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

AS AMENDED, HOUSE OF REPRESENTATIVES, JUNE 26, 2012

A RESOLUTION

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

4   WHEREAS, A bedrock of the judicial system of this nation is

5 that we live in an open and free society; and

6   WHEREAS, An important part of that philosophy has been and

7 continues to be open courts with open and public records and

8 documents; and

9   WHEREAS, In criminal cases, such openness of arrest and

10 search warrants and supporting affidavits can sometimes

11 compromise ongoing investigations and persons conducting or

12 assisting in such investigations; and

13   WHEREAS, The Pennsylvania Rules of Criminal Procedure exist

14 to strike a proper balance between the public's right to know

15 and legitimate law enforcement needs and requirements; and

16   WHEREAS, While rules already exist which strike this balance

17 as to search warrants and information, there are proposed rules

18 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 PROPOSED ←

13 Rules of Criminal Procedure 113, 513 and 513.1 and the official

14 comments thereto at its earliest convenience.