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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 236

Session of  
1987

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INTRODUCED BY HUTCHINSON AND PETRARCA, FEBRUARY 9, 1987

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 9, 1987

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AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for the  
3 term of investigating grand juries.

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

6 Section 1. Section 4546 of Title 42 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 4546. Term of investigating grand jury.

9 (a) General rule.--An investigating grand jury shall not be  
10 limited in duration to any term of court. Each such  
11 investigating grand jury shall, except as provided in  
12 subsections (b) and (c), serve for a term of [18] six months,  
13 unless an order for discharge shall be entered earlier by the  
14 court upon the determination of such investigating grand jury,  
15 by majority vote, that its business has been completed.

16 (b) Extension on initiative of grand jury.--If, at the end  
17 of its original term or any extension thereof, any investigating  
18 grand jury determines by majority vote that it has not completed

1 its business, it may request the court to extend its term for an  
2 additional period of six months, except that no such  
3 investigating grand jury term shall exceed [24] 12 months from  
4 the time it was originally summoned. The court shall issue an  
5 order granting a request for extension unless it determines that  
6 such request is clearly without basis. Failure to grant an  
7 extension of term under this subsection may be appealed by the  
8 attorney for the Commonwealth to the Supreme Court in the manner  
9 prescribed by general rule. If an appeal is taken, the grand  
10 jury, except as otherwise prescribed by general rule, shall  
11 continue to exercise its powers pending the disposition of the  
12 appeal.

13 (c) Discharge by court.--If, at any time within the original  
14 term of any investigating grand jury or any extension thereof,  
15 the court determines that the investigating grand jury is not  
16 conducting proper investigative activity, the court may order  
17 that such grand jury be discharged. An order of discharge under  
18 this subsection shall not become effective less than ten days  
19 after the date on which it is issued and actual notice given to  
20 the attorney for the Commonwealth and the foreman of the  
21 investigating grand jury, and may be appealed by the attorney  
22 for the Commonwealth to the Supreme Court in the manner  
23 prescribed by general rule. If an appeal is taken, the grand  
24 jury, except as otherwise prescribed by general rule, shall  
25 continue to exercise its powers pending the disposition of the  
26 appeal.

27 Section 2. This act shall apply to all investigating grand  
28 juries summoned after the effective date of this act.

29 Section 3. This act shall take effect in 60 days.