

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, C. WILLIAMS,
STACK, FERLO, LAVALLE AND WASHINGTON, JANUARY 24, 2006

SENATOR WENGER, APPROPRIATIONS, RE-REPORTED AS AMENDED,
APRIL 18, 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.

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

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

19 (d) Quorum.--The members present and voting at any announced
20 meeting shall constitute a quorum for the purpose of transacting
21 business.

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

28 (f) Compensation.--The members shall not receive a salary or
29 per diem allowance for serving as commission members but shall
30 be reimbursed for actual and necessary expenses incurred in the

1 performance of their duties.

2 (g) Staff.--The Joint State Government Commission shall
3 provide staff services to the commission. These services may
4 include organizing meetings, conducting research and drafting
5 reports and legislation.

6 Section 4. Purpose and duties.

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

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

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

16 (2) Identify the most common causes of wrongful
17 convictions.

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

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

24 (5) Consider potential implementation plans, cost
25 implications, including possible savings, and the impact on
26 the criminal justice system for each potential solution.

27 (6) Issue interim reports and/or a final report
28 recommending solutions for each causation issue identified,
29 including recommending implementation plans, identifying cost
30 implications, including possible savings, and discussing the

potential impact on the criminal justice system of the
recommendation.

~~Section 5. Subpoena power, oaths and affirmations.~~ <—

~~On behalf of the Innocence Commission, the Joint State
Government Commission may issue subpoenas duces tecum and other
necessary process to compel attendance of witnesses and the
production of any books, letters or other documentary evidence
desired by the Innocence Commission. The chairman of the~~

SECTION 5. OATHS AND AFFIRMATIONS. <—

THE CHAIRMAN OF THE Innocence Commission may administer oaths
and affirmations in the manner prescribed by law to witnesses
who shall appear before the commission for the purpose of
testifying in any matter about which the commission may desire
evidence.

Section 6. Subsequent proceedings.

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

Section 7. Expiration.

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

Section 8. Effective date.

This act shall take effect in 60 days.