



# *ELECTRONIC DEVICES/CELL PHONES IN THE COURTROOM*

## TITLE 234. RULES OF CRIMINAL PROCEDURE

### **Rule 626. Preliminary Instructions to Prospective and Selected Jurors.**

(A) For purposes of this rule,

- (1) the term "prospective jurors" means those persons who have been chosen to be part of the panel from which the trial jurors and alternate jurors will be selected;
- (2) the term "selected jurors" means those members of the panel who have been selected to serve as trial jurors or alternate jurors; and
- (3) the term "jury service" means service as (1) members of the jury array, (2) prospective jurors, and (3) selected jurors.

(B) Persons reporting for jury service, upon their arrival for this service, shall be instructed in their duties while serving as prospective jurors and selected jurors.

(C) At a minimum, the persons reporting for jury service shall be instructed that until their service as prospective or selected jurors is concluded, they shall not:

- (1) discuss any case in which they have been chosen as prospective jurors or selected jurors with others, including other jurors, except as instructed by the court;
- (2) read or listen to any news reports about any such case;
- (3) use a computer, cellular phone, or other electronic device with communication capabilities while in attendance at trial or during deliberation. These devices may be used during breaks or recesses but never may be used to obtain or disclose information prohibited in paragraph (C)(4);
- (4) use a computer, cellular phone, or other electronic device with communication capabilities, or any other method, to obtain or disclose any information about any case in which they have been chosen as prospective or selected jurors. Information about the case includes, but is not limited to, the following:

- (i) information about a party, witness, attorney, judge, or court officer;
- (ii) news reports of the case;
- (iii) information collected through juror research using such devices about the facts of the case;
- (iv) information collected through juror research using such devices on any topics raised or testimony offered by any witness;
- (v) information collected through juror research using such devices on any other topic the juror might think would be helpful in deciding the case.

(D) These instructions shall be repeated:

- (1) to the prospective jurors at the beginning of *voir dire*;
- (2) to the selected jurors at the commencement of the trial;
- (3) to the selected jurors prior to deliberations; and
- (4) to the selected jurors during trial as the trial judge deems appropriate.

(E) Jurors shall be instructed that they are required to inform the court immediately of any violation of this rule.

A decorative border of gavel icons surrounds the text. The gavel icons are arranged in a rectangular frame, with a single row of 18 gavel icons at the top and bottom, and vertical columns of 18 gavel icons on the left and right sides.

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***Rule 627. Sanctions for Use of Prohibited Electronic Devices.***

Any individual who violates the provisions of Rule 112(A) prohibiting recording or broadcasting during a judicial proceeding or who violates the Court's instructions required by Rule 626 regarding the use of electronic devices by jurors or who violates any limitation imposed by a local rule or by the trial judge regarding the prohibited use of electronic devices during court proceedings:

- (1) may be found in contempt of court and sanctioned in accordance with 42 Pa.C.S. § 4132 *et seq.*; and
- (2) may be subject to sanctions deemed appropriate by the trial judge, including, but not limited to, the confiscation of the electronic device that is used in violation of these rules.