, MATZIE,
PETRARCA AND SWANGER, JUNE 24, 2011

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 24, 2011

A RESOLUTION

1 Memorializing the Supreme Court of Pennsylvania to adopt Rules
2 of Criminal Procedure 113, 513 and 513.1 and their comments.

3 WHEREAS, A bedrock of the judicial system of this nation is
4 that we live in an open and free society; and

5 WHEREAS, An important part of that philosophy has been and
6 continues to be open courts with open and public records and
7 documents; and

8 WHEREAS, In criminal cases, such openness of arrest and
9 search warrants and supporting affidavits can sometimes
10 compromise ongoing investigations and persons conducting or
11 assisting in such investigations; and

12 WHEREAS, The Pennsylvania Rules of Criminal Procedure exist
13 to strike a proper balance between the public's right to know
14 and legitimate law enforcement needs and requirements; and

15 WHEREAS, While rules already exist which strike this balance
16 as to search warrants and information, there are proposed rules
17 awaiting approval and promulgation by the Supreme Court of

1 Pennsylvania which address these issues relating to arrest
2 warrants; and

3 WHEREAS, The proposed rules balance the public's right to
4 know with legitimate law enforcement needs and requirements; and

5 WHEREAS, Section 10(c) of Article V of the Constitution of
6 Pennsylvania affords the Supreme Court of Pennsylvania primacy
7 in its procedural rulemaking authority; and

8 WHEREAS, Although the General Assembly has proposed
9 legislation on this topic, it is ever mindful of this separation
10 of powers; therefore be it

11 RESOLVED, That the House of Representatives memorialize the
12 Supreme Court of Pennsylvania to approve and adopt Rules of
13 Criminal Procedure 113, 513 and 513.1 and the official comments
14 thereto at its earliest convenience.