

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1208 Session of  
2003

INTRODUCED BY JAMES, WATERS, D. EVANS, WASHINGTON, CRUZ,  
ROEBUCK, BISHOP, THOMAS, BEBKO-JONES, WHEATLEY, J. WILLIAMS,  
YOUNGBLOOD, CURRY, KIRKLAND, JOSEPHS AND HORSEY,  
APRIL 21, 2003

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 21, 2003

AN ACT

1 Establishing standards of conduct for district attorneys;  
2 providing for duties of the Supreme Court; and imposing  
3 penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 Section 1. Ethical standards for district attorneys.

7 (a) General rule.--District attorneys and assistant district  
8 attorneys, and employees of the office of district attorney  
9 shall be subject to Commonwealth laws and rules and local court  
10 rules governing attorneys, including the rules of professional  
11 conduct, where the attorney engages in the duties of district  
12 attorney to the same extent and in the same manner as other  
13 attorneys in that jurisdiction.

14 (b) Violations.--No district attorney or assistant district  
15 attorney shall:

16 (1) In the absence of probable cause, seek the  
17 indictment of any person.

1 (2) Fail promptly to release information that would  
2 exonerate a person under indictment.

3 (3) Intentionally mislead a court as to the guilt of any  
4 person.

5 (4) Intentionally or knowingly misstate evidence.

6 (5) Intentionally or knowingly alter evidence.

7 (6) Attempt to influence or color the testimony of a  
8 witness.

9 (7) Act to frustrate or impede a defendant's right to  
10 discovery.

11 (8) Offer or provide sexual activities to any government  
12 witness or potential witness.

13 (9) Leak or otherwise improperly disseminate information  
14 to any person during an investigation.

15 (10) Knowingly misstate statutory or case law.

16 (11) Engage in conduct that discredits the office of  
17 district attorney.

18 (c) Penalties.--Persons violating the provisions described  
19 in subsection (b) shall, upon finding that a violation occurred,  
20 be subject to:

21 (1) Probation.

22 (2) Demotion.

23 (3) Dismissal.

24 (4) Referral of ethical charges to the bar.

25 (5) Loss of pension or other retirement benefits.

26 (6) Suspension from employment.

27 (7) Referral of the allegations, if appropriate, to a  
28 grand jury for possible criminal prosecution.

29 Section 2. Complaints.

30 (a) Written statement.--A person who believes that a

1 district attorney or employee of the office of district attorney  
2 has engaged in conduct in violation of section 1 may submit a  
3 written statement to the Disciplinary Board of the Supreme Court  
4 of Pennsylvania, in such form as the Supreme Court may require,  
5 describing the alleged conduct.

6 (b) Preliminary investigation.--Not later than 30 days after  
7 receipt of a written statement submitted under subsection (a),  
8 the Supreme Court Disciplinary Counsel shall conduct a  
9 preliminary investigation and determine whether the allegations  
10 contained in such written statement warrant further  
11 investigation.

12 (c) Investigation and penalty.--If the Supreme Court, upon  
13 receipt of findings by the Supreme Court Disciplinary Counsel,  
14 determines that further investigation is warranted, the court  
15 shall within 90 days further investigate the allegations and, if  
16 the court determines that a preponderance of the evidence  
17 supports the allegations, impose an appropriate penalty.

#### 18 Section 3. Definitions.

19 The following words and phrases when used in this act shall  
20 have the meanings given to them in this section unless the  
21 context clearly indicates otherwise:

22 "Employee." The term shall include, but not be limited to,  
23 an attorney, investigator, special prosecutor or other employee  
24 of the office of district attorney as well as an attorney,  
25 investigator, accountant or a special prosecutor acting under  
26 the authority of the office of district attorney.

#### 27 Section 4. Effective date.

28 This act shall take effect in 60 days.