

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 967

Session of
1981

INTRODUCED BY A. K. HUTCHINSON, PETRARCA, CLARK AND KUKOVICH,
MARCH 23, 1981

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 23, 1981

AN ACT

1 Amending the act of October 4, 1978 (P.L.876, No.169), entitled
2 "An act establishing the Pennsylvania Crime Commission and
3 providing for its powers and duties," making the commission a
4 part of the Office of Attorney General and subject to the
5 Attorney General's administration and supervision and
6 changing certain powers and duties of the commission and of
7 the Governor accordingly.

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

10 Section 1. Sections 3, 4 and 8 and subsections (a) and (b)
11 of section 10, act of October 4, 1978 (P.L.876, No.169), known
12 as the "Pennsylvania Crime Commission Act," sections 3(f) and
13 4(10) repealed in part October 5, 1980 (No.142), are amended to
14 read:

15 Section 3. Creation of commission; membership; compensation;
16 vacancies; removal.

17 (a) The Pennsylvania Crime Commission shall be a commission
18 under the supervision and administration of the Office of the
19 Attorney General and shall consist of five members to be known
20 as commissioners.

1 (b) One member of the commission shall be appointed by the
2 Governor, one by the President pro tempore of the Senate, one by
3 the Speaker of the House of Representatives, one by the Minority
4 Leader of the Senate and one by the Minority Leader of the House
5 of Representatives.

6 (c) Of the original members, the member appointed by the
7 Governor shall serve for an initial term of one year, the two
8 members appointed by the Speaker of the House of Representatives
9 and the Minority Leader of the House of Representatives
10 respectively shall serve for an initial term of two years and
11 the two members appointed by the President pro tempore of the
12 Senate and the Minority Leader of the Senate respectively shall
13 serve for an initial term of three years. Thereafter each
14 appointment provided for by this act shall be for a term of
15 three years and such appointments shall be made in the same
16 manner as the original appointments. Not more than three
17 commissioners shall be members of the same political party.

18 (d) Commissioners shall receive \$50 a day compensation for
19 their services. [Expenses incurred by the executive director or
20 other employees shall be allowed and paid on the presentation of
21 itemized vouchers therefor and approved by the commission.]

22 (e) All vacancies shall be filled, for the remainder of the
23 unexpired term in the same manner as original appointments. Any
24 commissioner, upon the expiration of his term, shall continue to
25 hold office until his successor shall be duly appointed.

26 (f) Except as authorized pursuant to this subsection, no
27 commissioner may be removed from office during his term. The
28 [Governor] Attorney General may, upon a clear and convincing
29 evidence of misfeasance or malfeasance in office or neglect of
30 duty, remove a commissioner prior to the expiration of his term.

1 The [Governor] Attorney General shall provide the commissioner
2 so removed with a detailed written statement of the reasons for
3 his removal. A commissioner so removed may petition the Court
4 for reinstatement. The court shall hold an expedited hearing and
5 render a decision within 30 days after said hearing or as soon
6 thereafter as may be practicable. Any decision of the Court
7 adverse to a commissioner so removed shall create a vacancy
8 which shall be filled pursuant to subsection (e).

9 Section 4. Powers and duties.

10 The Pennsylvania Crime Commission shall, subject to the
11 administration and supervision of the Office of Attorney
12 General, have the power and its duty shall be:

13 (1) To inquire into organized crime and activities of
14 persons engaged in or associated with organized crime.

15 (2) To inquire into public corruption and the activities
16 of persons engaged in and associated with public corruption.

17 (3) To make a detailed written report of every completed
18 investigation which may include recommendation for
19 legislative or administrative action.

20 [(4) To account to the Governor, the Auditor General and
21 the General Assembly at the end of each fiscal year for all
22 moneys received and disbursed.]

23 (5) To submit, during April of each calendar year, an
24 annual report on the status of organized crime in the
25 Commonwealth to a joint public hearing of the Judiciary
26 Committee of the Senate and the House of Representatives. In
27 addition the commission shall submit other reports prepared
28 pursuant to this section and to present said reports at
29 public hearings of the committees of the Senate and the House
30 of Representatives having oversight responsibilities or

1 appropriate legislative jurisdiction of the subject matter of
2 said reports.

3 (6) Through its chairman, to call upon the department
4 heads of State Government and State agencies for such
5 information and assistance as is needed to carry out the
6 functions of the commission.

7 (7) To require the attendance and testimony of witnesses
8 and the production of documentary evidence relative to any
9 investigation which the commission may conduct in accordance
10 with the powers given it. Such subpoenas shall be signed by
11 the chairman, the executive director and two commissioners
12 and shall be served by any person authorized to serve
13 subpoenas under the laws of the Commonwealth.

14 [(8) To appoint and fix the compensation of an executive
15 director who shall devote his full time to the general
16 supervision of all investigations and proceedings by the
17 commission.]

18 (9) [To appoint and fix the compensation of such other
19 employees as the commission may from time to time find
20 necessary for the proper performance of the functions of the
21 commission.] Investigative employees of the commission shall
22 be deemed law enforcement officers.

23 (10) [To] With the approval of the Attorney General, to
24 compile and publish rules for the calling of meetings and to
25 carry out the provisions of this act. Such rules may be
26 altered or amended at any time but shall not take effect
27 until filed.

28 (11) To perform such other acts as [are] the Attorney
29 General deems necessary for the proper functioning of the
30 commission.

1 Section 8. Disclosure of executive session testimony and
2 investigative records.

3 No testimony taken in executive session, any part thereof, or
4 any summary thereof and no investigative record, any part
5 thereof, or any summary thereof, shall be released or disclosed
6 to any person other than the Attorney General either orally or
7 in writing by any commissioner or employee of the commission
8 without the authorization of the commission.

9 Section 10. Disclosure of financial interests.

10 (a) Each commissioner, as of the date of appointment to the
11 commission and on or before March 15th of each following year,
12 shall file with the [Governor] Attorney General, the Secretary
13 of the Senate and the Chief Clerk of the House of
14 Representatives for the preceding calendar year a sworn
15 statement of financial interests. The financial statement shall
16 contain the information required pursuant to subsection (e).
17 Once an economic interest statement has been filed under this
18 act, such statement shall be updated annually by filing a
19 supplemental statement thereto. The financial interests of a
20 spouse or child, under 18 years of age, of a commissioner shall
21 be deemed a financial interest of a commissioner.

22 (b) The [Governor] Attorney General, the Secretary of the
23 Senate and the Chief Clerk of the House of Representatives shall
24 maintain all disclosure statements filed by commissioners as
25 public records which shall be open for public examination and
26 copying, at cost, at all reasonable times. Such disclosure
27 statements shall remain on file for five years from the initial
28 date of filing.

29 * * *

30 Section 2. This act shall take effect immediately.