

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1655 Session of 2019

INTRODUCED BY ISAACSON, STEPHENS, CIRESI, DONATUCCI, FREEMAN, HANBIDGE, HILL-EVANS, HOHENSTEIN, HOWARD, KENYATTA, MARKOSEK, McCLINTON, McNEILL, MERSKI, READSHAW, SAINATO, SAPPEY, SCHLOSSBERG, SCHWEYER, ULLMAN, YOUNGBLOOD AND DELLOSO, JUNE 19, 2019

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 4, 2020

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in riot, disorderly conduct and
3 related offenses, providing for concurrent jurisdiction to
4 prosecute.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 ~~§ 5562. Concurrent jurisdiction to prosecute.~~

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10 ~~In addition to the authority conferred upon the Attorney
11 General by the act of October 15, 1980 (P.L.950, No.164), known
12 as the Commonwealth Attorneys Act, the Attorney General may
13 investigate and institute criminal proceedings for a violation
14 of this subchapter. A person charged with a violation of this
15 subchapter by the Attorney General may not challenge the
16 authority of the Attorney General to investigate or prosecute
17 the case and, if a challenge is made, the challenge shall be~~

1 ~~dismissed and no relief shall be made available in the courts of~~  
2 ~~this Commonwealth to the person making the challenge.~~

3 § 5562. CONCURRENT JURISDICTION TO PROSECUTE.

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4 IN ADDITION TO THE AUTHORITY CONFERRED UPON THE ATTORNEY  
5 GENERAL BY THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN  
6 AS THE COMMONWEALTH ATTORNEYS ACT, THE ATTORNEY GENERAL SHALL  
7 HAVE THE AUTHORITY TO INVESTIGATE AND INSTITUTE CRIMINAL  
8 PROCEEDINGS FOR A FELONY OFFENSE UNDER THIS SUBCHAPTER IF THE  
9 ATTORNEY GENERAL REQUESTS IN WRITING TO PROSECUTE THE FELONY  
10 OFFENSE UNDER THIS SUBCHAPTER IN A CRIMINAL COURT OR JUVENILE  
11 DELINQUENCY COURT AND:

12 (1) THE DISTRICT ATTORNEY WITH JURISDICTION OVER THE  
13 PROSECUTION OF THE FELONY OFFENSE ACCEPTS THE REQUEST IN  
14 WRITING; OR

15 (2) ALL OF THE FOLLOWING OCCUR:

16 (I) THE DISTRICT ATTORNEY WITH JURISDICTION OVER THE  
17 PROSECUTION OF THE FELONY OFFENSE FAILS TO RESPOND TO THE  
18 REQUEST WITHIN 90 DAYS OF THE DATE OF THE REQUEST;

19 (II) THE ATTORNEY GENERAL SENDS A SUBSEQUENT WRITTEN  
20 REQUEST BY CERTIFIED OR REGISTERED MAIL TO THE DISTRICT  
21 ATTORNEY; AND

22 (III) THE DISTRICT ATTORNEY FAILS TO RESPOND TO THE  
23 SUBSEQUENT REQUEST WITHIN 10 DAYS OF THE DATE OF THE  
24 SUBSEQUENT REQUEST.

25 Section 2. This act shall take effect in 60 days.