

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1069 Session of
2006

INTRODUCED BY GREENLEAF, LEMMOND, COSTA, O'PAKE, BOSCOLA, PIPPY,
WONDERLING, FONTANA, BROWNE, KITCHEN, WOZNIAK AND
C. WILLIAMS, JANUARY 24, 2006

REFERRED TO JUDICIARY, JANUARY 24, 2006

AN ACT

1 Establishing the Innocence Commission of Pennsylvania; providing
2 for its duties; and providing for the powers and duties of
3 the Joint State Government Commission.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Innocence
8 Commission Act.

9 Section 2. Definitions.

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

13 "Commission" or "Innocence Commission." The Innocence
14 Commission of Pennsylvania.

15 Section 3. Innocence Commission.

16 (a) Establishment.--The Innocence Commission of Pennsylvania
17 is hereby established.

18 (b) Membership.--The commission shall be composed of

1 approximately 30 members recommended by the Governor, the Chief
2 Justice of the Pennsylvania Supreme Court and the members of the
3 General Assembly. Using their recommendations, the Joint State
4 Government Commission shall invite members to participate on the
5 commission based on competence, experience and anticipated
6 commitment. Invitations shall be further based on the need for
7 the commission to be diversely representative of the criminal
8 justice system. Representation must include at least one member
9 from the following constituencies: prosecution, defense, law
10 enforcement, corrections, judiciary and victim assistance. In
11 addition, the commission may include representatives of
12 academia, private and public organizations involved in criminal
13 justice issues and other criminal justice experts.

14 (c) Chairperson and vice chairperson.--The members shall
15 elect, by a majority vote of the voting members, a chairperson
16 and a vice chairperson.

17 (d) Quorum.--A majority of members appointed shall
18 constitute a quorum for the purpose of transacting business.

19 (e) Work of the commission.--The commission may establish
20 subcommittees to conduct research, to consider and make
21 recommendations on specific topics and to report back to the
22 full commission. Whenever possible, members of a subcommittee or
23 the commission shall reach a consensus on the findings and
24 recommendations of the commission.

25 (f) Compensation.--The members shall not receive a salary or
26 per diem allowance for serving as commission members but shall
27 be reimbursed for actual and necessary expenses incurred in the
28 performance of their duties.

29 (g) Staff.--The Joint State Government Commission shall
30 provide staff services to the commission. These services may

1 include organizing meetings, conducting research and drafting
2 reports and legislation.

3 Section 4. Purpose and duties.

4 (a) Purpose.--The purpose of the commission is to study the
5 underlying causes of wrongful convictions so that it may make
6 recommendations intended to reduce or eliminate the possibility
7 that in the future innocent persons will be wrongfully convicted
8 in this Commonwealth.

9 (b) Powers and duties.--The commission shall have the duty
10 to:

11 (1) Review cases in which an innocent person was
12 wrongfully convicted and subsequently exonerated.

13 (2) Identify the most common causes of wrongful
14 convictions.

15 (3) Identify current laws, rules and procedures
16 implicated by each type of causation.

17 (4) Identify through research, experts and discussion
18 potential solutions in the form of legislative, rule or
19 procedural changes or educational opportunities for
20 elimination of each type of causation.

21 (5) Consider potential implementation plans, cost
22 implications and the impact on the criminal justice system
23 for each potential solution.

24 (6) Issue interim reports and/or a final report
25 recommending solutions for each causation issue identified,
26 including recommending implementation plans, identifying cost
27 implications and discussing the potential impact on the
28 criminal justice system of the recommendation.

29 Section 5. Subpoena power, oaths and affirmations.

30 On behalf of the Innocence Commission, the Joint State

1 Government Commission may issue subpoenas duces tecum and other
2 necessary process to compel attendance of witnesses and the
3 production of any books, letters or other documentary evidence
4 desired by the Innocence Commission. The chairman of the
5 Innocence Commission may administer oaths and affirmations in
6 the manner prescribed by law to witnesses who shall appear
7 before the commission for the purpose of testifying in any
8 matter about which the commission may desire evidence.

9 Section 6. Subsequent proceedings.

10 The findings and recommendations of the commission shall not
11 be binding in any subsequent civil or criminal proceeding.

12 Section 7. Expiration.

13 The provisions of this act shall expire five years from the
14 effective date of this section unless further extended by act of
15 the General Assembly.

16 Section 8. Effective date.

17 This act shall take effect in 60 days.