

No. 2007-37

AN ACT

SB 116

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, providing for proportional reduction of certain county court reimbursements; further providing for senior judge operational support grants; providing for adoption of guidelines for fines; further providing for selection of prospective jurors; providing for Statewide jury information system; and further providing for no limitation applicable.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 915. Proportional reduction.

Notwithstanding the provisions of section 914 (relating to reimbursement for common pleas court costs), in the event that the total county court reimbursement qualifying for payment for any calendar year exceeds the amount appropriated by the General Assembly for such purpose, the Court Administrator of Pennsylvania shall proportionally reduce the amount of reimbursement for every county so that the total of all reimbursements does not exceed the amount appropriated.

Section 1.1. Section 1906 of Title 42 is amended to read:

[§ 1906. Senior judge operational support grants.

(a) **Program.**—The Court Administrator of Pennsylvania shall create a program to defray the costs imposed on counties by the rules of judicial administration for facilities and staff for senior judges assigned to the courts of common pleas.

(b) **Availability.**—Grants will be made available to counties based on the level of operational support provided by a county to:

(1) Senior judges formerly of the judicial district in which the county is situated who are regularly or periodically assigned in that county or who are assigned pursuant to section 4544 (relating to convening multicounty investigating grand jury).

(2) Visiting senior judges.

(c) **Purpose.**—Grants will be made available to counties to reimburse them for operational support provided by the county during the preceding calendar year. Grants will be calculated based on use of judicial chambers, utilization of the services of a law clerk and utilization of the services of a secretary, which chambers or services are deemed adequate and appropriate by the Administrative Office as follows:

(1) Use of judicial chambers will be reimbursed at the rate of \$60 per day, billable in one-half-day increments.

(2) Utilization of services of a law clerk will be reimbursed at \$20 per hour.

(3) Utilization of services of a secretary will be reimbursed at \$12 per hour.

(d) Reimbursement.—Counties will be reimbursed upon timely application by the board of commissioners or, in the absence of a board of commissioners, the executive authority of the county or, in the case of a county which is coterminous with a city of the first class, the mayor of the city of the first class. The application shall be certified by the president judge of the judicial district in which the county is situated, shall include such documentation as may be required by the Administrative Office and shall be submitted as follows:

(1) Applications for reimbursement for operational support provided by counties during calendar year 2001 shall be submitted by April 1, 2002, and grants shall be paid by June 30, 2002.

(2) The due dates for applications for operational support provided during calendar years beginning January 1, 2002, and thereafter shall be established by the Court Administrator of Pennsylvania.

(e) Minimum standards.—The Administrative Office shall set forth minimum standards regarding adequacy, appropriateness and quality of judicial chambers and services required to qualify for reimbursement.

(f) Reduction.—In the event that the total reimbursement qualifying for payment for any calendar year exceeds the amount appropriated by the General Assembly for such purpose, the Court Administrator of Pennsylvania shall proportionally reduce the grant for each county so that the total of all grants does not exceed the amount appropriated.

(g) Limit on grant amount.—No county shall receive more than 20% of the amount appropriated for senior judge operational support grants in any fiscal year.

(h) Report.—Not later than 60 days following payment of grants for any year, the Court Administrator of Pennsylvania shall make a report to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives setting forth the payments made to counties and the services provided.

(i) Expiration.—This section shall expire on June 30, 2007, unless reenacted prior to that date.]

§ 1906. Senior judge operational support grants.

(a) Program.—*The Court Administrator of Pennsylvania shall create a program to defray the costs imposed on counties by the rules of judicial administration for facilities and staff for senior judges assigned to the courts of common pleas.*

(b) Availability.—Grants will be made available to counties based on the level of operational support provided by a county to:

(1) Senior judges formerly of the judicial district in which the county is situated who are regularly or periodically assigned in that county or who are assigned pursuant to section 4544 (relating to convening multicounty investigating grand jury).

(2) Visiting senior judges.

(c) Purpose.—Grants will be made available to counties to reimburse them for operational support provided by the county during the preceding calendar year. Grants will be calculated based on use of judicial chambers, utilization of the services of a law clerk and utilization of the services of a secretary, which chambers or services are deemed adequate and appropriate by the Administrative Office as follows:

(1) Use of judicial chambers will be reimbursed at the rate of \$60 per day, billable in one-half-day increments.

(2) Utilization of services of a law clerk will be reimbursed at \$20 per hour.

(3) Utilization of services of a secretary will be reimbursed at \$12 per hour.

(d) Reimbursement.—Counties will be reimbursed upon timely application by the board of commissioners or, in the absence of a board of commissioners, the executive authority of the county or, in the case of a county which is coterminous with a city of the first class, the mayor of the city of the first class. The application shall be certified by the president judge of the judicial district in which the county is situated, shall include such documentation as may be required by the Administrative Office and shall be submitted as follows:

(1) Applications for reimbursement for operational support provided by counties during calendar year 2001 shall be submitted by April 1, 2002, and grants shall be paid by June 30, 2002.

(2) The due dates for applications for operational support provided during calendar years beginning January 1, 2002, and thereafter shall be established by the Court Administrator of Pennsylvania.

(e) Minimum standards.—The Administrative Office shall set forth minimum standards regarding adequacy, appropriateness and quality of judicial chambers and services required to qualify for reimbursement.

(f) Reduction.—In the event that the total reimbursement qualifying for payment for any calendar year exceeds the amount appropriated by the General Assembly for such purpose, the Court Administrator of Pennsylvania shall proportionally reduce the grant for each county so that the total of all grants does not exceed the amount appropriated.

(g) Limit on grant amount.—No county shall receive more than 20% of the amount appropriated for senior judge operational support grants in any fiscal year.

(h) Report.—Not later than 60 days following payment of grants for any year, the Court Administrator of Pennsylvania shall make a report to the Appropriations Committee of the Senate and the Appropriations Committee of the House of Representatives setting forth the payments made to counties and the services provided.

(i) Expiration.—This section shall expire on June 30, 2012, unless reenacted prior to that date.

Section 1.2. Title 42 is amended by adding a section to read:

§ 2154.3. Adoption of guidelines for fines.

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

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

(2) Specify a range of fines or other lawful economic sanctions of increased amount for defendants previously convicted or adjudicated delinquent for one or more misdemeanor or felony offenses committed prior to the current offense. For purposes of this paragraph, the term “previously convicted or adjudicated delinquent” shall include any finding of guilt or adjudication of delinquency whether or not sentence has been imposed or disposition ordered prior to the commission of the current offense.

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

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

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

§ 4521. Selection of prospective jurors.

(a) Preparation of master list of prospective jurors.—

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

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

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

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

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

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

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

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

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

* * *

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

§ 4521.1. Statewide jury information system.

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

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

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

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

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

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

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

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

(3) *Date of birth.*

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

(c) *Duties of Court Administrator.—The Court Administrator of Pennsylvania shall annually collect information for creation of a Statewide jury information system. This shall be completed by:*

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

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

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

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

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

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

(e) *Restrictions on use of information.—Information provided by the departments to the Court Administrator of Pennsylvania shall be provided by agreement executed by the appropriate authorities. The agreement shall include, but not be limited to, the following conditions:*

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

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

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

(4) *Except as provided in section 4521(b) (relating to selection of prospective jurors), any rerelease of the information provided pursuant to this section is strictly prohibited.*

(5) *The Statewide jury information system and any list provided by the Court Administrator of Pennsylvania to the county jury selection commission pursuant to this section may not reveal the source of names*

on that list or indicate in any way the source of the names submitted pursuant to subsection (a).

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

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

§ 5551. No limitation applicable.

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

(1) Murder.

(2) Voluntary manslaughter.

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

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

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

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

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

Section 6. The amendment of 42 Pa.C.S. § 1906 shall apply retroactively to July 1, 2007.

Section 7. This act shall take effect as follows:

(1) The amendment or addition of 42 Pa.C.S. §§ 2154.3, 4521 and 4521.1 shall take effect in 120 days.

(2) The following provisions shall take effect immediately:

(i) The amendment of 42 Pa.C.S. § 1906.

(ii) Section 6 of this act.

(iii) This section.

(3) The remainder of this act shall take effect in 60 days.

APPROVED—The 17th day of July, A.D. 2007.

EDWARD G. RENDELL