

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1413 Session of  
2007

INTRODUCED BY JAMES, YOUNGBLOOD, R. MILLER, JOSEPHS, BLACKWELL,  
KIRKLAND, KORTZ, MYERS, ROEBUCK AND WATERS, JUNE 5, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 5, 2007

AN ACT

1 Establishing standards of conduct for district attorneys in  
2 counties of the first class; providing for duties of the  
3 Supreme Court; and imposing 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 in  
9 counties of the first class shall be subject to Commonwealth  
10 laws and rules and local court rules governing attorneys,  
11 including the rules of professional conduct, where the attorney  
12 engages in the duties of district attorney to the same extent  
13 and in the same manner as other 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 indictment  
17 of any person.

18 (2) Fail to release promptly information that would

1       exonerate a person under indictment.

2           (3)   Intentionally mislead a court as to the guilt of any  
3       person.

4           (4)   Intentionally or knowingly misstate evidence.

5           (5)   Intentionally or knowingly alter evidence.

6           (6)   Attempt to influence or color the testimony of a  
7       witness.

8           (7)   Act to frustrate or impede a defendant's right to  
9       discovery.

10          (8)   Offer or provide sexual activities to any government  
11       witness or potential witness.

12          (9)   Leak or otherwise improperly disseminate information  
13       to any person during an investigation.

14          (10)   Knowingly misstate statutory or case law.

15          (11)   Engage in conduct that discredits the office of  
16       district attorney.

17       (c)   Penalties.--Persons violating the provisions described  
18   in subsection (b) shall, upon finding that a violation occurred,  
19   be subject to:

20           (1)   Probation.

21           (2)   Demotion.

22           (3)   Dismissal.

23           (4)   Referral of ethical charges to the bar.

24           (5)   Loss of pension or other retirement benefits.

25           (6)   Suspension from employment.

26           (7)   Referral of the allegations, if appropriate, to a  
27       grand jury for possible criminal prosecution.

28   Section 2.   Complaints.

29       (a)   Written statement.--A person who believes that a  
30   district attorney or employee of the office of district attorney

1 in a county of the first class has engaged in conduct in  
2 violation of section 1 may submit a written statement to the  
3 Disciplinary Board of the Supreme Court of Pennsylvania, in such  
4 form as the Supreme Court may require, describing the alleged  
5 conduct.

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

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

### 18 Section 3. Definitions.

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

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

### 28 Section 4. Effective date.

29 This act shall take effect in 60 days.