

Rule 632. Juror Information Questionnaire.

[(A)](a)[Prior to voir dire:] Prior to Voir Dire.

- (1) **[Each prospective juror] Persons reporting for jury service** shall complete and verify the standard, confidential juror information questionnaire **[required by paragraph (H) of this rule,] located in subdivision (h)** and any supplemental questionnaire provided by the court.
- (2) The president judge shall designate the method for distributing and maintaining the juror information questionnaires.
- (3) The trial judge and the attorneys shall receive copies of the completed questionnaires for use during *voir dire*, and the attorneys shall be given a reasonable opportunity to examine the questionnaires.

[(B)](b)Confidential. The information provided **[by the jurors]** on the **juror information** questionnaires shall be confidential and limited to use for the purpose of jury selection **[only] and pursuant to subdivision (g)**. Except for disclosures made during *voir dire*, or unless the trial judge otherwise orders pursuant to **[paragraph (F)], subdivision (f), [this] non-aggregated, personally identifiable** information shall only be made available to the trial judge, the defendant**[(s)]** and the attorney**[(s)]** for the defendant**[(s)]**, and the attorney for the Commonwealth.

[(C)](c)Not Public Record. The original and any copies of the juror information questionnaires shall not constitute a public record.

[(D)](d)Use. Juror information questionnaires shall be used in conjunction with the examination of the prospective jurors conducted by the judge or counsel pursuant to Rule 631(E), **or for the purposes of subdivision (g)**.

[(E)](e)Copies. If the court adjourns before *voir dire* is completed, the trial judge may order that the attorneys be permitted to retain their copies of the questionnaires during the adjournment. When copies of the questionnaires are permitted to be taken from the courtroom, the copies:

- (1) shall continue to be subject to the confidentiality requirements of this rule, and to the disclosure requirements of **[paragraph (B)] subdivision (b)**; and
- (2) shall not be duplicated, distributed, or published.

The trial judge may make such other order to protect the copies as is appropriate.

[(F)](f)Seal and Destruction.

- (1)** The original questionnaires of all impaneled jurors shall be retained in a sealed file and shall be destroyed upon completion of the jurors' service, unless otherwise ordered by the trial judge **or retained pursuant to subdivision (g).**
- (2)** Upon completion of *voir dire*, all copies of the **impaneled jurors'** questionnaires shall be returned to the trial judge and destroyed, unless **retained pursuant to subdivision (g) or** otherwise ordered by the trial judge at the request of the defendant**[(s)],** the attorney**[(s)]** for the defendant**[(s)],** or the attorney for the Commonwealth.

[(G)](3) Subject to subdivision (g), [The] the original and any copies of questionnaires of all **[prospective jurors] persons** not impaneled **[or not selected for any trial]** shall be destroyed upon completion of the **[jurors'] their jury** service.

(g) Retention of Information. Nothing in this rule shall prevent judicial districts from individually electing to retain the information provided by jurors on their questionnaires for the purpose of assessing their district's juror demographics, subject to the following:

- (1) The information contained in the questionnaire shall only be published by the districts in the aggregate and in a manner that does not contain or reveal any personally identifiable information of the jurors.**
- (2) If a judicial district elects to retain information from the questionnaire, the judicial district shall destroy any retained questionnaires within 30 days of completion of a juror's service unless the judicial district adopts a time period less than 30 days pursuant to a local rule. After juror information questionnaires have been destroyed, juror information may only be retained in the aggregate and in a manner that does not contain or reveal any personally identifiable information of the jurors.**

[(H)](h)Form. The form of the juror information questionnaire shall be as follows:

JUROR INFORMATION QUESTIONNAIRE
CONFIDENTIAL; NOT PUBLIC RECORD

NAME: LAST		FIRST		MIDDLE INITIAL	
CITY/TOWNSHIP			COMMUNITIES IN WHICH YOU RESIDED OVER THE PAST 10 YEARS:		
MARITAL STATUS: MARRIED ☐	SINGLE ☐	SEPARATED ☐	DIVORCED ☐	WIDOWED ☐	
OCCUPATION			OCCUPATION(S) PAST 10 YEARS		
OCCUPATION OF SPOUSE/OTHER			PAST 10 YEARS OCCUPATION OF SPOUSE/OTHER		
NUMBER OF CHILDREN			RACE[: ☐ WHITE ☐ BLACK ☐ HISPANIC ☐ OTHER]		
<u>ETHNICITY</u>			<u>GENDER</u>		
LEVEL OF EDUCATION YOURS		SPOUSE/OTHER		CHILDREN	

	YES	NO
1. Have you ever served as a juror before? If so, were you ever on a hung jury?	☐	☐
2. Do you have any religious, moral, or ethical beliefs that would prevent you from sitting in judgment in a criminal case and rendering a fair verdict?	☐	☐
3. Do you have any physical or psychological disability that might interfere with or prevent you from serving as a juror?	☐	☐
4. Have you or anyone close to you ever been the victim of a crime?	☐	☐
5. Have you or anyone close to you ever been charged with or arrested for a crime, other than a traffic violation?	☐	☐
6. Have you or anyone close to you ever been an eyewitness to a crime, whether or not it ever came to court?	☐	☐
7. Have you or anyone close to you ever worked in law enforcement or the justice system? This includes police, prosecutors, attorneys, detectives, security or prison guards, and court related agencies.	☐	☐
8. Would you be more likely to believe the testimony of a police officer or any other law enforcement officer because of his or her job?	☐	☐
9. Would you be less likely to believe the testimony of a police officer or other law enforcement officer because of his or her job?	☐	☐
10. Would you have any problem following the court's instruction that the defendant in a criminal case is presumed to be innocent unless and until proven guilty beyond a reasonable doubt?	☐	☐
11. Would you have any problem following the court's instruction that the defendant in a criminal case does not have to take the stand or present evidence, and it cannot be held against the defendant if he or she elects to remain silent or present no evidence?	☐	☐
12. Would you have any problem following the court's instruction in a criminal case that just because someone is arrested, it does not mean that the person is guilty of anything?	☐	☐
13. In general, would you have any problem following and applying the judge's instruction on the law?	☐	☐
14. Would you have any problem during jury deliberations in a criminal case discussing the case fully but still making up your own mind?	☐	☐
15. Are you presently taking any medication that might interfere with or prevent you from serving as a juror?	☐	☐
16. Is there any other reason you could not be a fair juror in a criminal case?	☐	☐

I hereby certify that the answers on this form are true and correct. I understand that false answers provided herein subject me to penalties under 18 Pa.C.S. § 4904 relating to unsworn falsification to authorities.

SIGNATURE _____ DATE _____

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Comment: This rule requires that, prior to *voir dire* in any criminal case, **[the prospective jurors, including prospective alternate jurors,] persons reporting for jury service [must] complete the [standard,] confidential juror information questionnaire [required] located in [paragraph (H)] subdivision (h),** and that the trial judge and attorneys must automatically be given copies of the completed questionnaires in time to examine them before *voir dire* begins. Compare **[Rule] Pa.R.Crim.P. 625[, which provides] (providing** that attorneys must request copies of juror qualification forms for the jurors summoned in their case).

Under **[paragraph (A)(2)] subdivision (a)(2),** it is intended that the president judge of each judicial district may designate procedures for submitting the questionnaire to the **[jurors] persons reporting for jury service** and **for** maintaining them upon completion. For example, some districts may choose to mail them along with their **[jury] juror** qualification form, while others may desire to **[have the questionnaire completed by the panel of prospective jurors when they report] distribute the questionnaire to persons upon their arrival** for jury service. This rule, however, mandates that the questionnaires be completed by each **[prospective juror to a criminal case] person reporting for jury service.**

Each judicial district must provide the **[jurors] persons reporting for jury service** with instructions for completing the form[,], and inform them of the procedures for maintaining confidentiality of the questionnaires. It is expected that each judicial district will inform the **[jurors] respondents** that the questionnaires will only be used for jury selection **or for the limited purposes provided in subdivision (g).**

Pursuant to **[paragraph (C)] subdivision (c),** the juror information questionnaire is not a public record and therefore may not be combined in one form with the **juror** qualification **[questionnaire] form** required by Rule 625. However, nothing in this rule would prohibit the distribution of both questionnaires in the same mailing.

Under **[paragraph (B)] subdivision (b),** the **disaggregated** information provided **[by the jurors] on the juror information questionnaire that contains their individualized, personally identifiable information** is confidential and may be used only for the purpose of jury selection. Except for disclosures made during *voir dire*, **[the] such** information in the completed questionnaires may not be disclosed to anyone except the trial judge, the attorneys and any persons assisting the attorneys in jury selection, such as a member of the trial team or a consultant hired to assist in jury selection, the defendant, and any court personnel designated by the judge. Even once disclosed to such persons, however, the information in the questionnaires remains confidential. **Nothing in this rule is intended to prohibit or discourage the collection and retention of aggregated juror demographic data pursuant to subdivision (g).**

Although the defendant may participate in *voir dire* and have access to information from the questionnaire, nothing in this rule is intended to allow a defendant to have a copy of the questionnaire.

[Paragraph (D)] Subdivision (d) makes it clear that juror information questionnaires are to be used in conjunction with the oral examination of the prospective jurors[,] and are not to be used as a substitute for the oral examination. Juror information questionnaires facilitate and expedite the *voir dire* examination by providing the trial judge and attorneys with basic background information about the jurors, thereby eliminating the need for many commonly asked questions. Although nothing in this rule is intended to preclude oral questioning during *voir dire*, the scope of *voir dire* is within the discretion of the trial judge. See, e.g., *Commonwealth v. McGrew*, 100 A.2d 467 (Pa. 1953) and **[Rule] Pa.R.Crim.P. 631(E)**.

[Paragraph (E)] Subdivision (e) provides, upon order of the trial judge, that only attorneys in the case, subject to strict limitations imposed by the court, may retain their copies of the juror information questionnaires during adjournment.

[Paragraph (F)] Subdivision (f) provides the procedures for the collection and disposition of the original completed questionnaires **and copies thereof [for impaneled jurors]**. Once *voir dire* is concluded, all copies of the completed questionnaires are returned to the official designated by the president judge pursuant to **[paragraph (A)(2),] subdivision (a)(2)** and destroyed promptly **unless retained for the limited purposes of subdivision (g)**. The original completed questionnaires of the impaneled jury must be retained in a sealed file in the manner prescribed pursuant to **[paragraph (A)(2),] subdivision (f)(1)** and destroyed upon the conclusion of the juror's service, unless the trial judge orders otherwise **or unless retained for the limited purposes of subdivision (g)**. Because the information in the questionnaires is confidential, the trial judge should only order retention of the original questionnaires under unusual circumstances. Such a circumstance would arise, for example, if the questionnaires were placed at issue for post-verdict review. In that event, the judge would order the preservation of the questionnaires in order to make them part of the appellate record. **Nothing in this rule is intended to prevent the trial or president judge, court administrator, or other relevant official from retaining the original questionnaires for the limited purposes of subdivision (g)**.

Under **[paragraph (G)] subdivision (f)(3)**, the original and any copies of the questionnaires of those **[jurors] individuals** not impaneled and not selected for any jury must be destroyed without exception upon completion of their service **unless retained for the limited purposes of subdivision (g)**.

There may be situations in which the attorneys and judge would want to prepare an individualized questionnaire for a particular case. In this situation, a supplemental

questionnaire, as permitted by subdivision (a)(1), would be used together with the standard juror information questionnaire, and the disclosure and retention provisions in [paragraphs (B) and (F)] subdivisions (b) and (f) would apply. [See paragraph (A)(1).]

[Official Note: Former Rule 1107 rescinded September 28, 1975. Present Rule 1107 adopted September 15, 1993, effective January 1, 1994; suspended December 17, 1993 until further Order of the Court; the September 15, 1993 Order is superseded by the September 18, 1998 Order, and present Rule 1107 adopted September 18, 1998, effective July 1, 1999; renumbered Rule 632 and amended March 1, 2000, effective April 1, 2001; amended May 2, 2005, effective August 1, 2005; amended July 7, 2015, effective October 1, 2015.]

Committee Explanatory Reports: Final Report explaining the September 18, 1998 adoption of new Rule 1107 concerning juror information questionnaires published with the Court's Order at 29 Pa.B. 4887 (October 3, 1999). Final Report explaining the March 1, 2000 reorganization and renumbering of the rules published with the Court's Order at 30 Pa.B. 1478 (March 18, 2000). Final Report explaining the May 2, 2005 amendments to the mandatory juror information questionnaire form published at 35 Pa.B. 2870 (May 14, 2005). Final Report explaining the July 7, 2015 amendments correcting cross-references to Rules 625 and 631 published with the Court's Order at 45 Pa.B. 3985 (July 25, 2015).]