

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 180 Session of
2005

INTRODUCED BY JAMES, WATERS, THOMAS, WASHINGTON, YOUNGBLOOD,
KIRKLAND, CURRY, D. EVANS, RUFFING, WHEATLEY, WILLIAMS,
BEBKO-JONES, BISHOP, CALTAGIRONE, PRESTON, CRUZ, BLACKWELL
AND JOSEPHS, FEBRUARY 1, 2005

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 1, 2005

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 to release promptly 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 (relating to
3 ethical standards for district attorneys) may submit a written
4 statement to the Disciplinary Board of the Supreme Court of
5 Pennsylvania, in such form as the Supreme Court may require,
6 describing the alleged conduct.

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

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

19 Section 3. Definitions.

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

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

28 Section 4. Effective date.

29 This act shall take effect in 60 days.