

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

## No. 1609

Session of  
1977

INTRODUCED BY REED, CIMINI, BITTINGER, STEWART, PRATT, TENAGLIO,  
CALTAGIRONE AND ZWIKL, AUGUST 13, 1977

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 13, 1977

AN ACT

1 Establishing the Pennsylvania Independent Crime Commission and  
2 prescribing its organization, powers and duties.

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6       The General Assembly of the Commonwealth of Pennsylvania  
7 hereby enacts as follows:

8       Section 1.   Short title.

9       This act shall be known and may be cited as the "Independent  
10 Crime Commission Act."

11      Section 2.   Definitions.

12      The following words and phrases when used in this act shall  
13 have, unless the context clearly indicates otherwise, the  
14 meanings given to them in this section:

15      "Commission."   The Pennsylvania Independent Crime Commission  
16 established by this act.

17      "Chairman."   The chairman of the Pennsylvania Independent  
18 Crime Commission.

19      "Executive director."   The Executive Director of the  
20 Pennsylvania Independent Crime Commission.

21      Section 3.   Pennsylvania Independent Crime Commission;  
22                   established.

23      There is hereby established a Pennsylvania Independent Crime  
24 Commission which shall be an independent commission consisting  
25 of three members to be appointed by the Commonwealth Court. One  
26 member shall be appointed to fill an initial term which will  
27 expire on July 1, 1978. One member shall be appointed to fill an  
28 initial term which shall expire on July 1, 1980. One member  
29 shall be appointed to fill an initial term which shall expire  
30 July 1, 1982. Succeeding members shall be appointed for six-year

1 terms. Members shall be eligible for reappointment but in no  
2 case shall more than two members of the commission be of the  
3 same political party. The commission shall elect one of their  
4 members as chairman. Commission members shall receive \$100 for  
5 each day of service actually rendered and may be reimbursed for  
6 expenses necessarily incurred in the performance of their  
7 duties.

8 Section 4. Executive director; other employees.

9 (a) The commission shall appoint and fix the compensation of  
10 an executive director who shall be an attorney at law. The  
11 executive director shall devote his full time to the general  
12 supervision of all investigations and proceedings by the  
13 commission and shall act as its counsel. The commission may  
14 appoint such other employees as it may find necessary for the  
15 effective functioning of the commission. The salaries of the  
16 other employees shall be set by the commission. Expenses  
17 necessarily incurred by the executive director or other  
18 employees shall be paid upon the presentation of itemized  
19 vouchers to the chairman.

20 (b) Notwithstanding section 902 of the act of April 9, 1929  
21 (P.L.177, No.175), known as "The Administrative Code of 1929,"  
22 the executive director shall have the power and its duty shall  
23 be:

24 (1) to furnish legal advice to the commission concerning  
25 any legal matter or thing arising in connection with the  
26 exercise of the official powers or performance of the  
27 official duties of the commission;

28 (2) to supervise, direct and control all of the legal  
29 affairs of the commission; and

30 (3) to represent the commission in any litigation to

1       which the commission may be a party or in which the  
2       commission is permitted or required by law to initiate  
3       intervene or interplead.

4       (c) Neither the executive director nor any other employee of  
5       the commission shall be removed except for just cause through  
6       written notice, setting forth in detail the reasons for such  
7       action.

8       (d) Members of the commission, the executive director, and  
9       any employee of the commission shall not participate in any  
10      political activity prohibited by sections 904 or 905 of the act  
11      of August 5, 1941 (P.L.752, No.286), known as the "Civil Service  
12      Act."

13      Section 5. Authority and jurisdiction.

14      The commission shall have the general authority to conduct  
15      investigations and inquire into the causes of crime and  
16      delinquency, the adequacy of law enforcement and the  
17      administration of justice. The commission shall primarily direct  
18      its activities with particular reference to the following  
19      specific areas:

20           (1) organized crime and racketeering;

21           (2) crime or corruption among public officers or  
22      employees which affect the performance of their public duties  
23      or maintenance of the public trust; and

24           (3) any relationship between any person or combination  
25      of persons involved in the commission of crimes and any  
26      government or political unit, association, organization,  
27      trade business constituting part of or doing business with  
28      the Commonwealth.

29      Section 6. Powers and duties of the commission.

30      (a) Pursuant to investigations conducted in accordance with

1 its authority and jurisdiction, the commission shall have the  
2 following powers and duties:

3 (1) to compel the attendance and testimony of witnesses  
4 and the production of documents bearing a reasonable relation  
5 to the investigation being conducted.

6 (2) to make a detailed written report of every completed  
7 investigation and to refer such findings to the appropriate  
8 district attorney or to make recommendations for legislative  
9 or administrative action, as may be appropriate;

10 (3) to assemble a report at the end of the fiscal year  
11 detailing all moneys received and disbursed; and

12 (4) to compile and publish rules for the calling of  
13 meetings and the conduct of investigations.

14 (b) Subpoenas shall be issued and executed by at least two  
15 commissioners and the executive director and shall be served by  
16 any person authorized to serve subpoenas under the laws of the  
17 Commonwealth. Upon failure of any person to comply with any  
18 subpoena lawfully issued, the commission may invoke the aid of  
19 the court of common pleas of the county wherein the person is  
20 summoned to appear of the county wherein the person is served  
21 with a subpoena.

22 Section 7. Commission may request grant of immunity.

23 In any examination or hearing before the commission, if a  
24 person refuses to answer a question or produce evidence of any  
25 other kind on the ground that he may be incriminated thereby,  
26 the chairman or the executive director may request in writing  
27 that the court of common pleas of the county in which the  
28 investigation takes place to order that person to answer the  
29 question or produce the evidence. The court shall so order  
30 unless it finds that such order would be contrary to the public

1 interest. After complying, and if, but for this section, the  
2 person would have been privileged to withhold the answer given  
3 or the evidence produced, such answer or evidence or any  
4 information directly or indirectly derived from such answer or  
5 evidence may not be used against the person in any subsequent  
6 criminal proceeding except a prosecution for perjury, giving a  
7 false statement or otherwise failing to comply with the order.

8 Section 8. Investigative grand juries; counties.

9 (a) If the investigations of the commission, based upon  
10 direct knowledge gained from trustworthy information, reveals  
11 that within a particular county there exists:

12 (1) a system of organized crime, racketeering or other  
13 systematic violations of the law of a widespread nature; or

14 (2) specific instances of crime among public officers  
15 affecting the performance of their public duties and such  
16 criminal violations are of a widespread nature or other  
17 circumstances exist which prevent their effective discovery  
18 or investigation by the ordinary processes of the law,  
19 the executive director may, upon concurrence of at least two  
20 members of the commission, petition the court of common pleas  
21 having jurisdiction over the prosecution of such offenses to  
22 convene a grand jury for the purpose of investigating such  
23 offenses.

24 (b) The grand jury shall convene for a term necessary to  
25 complete their investigations and shall, from time to time as  
26 the evidence warrants, make presentments and recommendations to  
27 the appropriate district attorney. Such investigative grand jury  
28 shall be impaneled in the manner provided by law for other grand  
29 juries.

30 Section 9. Investigative grand juries; Statewide.

1 (a) If the investigation of the commission, based upon  
2 direct knowledge gained from trustworthy information reveals  
3 that on a Statewide basis there exists:

4 (1) a system of organized crime, racketeering or other  
5 systematic violations of the law; or

6 (2) instances of crime or corruption among public  
7 officers or employees which affect the performance of their  
8 public duties or maintenance of the public trust and such  
9 criminal violations are not limited to a particular county or  
10 other circumstances exist which prevent their effective  
11 discovery and investigation by the ordinary processes of law  
12 or by a county grand jury,

13 the executive director may, upon concurrence of two members of  
14 the commission, petition any justice of the Supreme Court to  
15 convene a Statewide grand jury.

16 (b) The Statewide grand jury shall have the same powers and  
17 duties and function in the same manner as a county investigative  
18 grand jury except that its jurisdiction shall extend throughout  
19 the Commonwealth. The Supreme Court may promulgate such rules as  
20 it deems necessary to govern the procedures of Statewide grand  
21 juries.

22 Section 10. List of prospective jurors; selection; membership.

23 The Supreme Court Administrator, or his designee, upon  
24 receipt of an order of an assignment from the justice to whom  
25 the original application was made, shall prepare a list of  
26 prospective jurors drawn from the current grand jury lists of  
27 the several counties from which list the justice shall impanel  
28 the Statewide grand jury. A Statewide grand jury shall be  
29 composed of members in the same number and having the same  
30 qualifications as provided by law in the case of a county grand

1 jury, except that not more than one-fourth of the members of the  
2 Statewide grand jury shall be residents of any one county.

3 Section 11. Judicial supervision.

4 Judicial supervision of the Statewide grand jury shall be  
5 maintained by a judge selected by the justice to whom the  
6 original application was made. All presentments or formal  
7 returns of any kind shall be returned to such judge.

8 Section 12. Presentation of evidence.

9 The presentation of evidence to the Statewide grand jury  
10 shall be made by the executive director or his designee.

11 Section 13. Return of presentment; designation of venue.

12 Any presentment or recommendation of prosecution shall be  
13 submitted by the supervising judge to the justice to whom  
14 original application was made without designation of venue.  
15 Thereupon, the justice shall, by order, designate the county to  
16 which such presentment or recommendation shall be referred for  
17 purpose of trial.

18 Section 14. Grand juries may grant immunity.

19 Any county or Statewide grand jury may, in the case of the  
20 refusal of a witness to testify or produce evidence on the  
21 grounds that such evidence would incriminate him, apply to the  
22 supervising judge for an order, compelling such witness to  
23 testify. In the case of a Statewide grand jury such application  
24 shall be made to the supervising judge. Any witness so compelled  
25 shall be granted immunity to the extent provided by section 7.

26 Section 15. Independent Crime Commission Fund.

27 (a) There is hereby created for the special purpose of this  
28 act, an Independent Crime Commission Fund. Beginning July 1,  
29 1977, 2% of the tax collected by the Department of Revenue  
30 pursuant to the act of June 9, 1936 (1st Sp.Sess., P.L.13,



1 No.4), referred to as the Emergency State Tax on Liquor, shall  
2 be paid into the State Treasury to the credit of the Independent  
3 Crime Commission Fund.

4 Moneys in the Independent Crime Commission Fund are hereby  
5 appropriated to the Pennsylvania Independent Crime Commission to  
6 be used solely for the purposes of this act.

7 All expenses incurred in connection with the administration  
8 of this act shall be paid solely out of the Independent Crime  
9 Commission Fund.

10 (b) Notwithstanding the provisions of the act of June 29,  
11 1976 (No.117), entitled "An act relating to the fiscal affairs  
12 of the Commonwealth concerning duties of the Governor, the  
13 Secretary of Revenue and the Budget Secretary, with respect to  
14 the submission of and signing the budget for any fiscal year;  
15 and, after a budget is enacted, regulating the issuance of  
16 warrants by the State Treasurer for certain requisitioned funds  
17 and imposing duties on persons authorized by law to issue  
18 requisitions for the payment of moneys from the State Treasury;  
19 and prescribing that Federal funds received by the Commonwealth  
20 shall be deposited in the General Fund account with certain  
21 exceptions," any and all Federal funds for which the  
22 Pennsylvania Independent Crime Commission may become eligible  
23 shall be deposited in the Pennsylvania Independent Crime  
24 Commission Fund and are hereby appropriated to the Pennsylvania  
25 Independent Crime Commission to be used solely for the purpose  
26 of this act.

27 Section 16. Pennsylvania Crime Commission is abolished.

28 The Pennsylvania Crime Commission is hereby abolished, and  
29 all of its records, files, property, supplies and equipment and  
30 unexpended appropriations, if any, are transferred to the

1 commission.

2 Section 17. Repeal.

3 As much as relates to the Pennsylvania Crime Commission in  
4 the Department of Justice in section 208, and sections 469 and  
5 923, act of April 9, 1929 (P.L.177, No.175), known as "The  
6 Administrative Code of 1929," are repealed.

7 Section 18. Effective date.

8 This act shall take effect immediately except that sections  
9 16 and 17 shall take effect in 30 days.