

No. 302.

## AN ACT

To provide for the selection of jurors to serve in the several courts, criminal and civil, of counties of the second class, and defining the qualifications of such jurors; providing for the organization of a commission for the selection of jurors in such counties, and prescribing its powers and duties, and authorizing it to investigate as to the qualifications of prospective jurors; imposing the expense of maintaining and operating said commission upon said counties, and requiring the county commissioners to provide suitable quarters, equipment, and supplies; authorizing the employment of the necessary clerks and other employes, and providing for a salary board composed of the commission, the county commissioners, and the controller of said counties, to fix the number and compensation of such employes; requiring county officers and boards to furnish information to said commission concerning taxables resident in said county as to their eligibility for jury service; repealing inconsistent legislation; and prescribing punishment for the violation hereof.

Section 1. Be it enacted, &c., That for an improved and impartial selection of persons to serve as jurors in the several courts, civil and criminal, of counties of the second class there is hereby created a commission to be known as the "Commission for the Selection of Jurors," hereinafter called "commission." Said commission shall consist of three members. One of said members shall be the president judge of the court of common pleas of the respective county, whose duty it shall be to preside at and oversee the drawing of jurors, as hereinafter provided. The other two members of said commission shall be chosen by the qualified electors of the said county at the municipal elections at which other county officers are chosen: Provided, however, That in no event shall both of said elective members of the commission be members of the same political party, but the majority political party in said county shall elect one of said elective commissioners, and the other shall be the candidate for such office receiving the highest number of votes of the next ranking or minority political party; the elective members of the commission to be chosen for a term of four years.

Section 2. Vacancies upon said commission occurring from any cause shall be filled by the president judge of the court of common pleas, who shall appoint a member or members to fill such vacancy in the elective membership to serve until the next ensuing municipal election.

Section 3. The president judge of the court of common pleas and present jury commissioners of the respective counties shall constitute the commission until the next ensuing municipal election.

Jurors, selection of.

Commission of three members.

How members of commission shall be chosen.

Term of elected members.

Vacancies shall be filled by president judge.

Present commission.

**Office quarters for commission.** Section 4. The county commissioners of the respective county, upon requisition of said commission, shall provide suitable office quarters for the commission and shall furnish and equip the same.

**Salaries and expenses.** Section 5. All expenses incurred in the maintenance and operation of said commission and the salaries of its employes shall be payable out of the county funds of the respective county upon payrolls approved by the commission. All salaries shall be payable monthly or semi-monthly and shall be fixed by the commission, acting in conjunction with the county commissioners and the county controller of the respective county, acting as a salary board, and said salary board is hereby authorized to fix the number of employes and their salaries.

**When payable.**

**Names of taxables to be procured.**

Section 6. On or prior to the first day of November, one thousand nine hundred and twenty-five, the commission shall procure from the county commissioners of the respective county, or such other county officer or officers having the information, the names of all persons assessed for the purpose of taxation, arranged alphabetically, and each year thereafter on or before September first a similar list of such taxables as have been added to or removed from the last preceding list shall be obtained; and for the purpose of obtaining such list the commission or its properly authorized employes may inspect any assessment list or book or list of taxables in any of the offices of the respective counties, and may demand and receive an alphabetically arranged list of the names appearing in any such assessment list or book or list of taxables in any of the offices of the respective counties; and in addition to said names the list shall contain the occupation and residence address of each of such.

**Manner of drawing names for jury service.**

Section 7. After obtaining the said list of taxables the said commission shall meet forthwith, and two members shall constitute a majority for such meeting, providing one of the members is the president judge of the court of common pleas belonging upon said commission, and shall select from the said list of taxables every fiftieth name, beginning with the first name on said list, then the fifty-first name, and so continuing until the whole of said list of taxables has been passed through, and then shall proceed in a similar manner by selecting the second name on said list and then the fifty-second name and so continue until the list has been passed through if necessary to procure the number of jurors designated to serve for the ensuing year, as hereinafter provided; and said procedure shall be followed until a sufficient number has been procured from said list of taxables to supply with jurors the several courts, civil and criminal, of the respective county holding

jury trials. In each succeeding year after the first year the same procedure in the selection of names from the list of taxables shall be followed; beginning, however, with the fiftieth name after the last name drawn in the year last preceding: Provided, however, That if less than fifty names remain on the said list of taxables after the last name selected in the preceding year then the selection shall continue by beginning at the head of the list, as hereinbefore provided. No person shall be selected to serve as a juror if two members of said commission shall find that such person is disqualified for service under the provisions of this act.

Section 8. The number of names to be selected, as in the last paragraph preceding provided, shall be designated by the president judge of the court of common pleas of the respective county, who shall, on or prior to the fifteenth day of November, one thousand nine hundred and twenty-five, and on or prior to the fifteenth day of August in each year thereafter, designate the number of jurors that will be required in the several courts of the respective county holding jury trials for the next ensuing calendar year; and the number of names selected from the said list of taxables for that purpose and to be selected, as in the last preceding paragraph indicated, shall be twice the number of jurors to be required, as designated by the president judge of the court of common pleas.

Number of names to be selected.

Section 9. After procuring the indicated number of names, as in the last preceding section provided, the commission, through its members or its duly authorized employes, shall ascertain whether or not those whose names have been selected are qualified for jury service; and such qualifications are hereby defined as follows, to wit:

Shall ascertain whether those drawn are qualified.

(a) He or she shall be an American citizen not less than twenty-one years of age, taxed, and residing in the respective county.

Qualifications for jury serving.

(b) He or she shall have no physical or mental disqualifications.

(c) He or she shall not have been convicted of a felony.

(d) He or she shall not have served upon a jury for a period of three years last past.

Physical disqualification shall be such illness or permanent affliction, defective sight or hearing, or other disability as will prevent such taxable from attending in court or interfere with the proper performance of a juror's duty. Mental disqualification shall include only those taxables who have been adjudged mentally incompetent by a court of competent jurisdiction. For the purpose of ascertaining the qualifications of jurors the commission may make, or cause to be made, such inquiries as to the disqualifications

Disqualifications.

herein set forth as may be necessary to procure the desired information, and for this purpose may employ such assistants, clerks, or other employes as the salary board herein referred to shall deem necessary, at such compensation as the said salary board may deem proper. Unless disqualified by the conditions set forth in this paragraph, any taxable appearing on the same list of taxables procured by the commission shall be subject to summons to serve as a juror, and any disqualification existing other than herein set forth shall be determined by the court to which such juror shall have been summoned to serve: Provided, however, That attorneys-at-law or physicians in active practice shall be exempt from service as jurors, and druggists and undertakers may be excused by the commission upon request: And provided further, Any person who shall have performed duty in the Pennsylvania National Guard for a period of nine years, or who served for nine months or a longer period in active service of the United States and was honorably discharged or mustered out, shall be excused by the commission if he so desires. This section is intended to and does define and limit the scope to which the disqualification of jurors is intended and the scope of any investigation that may be undertaken by the commission as to the qualifications of prospective jurors.

Proviso.

Proviso.

Excused persons.

Section 10. Unless disqualified or exempt or excusable under the provisions of the last preceding section, all taxables appearing on said list shall be subject to jury service and shall not be excused by the court except by reason of illness or injury or illness in his or her immediate family such as in the opinion of the court shall require his or her attendance at home, or when the court shall be convinced that such service would cause exceptional hardship in the affairs of business of the juror or where it shall appear that engagements undertaken before service of the jury summons will result in financial loss through jury service at the particular time. The names of the persons so excused shall be replaced in the jury wheel hereinafter referred to when the said wheel is filled for the next ensuing calendar year.

Jury lists.

Section 11. When a sufficient number of names shall have been selected from the taxables to serve on the juries in the several courts of the respective counties as aforesaid, the said names shall be printed and copied in a list or lists accessible to the public in the office of the commission and in the office of the prothonotary of the respective county, and thereupon notice by registered mail shall be given to each of said taxables so selected. If any of said taxables shall object to jury service at any particular portion of the year because such service would inflict hardship

upon him or her it shall be the duty of such taxable, in person or by writing, to so inform the commission within ten (10) days after the mailing of such notice. There shall be four jury wheels, from one of which the names of jurors for service during the first quarter of the year shall be drawn; from the second of which the names of jurors for service during the second quarter of the year shall be drawn; from the third of which the names of jurors for service during the third quarter of the year shall be drawn; from the fourth of which the names of jurors for service during the fourth quarter of the year shall be drawn. If any taxable shall satisfy said commission that service during any particular portion of the year would inflict great hardship upon him or her the name of such taxable shall not be placed in the jury wheel from which names are to be drawn for such period. After said list has been printed and made up the names of taxables thereon, distributed throughout the year as the commission shall decide in compliance with the foregoing provisions, shall be written or printed on slips of paper, equally distributed as far as the requirements may be in said four jury wheels and placed therein by the sheriff. Said wheels shall be kept in the office of the commission and the said names shall be placed therein by the sheriff whenever necessary. The said jury wheels shall not be removed at any time from the office of said commission and shall be so constructed that they can be opened only by a key which shall at all times be in the custody of the sheriff of the county; and said wheels shall be opened only when required to be opened for the depositing of names therein or the drawing of names therefrom, in accordance with the provisions of this act; and no names shall be put therein or withdrawn therefrom, in accordance with the provisions of this act, except as herein provided, and only at the times and under the circumstances herein provided for.

Jury wheels.

Custody of wheels.

Section 12. Venire for jurors in the several courts of the respective county shall be issued from time to time in the manner now provided by law and shall be substantially in the following form:

Form of venire.

COMMONWEALTH OF PENNSYLVANIA }  
 COUNTY OF ..... } ss:

To the sheriff and the commission for the selection of jurors:

You are hereby directed to draw from the jury wheel the name of ..... persons to serve as ..... jurors in the court of ..... to be held in and for the county of ..... on ..... at.... o'clock.....M, and you are directed to sum-

mon the persons so selected to appear in said court at said time and place and to have then and there this writ, with the names, addresses, and occupations of the persons summoned respectively in a panel hereto annexed, and then and there make return as to the manner in which you have executed this writ.

WITNESS the hand and seal of the Honorable....  
 ..... Judge of said court this .....  
 day of .....  
 .....(Seal)

Attest  
 .....

Drawing of jury.

Section 13. When and as such venire are received from the several courts the sheriff and the commission shall thereupon fix a day at which the members of the commission or a majority of them shall attend: Provided, One of such majority shall be the president judge of the court of common pleas. In the event that the president judge of the court of common pleas is unable by reason of illness or other cause to temporarily perform the duties herein imposed upon him he may temporarily appoint another judge of the court of common pleas to perform such duties; and in the presence of the members of the commission the said sheriff shall draw from said jury wheel the number of names required by the said venire or venires; and a permanent record of the names withdrawn, together with the occupation and residence address of each, shall be made in the form of a list thereof as part of the minutes of the said meeting of the commission, and the sheriff and the members of the commission attending shall sign their names, certifying to the correctness of said list and that the law has been complied with in the drawing thereof, and a certified copy of such minutes, including said list, shall be attached by the sheriff to the return made upon the writ of venire, and shall be returned with said writ on the return day thereof to the court for which such venire was drawn; and the persons so drawn shall forthwith be summoned to appear at the time and before the court designated in the venire; and it shall be the duty of the sheriff to summon at least ten days before the return of venire the persons whose attendance shall be thereby required, by delivering to each of the said persons a separate ticket in the customary form, specifying the duty enjoined, or by leaving such ticket at their usual places of abode respectively.

Record of jurors.

Summoning of jurors.

Form of summons.

Section 14. The summons to the jurors drawn upon each venire shall be in substantially the following form:

SHERIFF'S OFFICE

COMMONWEALTH OF PENNSYLVANIA }
COUNTY OF ..... } ss:
TO.....

Sir:

You are hereby summoned to appear before the judges of the court of ..... at (the building in which the court will be held) on the..... day of ..... at..... o'clock.....M, there to serve as a ..... juror.

WITNESS the hand and seal of the Honorable..... Judge of said court this ..... day of ..... (Seal)

Attest

..... Sheriff.

Section 15. When a juror has been summoned to serve in any of the several courts any failure to comply with all the provisions of this act shall not constitute ground for exemption, objection, or challenge unless application for examination is made or objection or challenge is stated before the jury upon which said juror is to serve has been sworn.

Objection or challenge.

Section 16. Whenever talesmen are required in any of the said courts it shall be lawful for the presiding judge of said court to direct the sheriff and the members of the commission or any two of them, provided one of two is the president judge of the court of common pleas belonging upon said commission, to open the jury wheel and draw therefrom the names of as many talesmen as shall be required, and a venire shall issue authorizing and directing the sheriff to bring into court the persons whose names have been so drawn, and a minute of such action by the commission shall be made in like manner as in the case of any venire, and a copy of said minute attached to the return of the venire so issued as aforesaid for talesmen. No tales juror shall be otherwise selected.

Talesmen.

Section 17. The members of the commission and such of its clerks or other employes, as the commission may authorize, shall have the power to administer oaths in any matter or thing relating to the selection and qualification of jurors or to jury service, but no fee shall be charged or collected for such oaths so administered.

Power to administer oaths.

Section 18. When a venire of jurors has been summoned, as hereinbefore provided, the names of the jurors so summoned, with their residence address by street number where possible or as accurately as may be where no street number can be obtained and their actual occupation, shall be made and printed, and such

List of jurors summoned.

list shall be kept in the office of the sheriff and of the commission, and shall be available for public inspection.

Office of jury commissioner abolished.

Section 19. Forthwith upon the passage of this act the office of jury commissioners now existing in the said counties shall be and the same is hereby abolished as such, but the present incumbents of said office shall continue to serve upon said commission, as hereinbefore provided, at the same salary which they are now receiving, for the balance of the term for which they shall have been elected.

Violations by officers.

Section 20. Any member of such commission or any employe, clerk, investigator, or assistant in the employ of said commission, who shall violate any of the provisions of this act, for the purpose of unlawfully procuring the selection or the excusing of any person from jury service, shall be guilty of a misdemeanor and upon conviction thereof shall be forthwith removed from his said office of employment and shall be sentenced to pay a fine not exceeding five thousand dollars and undergo imprisonment not exceeding two years, or either, or both, at the discretion of the court, and in addition thereto shall be ineligible to any public office existing under the laws of the Commonwealth of Pennsylvania. Any person other than a member of the commission or employe, clerk, assistant, or investigator of and for said commission, who undertakes or offers to influence the selection or excusing of any person from jury service or who gives money or anything of value to any person for the purpose of affecting the impartial selection of jurors or to procure excuse or exemption from jury service or who solicits, demands, or receives money or anything of value or the promise thereof from any person for the purpose of in any manner affecting the selection or excusing or exemption of any persons from jury service or does any of these things for the purpose of enabling himself or another to evade or escape jury service, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars and undergo imprisonment not exceeding two years, or either, or both, at the discretion of the court.

Penalty.

Violations by others.

Penalty.

Tampering with names.

Section 21. Any person who directly or indirectly unlawfully tampers with the names drawn from the jury wheel or with the jury wheel or with any jury list, with intent to hinder the operation of any of the provisions of this act, shall be guilty of a misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars and undergo imprisonment not exceeding two years, or either, or both, at the discretion of the court.

Penalty.

Tampering with juror.

Section 22. Any person who having in any way ascertained the names of persons drawn from the jury



wheel, as hereinbefore provided, shall thereafter discuss with such prospective juror the facts of any particular suit, action, or cause then listed for trial in the court for which said prospective juror has been summoned for jury service, with the intent to influence the said juror in his service or in the consideration of the evidence in such suit, action, or cause, shall be guilty of misdemeanor and upon conviction thereof shall be sentenced to pay a fine not exceeding five thousand dollars and undergo imprisonment not exceeding two years, or either, or both, at the discretion of the court. The penalty in this section provided shall be in addition to the penalties now prescribed by law for bribery.

Penalty.

Section 23. It shall be the duty of any juror so summoned as aforesaid to serve in any of the several courts aforesaid to make known to the board if such juror has performed jury service within three years last past immediately preceding his being so summoned, and if so such juror shall be ineligible for service until the full period of three years has elapsed since his last service as a juror; and failure on the part of the juror to so inform the board shall be a misdemeanor and shall be punishable by imprisonment for a period of thirty days and a fine of one hundred dollars, either, or both, at the discretion of the court.

Duties of juror.

Section 24. Upon the passage of this act the jury wheel shall remain in the sheriff's custody, with the names of the jurors selected for the present year, and the jurors for the current year shall be drawn therefrom until a new jury list shall have been prepared and placed in the wheel in accordance with the provisions of this act.

Custody of wheel until new list ready.

Section 25. The salary of the two members of the said commission elected to the said office shall be four thousand dollars (\$4,000) per annum payable monthly or semi-monthly. Neither the president judge of the court of common pleas nor any other judge who may serve upon said commission shall receive any additional salary for such service. The salary of all clerks, assistants, investigators, or employes shall be such as may be fixed by the salary board hereinbefore provided for to fix the number and compensation of the clerks, assistants, investigators, and employes of said commission.

Salaries of commissioners.

Section 26. If any provisions of this act shall be held by any court to be unconstitutional such judgment shall not affect any other section or provision of the same. It is hereby declared as a legislative intent that this act would have been passed had such unconstitutional provisions not been included therein.

Severability of act.

Repeal.

Section 27. All general, local, or special acts or parts of acts inconsistent herewith are hereby repealed as to counties of the second class.

APPROVED—The 11th day of May, A. D. 1925.

GIFFORD PINCHOT.

No. 303.

AN ACT

Regulating and providing fees of the several clerks of quarter sessions of the several counties of this Commonwealth, other than in counties of the first and second classes.

Fees of clerks of court of quarter sessions, other than in counties of first and second classes.

Section 1. Be it enacted, &c., That the fees of the several clerks of quarter sessions of the several counties of this Commonwealth, other than in counties of the first and second classes, shall be as follows, to wit:

Issuing venire, grand jury, one dollar. Issuing venire, traverse jury, each, one dollar. Administering oath and seal, fifty cents. Filing, indexing, and recording information in quarter session docket, three dollars. Filing and recording information or petition in juvenile docket, three dollars. Calling and swearing jury and witnesses relating to one prosecution, including arraignment of defendant or defendants, one dollar and fifty cents. Recording bill and verdict relating to one prosecution, one dollar. The same services where bill is returned ignored, one dollar and fifty cents. Calling recognizance and entry of forfeiture, fifty cents. Taking recognizance in court, each person, one dollar. Respiting or discharging forfeited recognizances and motion therefor, fifty cents. Estreating forfeited recognizance into county commissioners' office, fifty cents. Every motion and rule, fifty cents. Recording continuance, fifty cents. Entering submission and judgment, seventy-five cents. All services in desertion and non-support and surety of peace cases, except subpoenas or attachments, or for taking recognizances, one dollar and fifty cents. Entering proceedings of supreme court, one dollar and fifty cents. Recording and entering appeals from justices and all services pertaining thereto, three dollars. Certificate of pay for jurors and constables, one dollar. Issuing notice to defaulting jurors, twenty-five cents. Filing any paper not relating to any suit pending or not hereinbefore provided for, fifty cents. Every warrant of seizure and proceedings thereon, one dollar. Commitments to county prison, one dollar. Discharge from county prison, one dollar. Commitments to penitentiary, workhouse, and reformatory, one dollar. Bail-piece, one dollar. Issuing attachment, one