



JUDICIAL DISTRICT OPERATIONS AND PROGRAMS DEPARTMENT

CHANGE OF VENUE/VENIRE PROCEDURES

PURPOSE AND SCOPE

The purpose of this document is to provide practical suggestions and procedures to follow when your court requires a change of venue or venire, or your court has been chosen to host a case for which a change of venue has been granted or supply jurors where a change of venire has been granted.

This document will address:

1. General principles of change of venue and change of venire
2. Securing a host court or out-of-county jurors
3. Billing procedures
4. A sample Juror Information Sheet
5. Multi-County Investigating Grand Jury issues
6. Contact information for questions

1. CHANGE OF VENUE/CHANGE OF VENIRE, GENERALLY

If a court determines that a fair and impartial trial cannot be held in the county in which the proceeding was originally brought, it can order a change of **venue**. The order transferring venue is to be certified to the Pennsylvania Supreme Court which determines the county to which the proceeding is to be transferred. Pa.R.Crim.P. 584(B); Pa.R.C.P. 1006(d)(2).

In addition, in criminal proceedings where the court determines that a fair and impartial proceeding cannot be held in the original county the court may order a change of **venire** directing that jurors be impaneled from another county. 42 Pa.C.S. § 8702(a). As with change of venue, the order for change of venire is certified to the Pennsylvania Supreme Court which designates and notifies the county from which the jury is to be impaneled. Pa.R.Crim.P. 584(B).



2. SECURING A HOST COURT OR OUT-OF-COUNTY JURORS WHEN CHANGE OF VENUE/VENIRE HAS BEEN GRANTED

Once a change of venue or change of venire has been granted, a certified copy of the order should be mailed to: AOPC Department of Judicial District Operations and Programs, 1515 Market Street, Suite 1414 Philadelphia, PA 19102 Attention: Judicial Assignment Administrator. The Supreme Court, in coordination with AOPC, will contact and secure a host county.

In instances where counsel files a motion requesting both a change of venue and a change of venire, the trial judge should grant one or the other—but not both—prior to issuing the order, as the Supreme Court is in no position to determine whether venue or venire would be appropriate.

The anticipated trial date should be tentatively scheduled for a minimum of 45 days after grant of the venue or venire motion by the trial judge, as most counties require at least six weeks lead time to summon jurors. In addition, the tentative trial date should be somewhat flexible so that the accepting county can adequately comply with the request. Nonetheless, it is advisable when scheduling a trial date for the requesting county to contact the host county (venue) or juror-source county (venire) prior to scheduling a trial date certain. Likewise, judicial districts that are the host or juror-source county should make every attempt to proceed with the hearing/trial without delay.

A suggested reasonable length of time should not exceed three to four months, although the Rules of Criminal Procedure may dictate a sooner trial date. Only extenuating circumstances such as the necessity for a continuance and/or pretrial motions of a certain nature should delay the commencement of trial during this suggested time period.

Some courts that employ the trial “term” scheduling (i.e., master calendar) may find it more difficult and costly to schedule the selection of a jury or the commencement of a trial outside of the normal trial term. Every effort by the requesting county should be explored when scheduling a trial to avoid disruption of the business of the host or juror-source court.

In a change of venue situation, it is essential for the district court administrator of the requesting district to forward all motions, letters, and petitions written and oral to the host district’s court administrator for presentation to the judge presiding over the case.



3. BILLING PROCEDURES

Listed below are some items that are appropriate for a host county to charge to a requesting county with considerations to collegiality and comity.

Juror costs:

1. Per Diem
2. Mileage
3. Parking
4. Meals
5. Lodging

Administrative costs:

1. Postage
2. Supplies (photo copies of questionnaires, summons, parking instructions, etc.)

Personnel costs:

1. Court staff (tipstaff, court reporter, law clerk)
2. Clerk of Court staff (courtroom clerk)
3. Court Administration (jury commissioner or jury coordinator and staff)
4. Sheriff's personnel
5. Jail (housing of defendant)

These costs are typically billed at the hourly pay rate of the participating staff.

When practical, all expenses should be itemized by the host or juror-source county to ease the accounting burden for both courts. Venue changes and some venire changes may not require all of the aforementioned expenses.



If the requesting county permits the host county sufficient and convenient time for scheduling jury selection (change of venire) or commencement of trial (change of venue), the host county should only charge the requesting county those costs of manpower and supplies that exceed the normal course of business in that court. For example, if asked to supply jurors in a change of venire case for another county and the requesting county schedules jury selection for a day in which the host county normally selects jurors, only those jurors specifically summoned for that case should be charged to the requesting county. Those charges include the cost of supplies for summons and questionnaire (Pa.R.Crim.P. 625, if a criminal case), postage, parking, mileage, and juror fees. If the host county ends up using jurors specifically summoned but not seated for the out-of-county case for trials from its own court, the host court should not charge the requesting county for these jurors.

If court staff is specifically called for and used for the out-of-county case, the host court is justified for asking for reimbursement. All attempts should be made by both courts to avoid specially requesting the extended use of host court employees. For example, the requesting court may want to send their tipstaff, law clerk, court reporter, and sheriff deputy to assist in the jury selection process.

The host court should make every attempt to provide the requesting court a viable court facility, i.e., courtroom and chambers and a conference room. It is suggested that host courts not charge the requesting court for use of their facility unless extenuating circumstances force an additional charge upon the host court, e.g., use of a facility such as a town hall, fire hall etc., by jurors or other parties connected to the case.

As an added suggestion, below is a sample Juror Information Sheet, which contains important identifying information, emergency notification, and medical history information to provide vital juror information for the requesting court.

4. JUROR INFORMATION SHEET

Name:

Address:

Home Phone Number:

EMERGENCY NOTIFICATION

Name:

Address:



Phone Number: (work) (home)

Name:

Address:

Phone Number: (work) (home)

MEDICAL HISTORY

Medical issues you would think the court should be aware of:

Medications:

Name	Dosage	Time(s) Taken
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PHYSICIAN

Name:

Address:

Phone Number: (work) (home)

5. MULTI-COUNTY INVESTIGATING GRAND JURIES

The Supreme Court, upon application from the Attorney General’s office, may determine that a multi-county investigating grand jury is necessary to carry out the proper administration of justice in cases brought before the courts of the Commonwealth of Pennsylvania. These cases may include, but are not limited to, unlawful acts involving organized crime or public corruption, or both. Upon approval of the application, the Supreme Court will designate a common pleas court judge to supervise the activities of the investigating grand jury. The supervising judge will make the initial contact with the district court administrator to request a pool of jurors from which a designated number of individuals may be impaneled for the multi-county grand jury. This administrative process is in accordance with statute, 42 Pa.C.S. §§ 4543-4545.

Frequently Asked Questions on Multi-County Grand Juries

Q1. How do I draw an array for a multi-county grand jury?

A1. The array is drawn in much the same manner as a petit jury. Generally, either a contracted service or a software application is used to compile the list of names of individuals to be summoned.



- Q2.** Who conducts the voir dire?
- A2.** A specially appointed judge presides over all proceedings involving the multi-county investigating grand jury. The court administrator should supply adequate facilities; however, the host court will not need to provide a judge.
- Q3.** Does a judge preside over the jury selection?
- A3.** As noted in Q2, a specially appointed judge will preside over all proceedings, including jury selection. The Deputy Attorney General will assist in the voir dire with questions for the prospective jurors.
- Q4.** How often will I need to summon jurors for such a process and how long does their service last?
- A4.** Requests for multi-county investigating grand juries are infrequent at best, and in some counties, rare. The service for each grand jury generally lasts eighteen months and may be extended for no more than an additional six months.
- Q5.** Who is responsible for paying for juror parking, mileage, and daily fee?
- A5.** The county court will initially pay for these costs and then may request for reimbursement from the Office of the Attorney General. The district court administrator will receive written instructions from a representative of the Attorney General's office on how to apply for reimbursement.

Jurors serving on multi-county investigating grand juries are paid according to 42 Pa.C.S. § 4553(b)(1), which allots them \$40 per day as well as certain expenses set forth in the statute. In addition, expenses of trials arising from a multicounty investigating grand jury are reimbursable under 42 Pa.C.S. § 4553(b)(2). The Attorney General provides a specific reimbursement formula to each county when a case originates from a multicounty investigating grand jury. It is important that the court and the county keep precise and accurate records of allowable expenses to be reimbursed.

- Q6.** Will my county be reimbursed for incurred expenses such as postage, supplies and court staff time?
- A6.** Yes, if you apply for reimbursement and itemize the expenses.



- Q7.** Will my county be reimbursed for incurred expenses if a trial takes place in my court as a result of findings from the multi-county investigating grand jury?
- A7.** Yes. The Attorney General’s office will mail a five-page form that includes procedures and instructions for reimbursement.

6. CONTACT INFORMATION

Questions or Comments Regarding Selection of a Host or Juror-Source Court in a Change of Venue/Venire Case:

Diane Bowser
Judicial Assignments Administrator
Administrative Office of Pennsylvania Courts
1515 Market Street, Suite 1414
Philadelphia, PA 19102
Phone: (215) 560-6300
Fax: (215) 560-5492
E-mail: diane.bowser@pacourts.us

Questions or Comments on Conducting a Change of Venue/Venire Case or Billing Procedures:

Rick Pierce
Judicial District Operations and Programs
Administrative Office of Pennsylvania Courts
601 Commonwealth Avenue
Harrisburg, PA 17106
Phone: (717) 231-3300 Ext. 4011
Fax: (717) 231-3314
E-mail: rick.pierce@pacourts.us

Questions or Comments Regarding Reimbursement for Multi-County Statewide Investigating Grand Jury:

Office of the Attorney General
14th Floor, Strawberry Square
Harrisburg, PA 17120
Phone: (717) 783-9384