

**Cross References.** Subchapter D is referred to in section 8931 of this title.

**§ 4541. Short title of subchapter.**

This subchapter shall be known and may be cited as the "Investigating Grand Jury Act."

**Renumbering.** Former section 4541 was renumbered 4531 pursuant to section 216(a)(1) of the act of October 5, 1980 (P.L.693, No.142).

**§ 4542. Definitions.**

The following words and phrases when used in this subchapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

**"Attorney for the Commonwealth."** The district attorney of the county in which a county investigating grand jury is summoned, or his designee, or the Attorney General or his designee if the Attorney General has superseded the district attorney; the Attorney General, or his designee, with respect to multicounty investigating grand juries.

**"Investigating grand jury."** The county investigating grand jury or the multicounty investigating grand jury or both.

**"Investigating grand jury presentment."** A written formal recommendation by an investigating grand jury that specific persons be charged with specific crimes.

**"Investigating grand jury report."** A report submitted by the investigating grand jury to the supervising judge regarding conditions relating to organized crime or public corruption or both; or proposing recommendations for legislative, executive, or administrative action in the public interest based upon stated findings.

**"Investigative resources of the grand jury."** The power to compel the attendance of investigating witnesses; the power to compel the testimony of investigating witnesses under oath; the power to take investigating testimony from witnesses who have been granted immunity; the power to require the production of documents, records and other evidence; the power to obtain the initiation of civil and criminal contempt proceedings; and every investigative power of any grand jury of the Commonwealth.

**"Multicounty investigating grand jury."** A Statewide or regional investigating grand jury convened by the Supreme Court upon the application of the Attorney General and having jurisdiction to inquire into organized crime or public corruption or both under circumstances wherein more than one county is named in the order convening said investigating grand jury.

**"Organized crime."** The unlawful activity of an association trafficking in illegal goods or services, including but not limited to gambling, prostitution, loan sharking, controlled substances, labor racketeering, or other unlawful activities; or any continuing criminal conspiracy or other unlawful practice which has as its objective:

(1) large economic gain through fraudulent or coercive practices; or

(2) improper governmental influence.

**"Public corruption."** The unlawful activity under color of or in connection with any public office or employment of:

(1) any public official or public employee, or the agent of any public official or public employee under color of or in connection with any public office or employment; or

(2) any candidate for public office or the agent of any candidate for public office.

**"Supervising judge."** The common pleas judge designated by the

president judge to supervise the activities of the county investigating grand jury, or the common pleas judge designated by the Supreme Court to supervise the activities of the multicounty investigating grand jury.

**"Supreme Court."** The Chief Justice of Pennsylvania or any other justice of the Supreme Court designated by or pursuant to general rule to act for the court under this subchapter.

**Renumbering.** Former section 4542 was renumbered 4532 pursuant to section 216(a)(1) of the act of October 5, 1980 (P.L.693, No.142).

**§ 4543. Convening county investigating grand jury.**

**(a) General rule.--**In addition to such other grand juries as are called from time to time, county investigating grand juries shall be summoned as provided in subsection (b).

**(b) On the initiative of attorney for Commonwealth.--**Application may be made to the president judge of the appropriate court of common pleas by the attorney for the Commonwealth for an order directing that a county investigating grand jury be summoned, stating in such application that the convening of a county investigating grand jury is necessary because of the existence of criminal activity within the county which can best be fully investigated using the investigative resources of the grand jury. Within ten days of receipt of such application, the president judge shall issue an order granting the request. The order shall specify which judge is to be the supervising judge of the county investigating grand jury. Refusal to grant an application under this subsection shall be appealable to the Supreme Court in the manner prescribed by general rule.

**(c) On the initiative of the court.--**In the absence of an order under subsection (b), the president judge of the court of common pleas upon his own motion may issue an order directing that a county investigating grand jury be summoned, except that the summoning of such grand jury may, in the discretion of the court, be stayed if the district attorney of the county and the Attorney General both certify to the court that, in their judgments, the summoning of such grand jury is not necessary at such time.

**(d) Manner of impaneling.--**The county investigating grand jury shall be impaneled in the manner provided or prescribed by law.

**Cross References.** Section 4543 is referred to in sections 4544, 4547 of this title.

**§ 4544. Convening multicounty investigating grand jury.**

**(a) General rule.--**Application for a multicounty investigating grand jury may be made by the Attorney General to the Supreme Court. In such application the Attorney General shall state that, in his judgment, the convening of a multicounty investigating grand jury is necessary because of organized crime or public corruption or both involving more than one county of the Commonwealth and that, in his judgment, the investigation cannot be adequately performed by an investigating grand jury available under section 4543 (relating to convening county investigating grand jury). The application shall specify for which counties the multicounty investigating grand jury is to be convened. Within ten days of receipt of such application, the court shall issue an order granting the same. Failure by an individual justice to grant such application shall be appealable to the entire Supreme Court.

**(b) Contents of order.--**An order issued under subsection (a) shall:

- (1) convene a multicounty investigating grand jury having Statewide jurisdiction, or jurisdiction over all counties

requested in the application by the Attorney General;

(2) designate a judge of a court of common pleas to be the supervising judge over such multicounty investigating grand jury and provide that such judge shall with respect to investigations, presentments, reports, and all other proper activities of said investigating multicounty grand jury, have jurisdiction over all counties in the jurisdiction of said multicounty investigating grand jury;

(3) designate the counties which shall supply jurors and in what ratios;

(4) designate a location or locations for the multicounty investigating grand jury proceeding; and

(5) provide for such other incidental arrangements as may be necessary including the Commonwealth's share of expenses.

All matters to be included in such order shall be determined by the justice issuing the order in any manner which he deems appropriate, except that the Supreme Court may adopt general rules, consistent with the provisions of this section, establishing standard procedures for the convening of multicounty investigating grand juries.

**(c) Manner of impaneling.**--The multicounty investigating grand jury shall be impaneled in the manner provided or prescribed by law.

**(d) Effect on district attorneys.**--The impaneling of a multicounty investigating grand jury shall in no way diminish the responsibility and the authority of the district attorneys within their jurisdictions to investigate and prosecute organized crime or public corruption or both.

**Cross References.** Section 4544 is referred to in sections 1906, 4547 of this title.

**§ 4545. Composition of investigating grand jury.**

**(a) General rule.**--Each investigating grand jury shall be composed initially of 23 members and have a minimum of seven and not more than 15 alternates. Subsequent vacancies shall be filled by substituting alternates for the members who are excused or otherwise unable to continue their service.

**(b) Quorum and manner of action.**--Fifteen members shall constitute a quorum and may conduct business for the investigating grand jury. A majority of the full investigating grand jury shall be required to adopt a report or issue a presentment.

**(c) Officers.**--The supervising judge shall appoint a foreman from among the members of the investigating grand jury. The members of the investigating grand jury shall then elect a secretary.

(Dec. 20, 2000, P.L.742, No.105, eff. 60 days)

**2000 Amendment.** Act 105 amended subsec. (a).

**§ 4546. Term of investigating grand jury.**

**(a) General rule.**--An investigating grand jury shall not be limited in duration to any term of court. Each such investigating grand jury shall, except as provided in subsections (b) and (c), serve for a term of 18 months, unless an order for discharge shall be entered earlier by the court upon the determination of such investigating grand jury, by majority vote, that its business has been completed.

**(b) Extension on initiative of grand jury.**--If, at the end of its original term or any extension thereof, any investigating grand jury determines by majority vote that it has not completed its business, it may request the court to extend its term for an additional period of six months, except that no such investigating

grand jury term shall exceed 24 months from the time it was originally summoned. The court shall issue an order granting a request for extension unless it determines that such request is clearly without basis. Failure to grant an extension of term under this subsection may be appealed by the attorney for the Commonwealth to the Supreme Court in the manner prescribed by general rule. If an appeal is taken, the grand jury, except as otherwise prescribed by general rule, shall continue to exercise its powers pending the disposition of the appeal.

**(c) Discharge by court.**--If, at any time within the original term of any investigating grand jury or any extension thereof, the court determines that the investigating grand jury is not conducting proper investigative activity, the court may order that such grand jury be discharged. An order of discharge under this subsection shall not become effective less than ten days after the date on which it is issued and actual notice given to the attorney for the Commonwealth and the foreman of the investigating grand jury, and may be appealed by the attorney for the Commonwealth to the Supreme Court in the manner prescribed by general rule. If an appeal is taken, the grand jury, except as otherwise prescribed by general rule, shall continue to exercise its powers pending the disposition of the appeal.

#### **§ 4547. Additional investigating grand juries.**

Whenever the attorney for the Commonwealth determines that the volume of work of an investigating grand jury exceeds the capacity of the investigating grand jury to discharge its obligations, he may make application to the court to impanel additional investigating grand juries under the provisions of section 4543 (relating to convening county investigating grand jury) and section 4544 (relating to convening multicounty investigating grand jury).

#### **§ 4548. Powers of investigating grand jury.**

**(a) General rule.**--The investigating grand jury shall have the power to inquire into offenses against the criminal laws of the Commonwealth alleged to have been committed within the county or counties in which it is summoned. Such power shall include the investigative resources of the grand jury which shall include but not be limited to the power of subpoena, the power to obtain the initiation of civil and criminal contempt proceedings, and every investigative power of any grand jury of the Commonwealth. Such alleged offenses may be brought to the attention of such grand jury by the court or by the attorney for the Commonwealth, but in no case shall the investigating grand jury inquire into alleged offenses on its own motion.

**(b) Presentments.**--The investigating grand jury shall have the power to issue a presentment with regard to any person who appears to have committed within the county or counties in which such investigating grand jury is summoned an offense against the criminal laws of the Commonwealth.

**(c) Other powers.**--Except for the power to indict, the investigating grand jury shall have every power available to any other grand jury in the Commonwealth. The jurisdiction, powers and activities of an investigating grand jury shall not, if otherwise lawful, be limited in any way by the charge of the court.

#### **§ 4549. Investigating grand jury proceedings.**

**(a) Documents and transcript.**--Any document produced before an investigating grand jury may be copied or reproduced. Each statement, question, comment or response of the supervising judge, the attorney for the Commonwealth, any witness, any grand juror or any other person which is made in the presence of the investigating grand jury, except its deliberations and the vote of any juror, shall be stenographically recorded or transcribed or

both.

**(b) Disclosure of proceedings by participants other than witnesses.**--Disclosure of matters occurring before the grand jury other than its deliberations and the vote of any juror may be made to the attorneys for the Commonwealth for use in the performance of their duties. The attorneys for the Commonwealth may with the approval of the supervising judge disclose matters occurring before the investigating grand jury including transcripts of testimony to local, State, other state or Federal law enforcement or investigating agencies to assist them in investigating crimes under their investigative jurisdiction. Otherwise a juror, attorney, interpreter, stenographer, operator of a recording device, or any typist who transcribes recorded testimony may disclose matters occurring before the grand jury only when so directed by the court. All such persons shall be sworn to secrecy, and shall be in contempt of court if they reveal any information which they are sworn to keep secret.

**(c) Counsel for witnesses.**--

(1) A witness subpoenaed to appear and testify before an investigating grand jury or to produce documents, records or other evidence before an investigating grand jury shall be entitled to the assistance of counsel, including assistance during such time as the witness is questioned in the presence of the investigating grand jury. In the event counsel of the witness' choice is not available, he shall be required to obtain other counsel within a reasonable time in order that the work of the grand jury may proceed.

(2) Such counsel may be retained by the witness or shall be appointed in the case of any person unable to procure sufficient funds to obtain legal representation.

(3) Such counsel shall be allowed to be present in the grand jury room during the questioning of the witness and shall be allowed to advise the witness but shall make no objections or arguments or otherwise address the grand jury or the attorney for the Commonwealth. The supervising judge shall have the same power to remove such counsel from the grand jury room as a judge has with respect to an attorney in any court proceeding. Violation of this paragraph shall be punishable as contempt by the supervising judge.

(4) An attorney, or attorneys who are associated in practice, shall not continue multiple representation of clients in a grand jury proceeding if the exercise of the independent professional judgment of an attorney on behalf of one of the clients will or is likely to be adversely affected by his representation of another client. If the supervising judge determines that the interest of an individual will or is likely to be adversely affected, he may order separate representation of witnesses, giving appropriate weight to the right of an individual to counsel of his own choosing.

**(d) Disclosure of proceedings by witnesses.**--No witness shall be prohibited from disclosing his testimony before the investigating grand jury except for cause shown in a hearing before the supervising judge. In no event may a witness be prevented from disclosing his testimony to his attorney.

**§ 4550. Submission of investigations by attorney for the Commonwealth to investigating grand jury.**

**(a) General rule.**--Before submitting an investigation to the investigating grand jury the attorney for the Commonwealth shall submit a notice to the supervising judge. This notice shall allege that the matter in question should be brought to the attention of the investigating grand jury because the investigative resources of the grand jury are necessary for proper investigation. The

notice shall allege that one or more of the investigative resources of the grand jury are required in order to adequately investigate the matter.

**(b) Effect of notice.**--After the attorney for the Commonwealth has filed the notice submitting a matter to the investigating grand jury any or all of the investigative resources of the investigating grand jury may be used as regards the investigation.

#### **§ 4551. Investigating grand jury presentments.**

**(a) General rule.**--Should the investigating grand jury determine that upon the basis of evidence presented to it a presentment should be returned against an individual, the grand jury shall direct the attorney for the Commonwealth to prepare a presentment which shall be submitted to the investigating grand jury for a vote. Should a majority of the full grand jury vote approval for the presentment it shall then be submitted to the supervising judge. The supervising judge shall examine the presentment, and if it is within the authority of the investigating grand jury and is otherwise in accordance with the provisions of this subchapter, the supervising judge shall issue an order accepting the presentment. Otherwise, the supervising judge shall refuse to accept the presentment and shall order that the investigating grand jury take further appropriate action.

**(b) Sealed presentment.**--The supervising judge to whom a presentment is submitted may, on his own motion or at the request of the Commonwealth, direct that the presentment be kept secret until the defendant is in custody or has been released pending trial. In directing that the presentment be kept secret, the supervising judge shall enter an order requiring that the presentment be sealed and that no person shall disclose a return of the presentment except when necessary for issuance and execution of process.

**(c) Prosecution by Attorney General.**--Whenever a multicounty investigating grand jury returns a presentment against any person the Attorney General or his designee shall, with respect to the alleged criminal activities, be authorized to prosecute the person on behalf of the Commonwealth by instituting criminal proceedings in the county of appropriate venue. The Attorney General or his designee shall take the oath of office required by law to be taken of district attorneys, and shall be clothed with all the powers and subject to all the liabilities imposed upon district attorneys by law.

**(d) Venue.**--In any case where a multicounty investigating grand jury returns a presentment the supervising judge shall select the county for conducting the trial from among those counties having jurisdiction.

**(e) Procedure following presentment.**--When the attorney for the Commonwealth proceeds on the basis of a presentment, a complaint shall be filed and the defendant shall be entitled to a preliminary hearing as in other criminal proceedings.

#### **§ 4552. Investigating grand jury reports.**

**(a) General rule.**--Any investigating grand jury, by an affirmative majority vote of the full investigating grand jury, may, at any time during its term submit to the supervising judge an investigating grand jury report.

**(b) Examination by court.**--The judge to whom such report is submitted shall examine it and the record of the investigating grand jury and, except as otherwise provided in this section, shall issue an order accepting and filing such report as a public record with the court of common pleas established for or embracing the county or counties which are the subject of such report only if the report is based upon facts received in the course of an investigation authorized by this subchapter and is supported by

the preponderance of the evidence.

**(c) Sealed report.**--Upon the submission of a report pursuant to subsection (a), if the supervising judge finds that the filing of such report as a public record may prejudice fair consideration of a pending criminal matter, he shall order such report sealed and such report shall not be subject to subpoena or public inspection during the pendency of such criminal matter except upon order of court.

**(d) Appeal from refusal to file.**--Failure of the supervising judge to accept and file as a public record a report submitted under this section may be appealed by the attorney for the Commonwealth to the Supreme Court in the manner prescribed by general rules.

**(e) Authorization of response by nonindicted subject.**--If the supervising judge finds that the report is critical of an individual not indicted for a criminal offense the supervising judge may in his sole discretion allow the named individual to submit a response to the allegations contained in the report. The supervising judge may then in his discretion allow the response to be attached to the report as part of the report before the report is made part of the public record pursuant to subsection (b).

**§ 4553. Expenses of investigating grand juries and trials resulting therefrom.**

**(a) County.**--The expenses of a county investigating grand jury shall be borne by the county in which it is impaneled.

**(b) Multicounty.**--The expenses of any multicounty investigating grand jury shall be borne by the Commonwealth.

(1) Multicounty investigating grand jurors shall be compensated at the rate of \$40 for each day that they report for service. Jurors shall be paid a travel allowance at the rate that an employee of the Office of Attorney General on official business would be reimbursed. Jurors shall receive payment of per diem meal expenses in the amounts of \$6 for breakfast, \$10 for lunch and \$25 for dinner for any day or portion thereof that the person is serving as a juror. Only those persons who are required, because of the distance from their residence, to obtain overnight accommodations at the site of the multicounty investigating grand jury shall receive payment of a per diem for breakfast and dinner.

(2) The costs and expenses resulting from any trial of a person against whom a presentment has been issued by a multicounty investigating grand jury shall be borne by the Commonwealth. Costs and expenses under this subsection include, but are not limited to, all reasonable costs incurred by the county for the services of the courts, the trial jury, the sheriff, the clerk of courts, the county prison, the district attorney and any public defender appointed by the court, and related costs and expenses incurred by the county in the course of the trial.

(3) Counties shall be reimbursed from the General Fund of the Commonwealth upon application to the State Treasurer through the Office of Attorney General pursuant to procedures prescribed by that office.

(Dec. 19, 1984, P.L.1089, No.218, eff. imd.; Dec. 19, 1984, P.L.1189, No.225, eff. imd.; Oct. 17, 2002, P.L.880, No.127, eff. imd.)

**2002 Amendment.** Act 127 amended subsec. (b).

**1984 Amendments.** Acts 218 and 225 amended the entire section, retroactive to March 29, 1983. Act 225 overlooked the amendment by Act 218, but the amendments do not conflict in substance and have

both been given effect in setting forth the text of the section.

**Cross References.** Section 4553 is referred to in section 4561 of this title.

## SUBCHAPTER E MISCELLANEOUS PROVISIONS

### Sec.

- 4561. Compensation of and travel allowance for jurors.
- 4562. Juror's right to refuse inquiries.
- 4563. Protection of employment of petit and grand jurors.
- 4563.1. Protection of employment of grand jurors (Deleted by amendment).
- 4564. Alternate jurors.
- 4565. Challenging certain petit jurors where political subdivision is a party.

**Relettering.** Subchapter E was relettered from Subchapter D and former Subchapter E was relettered to Subchapter F pursuant to section 216(a)(1) of the act of October 5, 1980 (P.L.693, No.142).

### § 4561. Compensation of and travel allowance for jurors.

**(a) Compensation.--**A person summoned to serve as a juror shall receive compensation at the rate of \$9 a day for the first three days in any calendar year he shall be required to report for service and \$25 a day for each day thereafter in such calendar year that such person is required to report. In addition, persons so summoned shall be paid a travel allowance at the rate of 17¢ per mile circular except that no travel allowance shall be paid in the first judicial district.

**(b) State reimbursement.--**The Commonwealth shall reimburse each county 80% of the amount expended by the county for such compensation and travel allowance beyond the first three days of service if the juror is participating in a trial or in grand jury proceedings. Application for reimbursement shall be made by the county to the State Treasurer through the Administrative Office pursuant to procedures prescribed by said office. As used in this section, trial participation shall include voir dire examination only if such examination shall have commenced prior to the juror's fourth day of service.

**(c) Definition.--**As used in this section, the term "jurors" does not apply to those persons summoned to serve on a multicounty investigating grand jury who are reimbursed under section 4553(b) (relating to expenses of investigating grand juries and trials resulting therefrom).

(Dec. 5, 1980, P.L.1104, No.189, eff. imd.; Dec. 20, 1982, P.L.1409, No.326, eff. 60 days; Oct. 17, 2002, P.L.880, No.127, eff. 60 days)

**2002 Amendment.** Act 127 added subsec. (c).

### § 4562. Juror's right to refuse inquiries.

Except where jury tampering is being investigated by the proper authorities, a juror shall not be required to answer to any person concerning the manner in which the jury reached its verdict or why it was unable to agree upon a verdict.

### § 4563. Protection of employment of petit and grand jurors.

**(a) General rule.--**An employer shall not deprive an employee of his employment, seniority position or benefits, or threaten or otherwise coerce him with respect thereto, because the employee receives a summons, responds thereto, serves as a juror or attends court for prospective jury service. Nothing in this section shall



be construed to require the employer to compensate the employee for employment time lost because of such jury service.

**(b) Penalty.**--Any employer who violates subsection (a) commits a summary offense.

**(c) Civil remedy available.**--If an employer penalizes an employee in violation of subsection (a) the employee may bring a civil action for recovery of wages and benefits lost as a result of the violation and for an order requiring the reinstatement of the employee. Damages recoverable shall not exceed wages and benefits actually lost. If he prevails, the employee shall be allowed a reasonable attorney's fee fixed by the court.

**(d) Exception.**--Subsection (a) shall not apply to any employer in any retail or service industry employing fewer than 15 persons or any employer in any manufacturing industry employing fewer than 40 persons.

**(e) Right to excuse.**--Any individual not entitled to reemployment under subsection (a) shall, upon request to the court, be excused from jury service.

(Dec. 20, 1982, P.L.1409, No.326, eff. 60 days)

**Cross References.** Section 4563 is referred to in section 5522 of this title.

**§ 4563.1. Protection of employment of grand jurors (Deleted by amendment).**

(Dec. 20, 1982, P.L.1409, No.326, eff. 60 days)

**1982 Amendment.** Section 4563.1 was deleted by amendment December 20, 1982, P.L.1409, No.326, effective in 60 days.

**§ 4564. Alternate jurors.**

Alternate jurors shall be selected and shall serve as jurors under terms and conditions prescribed by general rules.

**§ 4565. Challenging certain petit jurors where political subdivision is a party.**

A person shall not be challenged for cause and excluded from serving as a juror in any action or proceeding in which a political subdivision is a party or is interested because such person is or was an officer, rated citizen or inhabitant in such political subdivision or owns assessed or taxable property or is liable to the assessment or payment of taxes in such political subdivision. This section shall not apply to peremptory challenges of such persons.

(Dec. 20, 1982, P.L.1409, No.326, eff. 60 days)

## SUBCHAPTER F PENALTIES

### Sec.

4581. Interfering with selection of jurors.

4582. Tampering with names of jurors.

4583. Tampering with jurors.

4583.1. Aggravated jury tampering.

4584. Failure of juror to appear.

**Relettering.** Subchapter F was relettered from Subchapter E pursuant to section 216(a)(1) of the act of October 5, 1980 (P.L.693, No.142).

**§ 4581. Interfering with selection of jurors.**

**(a) Commission members and employees.**--Any member of the jury selection commission or any employee, clerk, investigator or

assistant in the employ of the commission, who shall violate any of the provisions of this chapter for the purpose of unlawfully procuring the selection or nonselection of any person for jury service commits a misdemeanor of the second degree and upon conviction thereof shall be forthwith removed from his office or employment and in addition thereto shall be ineligible to hold any public office or employment under the laws of this Commonwealth. In the case of the judicial member of the commission, such member shall be disqualified to hold his position on the commission and the matter shall be referred to the Judicial Conduct Board.

**(b) Other persons.**--Any person other than the persons described in subsection (a), who undertakes or offers by illegal means 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 effecting the impartial selection of jurors or to procure 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 exemption of any persons from jury service or performs any of these acts for the purpose of enabling himself or another to evade jury service, commits a misdemeanor of the second degree.

(July 2, 1993, P.L.395, No.56, eff. Aug. 16, 1993)

**1993 Amendment.** Act 56 amended subsec. (a).

**§ 4582. Tampering with names of jurors.**

Any person who directly or indirectly unlawfully tampers with the names drawn from the master list of prospective jurors or jury wheel or with the master list of prospective jurors or jury wheel or with any array or jury list commits a misdemeanor of the second degree.

**§ 4583. Tampering with jurors.**

Any person who, having in any manner ascertained the names of persons drawn from the master list of prospective jurors or jury wheel, shall thereafter discuss with any prospective juror the facts or alleged facts of any particular suit or cause then listed for trial in the court for which the prospective juror has been summoned for jury service, with the intent to influence the juror in his service or in the consideration of the evidence in the matter, commits a misdemeanor of the second degree. The penalty provided in this section shall be in addition to the penalties now provided by law for bribery.

**§ 4583.1. Aggravated jury tampering.**

**(a) Offense defined.**--A person commits the offense of aggravated jury tampering if the person influences, intimidates or impedes or attempts to influence, intimidate or impede a juror in the discharge of the juror's duties in a civil or criminal trial and:

(1) The actor employs force, violence or deception or threatens to employ force or violence upon the juror or, with the requisite intent or knowledge, upon any other person.

(2) The actor offers any pecuniary or other benefit to the juror or, with the requisite intent or knowledge, to any other person.

(3) The actor's conduct is in furtherance of a conspiracy to intimidate a juror.

(4) The actor accepts, agrees or solicits another to accept any pecuniary or other benefit to intimidate a juror.

**(b) Grading.**--

(1) The offense is a felony of the first degree if murder in the first degree or second degree or a felony of the first

degree is the highest classification of crime submitted for deliberation to the jury of which the juror is a member.

(2) The offense is a felony of the second degree if a felony of the second degree is the highest classification of crime submitted for deliberation to the jury of which the juror is a member.

(3) The offense is a felony of the third degree for any other violation of this section.

(Dec. 10, 2001, P.L.855, No.90, eff. 60 days)

**2001 Amendment.** Act 90 added section 4583.1.

**§ 4584. Failure of juror to appear.**

A prospective juror who has been summoned to serve as a juror and who fails to appear as summoned shall, unless exempt or excused pursuant to section 4503 (relating to exemptions from jury duty), be punishable for contempt of court and may be fined in an amount not exceeding \$500 or imprisoned for a term no more than ten days or both.