

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2091

Session of
1993

INTRODUCED BY CALTAGIRONE, BIRMELIN, DALEY, CLARK, DERMODY,
GRUITZA, HUGHES, LEH, JAMES, D. W. SNYDER, LaGROTTA, WOGAN,
McNALLY, YANDRISEVITS AND ACOSTA, SEPTEMBER 29, 1993

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 7, 1993

AN ACT

1 Amending the act of October 4, 1978 (P.L.876, No.169), entitled
2 "An act establishing the Pennsylvania Crime Commission and
3 providing for its powers and duties," ~~eliminating the annual~~ <—
4 ~~report requirement; providing for certain reports to the~~
5 ~~Judiciary Committee of the Senate and the Judiciary Committee~~
6 ~~of the House of Representatives~~ ABOLISHING THE ACT; FURTHER <—
7 PROVIDING FOR THE POWERS AND DUTIES OF THE PENNSYLVANIA CRIME
8 COMMISSION; PROVIDING FOR TRANSITION; and making an
9 appropriation.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 ~~Section 1. Section 4 of the act of October 4, 1978 (P.L.876,~~ <—
13 ~~No.169), known as the Pennsylvania Crime Commission Act, amended~~
14 ~~April 30, 1986 (P.L.132, No.40), is amended to read:~~

15 SECTION 1. SECTIONS 1 AND 2 OF THE ACT OF OCTOBER 4, 1978 <—
16 (P.L.876, NO.169), KNOWN AS THE PENNSYLVANIA CRIME COMMISSION
17 ACT, ARE AMENDED TO READ:

18 [SECTION 1. SHORT TITLE.

19 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE "PENNSYLVANIA
20 CRIME COMMISSION ACT."

1 SECTION 2. DEFINITIONS.

2 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
3 HAVE, UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE, THE
4 MEANINGS GIVEN TO THEM IN THIS SECTION:

5 "COMMISSION." THE PENNSYLVANIA CRIME COMMISSION.

6 "COURT." THE COMMONWEALTH COURT.

7 "IMMUNITY ORDER." AN ORDER ISSUED PURSUANT TO THIS ACT BY
8 THE COMMONWEALTH COURT DIRECTING A WITNESS TO TESTIFY OR PRODUCE
9 OTHER INFORMATION OVER A CLAIM OF PRIVILEGE AGAINST SELF
10 INCRIMINATION.

11 "ORGANIZED CRIME." THE UNLAWFUL ACTIVITY OF AN ASSOCIATION
12 TRAFFICKING IN ILLEGAL GOODS OR SERVICES, INCLUDING BUT NOT
13 LIMITED TO GAMBLING, PROSTITUTION, LOAN SHARKING, CONTROLLED
14 SUBSTANCES, LABOR RACKETEERING OR OTHER UNLAWFUL ACTIVITIES OR
15 ANY CONTINUING CRIMINAL CONSPIRACY OR OTHER UNLAWFUL PRACTICE
16 WHICH HAS AS ITS OBJECTIVE LARGE ECONOMIC GAIN THROUGH
17 FRAUDULENT OR COERCIVE PRACTICES OR IMPROPER GOVERNMENTAL
18 INFLUENCE.

19 "PUBLIC CORRUPTION." THE UNLAWFUL ACTIVITY OF ANY PUBLIC
20 OFFICIAL OR PUBLIC EMPLOYEE UNDER COLOR OF OR IN CONNECTION WITH
21 ANY PUBLIC OFFICE OR EMPLOYMENT OR ANY CANDIDATE FOR PUBLIC
22 OFFICE OF THE AGENT OF ANY CANDIDATE FOR PUBLIC OFFICE UNDER
23 COLOR OF OR IN CONNECTION WITH ANY PUBLIC OFFICE OR EMPLOYMENT.]

24 SECTION 2. SECTION 3 OF THE ACT, AMENDED APRIL 30, 1986
25 (P.L.132, NO.40) AND REPEALED IN PART OCTOBER 5, 1980 (P.L.693,
26 NO.142), IS AMENDED TO READ:

27 SECTION 3. CREATION OF COMMISSION; MEMBERSHIP; COMPENSATION;
28 VACANCIES; REMOVAL.

29 (A) THE PENNSYLVANIA CRIME COMMISSION SHALL CONSIST OF
30 [FIVE] SIX MEMBERS TO BE KNOWN AS COMMISSIONERS.

(B) ONE MEMBER OF THE COMMISSION SHALL BE APPOINTED BY THE GOVERNOR, ONE BY THE PRESIDENT PRO TEMPORE OF THE SENATE, ONE BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES, ONE BY THE MINORITY LEADER OF THE SENATE AND ONE BY THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES. THE CHAIRPERSON OF THE COMMISSION SHALL BE THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE.

(C) OF THE ORIGINAL MEMBERS, THE MEMBER APPOINTED BY THE GOVERNOR SHALL SERVE FOR AN INITIAL TERM OF ONE YEAR, THE TWO MEMBERS APPOINTED BY THE SPEAKER OF THE HOUSE OF REPRESENTATIVES AND THE MINORITY LEADER OF THE HOUSE OF REPRESENTATIVES RESPECTIVELY SHALL SERVE FOR AN INITIAL TERM OF TWO YEARS AND THE TWO MEMBERS APPOINTED BY THE PRESIDENT PRO TEMPORE OF THE SENATE AND THE MINORITY LEADER OF THE SENATE RESPECTIVELY SHALL SERVE FOR AN INITIAL TERM OF THREE YEARS. THEREAFTER EACH APPOINTMENT PROVIDED FOR BY THIS ACT SHALL BE FOR A TERM OF THREE YEARS AND SUCH APPOINTMENTS SHALL BE MADE IN THE SAME MANNER AS THE ORIGINAL APPOINTMENTS. NOT MORE THAN THREE COMMISSIONERS SHALL BE MEMBERS OF THE SAME POLITICAL PARTY.

(D) COMMISSIONERS SHALL RECEIVE \$50 A DAY COMPENSATION FOR THEIR SERVICES. EXPENSES INCURRED BY THE EXECUTIVE DIRECTOR OR OTHER EMPLOYEES SHALL BE ALLOWED AND PAID ON THE PRESENTATION OF ITEMIZED VOUCHERS THEREFOR AND APPROVED BY THE COMMISSION. THIS SUBSECTION SHALL NOT APPLY TO THE CHAIRPERSON OF THE COMMISSION.

(E) ALL VACANCIES SHALL BE FILLED, FOR THE REMAINDER OF THE UNEXPIRED TERM IN THE SAME MANNER AS ORIGINAL APPOINTMENTS. ANY COMMISSIONER, UPON THE EXPIRATION OF HIS TERM, SHALL CONTINUE TO HOLD OFFICE UNTIL HIS SUCCESSOR HAS BEEN DULY APPOINTED AND QUALIFIED ACCORDING TO LAW, BUT IN NO EVENT LONGER THAN SIX MONTHS AFTER THE EXPIRATION OF THE COMMISSIONER'S APPOINTED TERM.

1 (F) EXCEPT AS AUTHORIZED PURSUANT TO THIS SUBSECTION, NO
2 COMMISSIONER MAY BE REMOVED FROM OFFICE DURING HIS TERM. THE
3 GOVERNOR MAY, UPON A CLEAR AND CONVINCING EVIDENCE OF
4 MISFEASANCE OR MALFEASANCE IN OFFICE OR NEGLECT OF DUTY, REMOVE
5 A COMMISSIONER PRIOR TO THE EXPIRATION OF HIS TERM. THE GOVERNOR
6 SHALL PROVIDE THE COMMISSIONER SO REMOVED WITH A DETAILED
7 WRITTEN STATEMENT OF THE REASONS FOR HIS REMOVAL. A COMMISSIONER
8 SO REMOVED MAY PETITION THE COURT FOR REINSTATEMENT. THE COURT
9 SHALL HOLD AN EXPEDITED HEARING AND RENDER A DECISION WITHIN 30
10 DAYS AFTER SAID HEARING OR AS SOON THEREAFTER AS MAY BE
11 PRACTICABLE. ANY DECISION OF THE COURT ADVERSE TO A COMMISSIONER
12 SO REMOVED SHALL CREATE A VACANCY WHICH SHALL BE FILLED PURSUANT
13 TO SUBSECTION (E). THIS SUBSECTION SHALL NOT APPLY TO THE
14 CHAIRPERSON OF THE COMMISSION.

15 (G) THIS SECTION SHALL EXPIRE JUNE 30, 1994.

16 SECTION 3. SECTION 4 OF THE ACT, AMENDED APRIL 30, 1986
17 (P.L.132, NO.40), IS AMENDED TO READ:

18 Section 4. Powers and duties.

19 (A) The Pennsylvania Crime Commission shall have the power
20 and its duty shall be:

21 (1) To inquire into organized crime and activities of
22 persons engaged in or associated with organized crime.

23 (2) To inquire into public corruption and the activities
24 of persons engaged in and associated with public corruption.

25 (3) To make a detailed written report of every completed
26 investigation which may include recommendation for
27 legislative or administrative action.

28 (4) To account to the Governor, the Auditor General and
29 the General Assembly at the end of each fiscal year for all
30 moneys received and disbursed.

1 [(5) To submit, during April of each calendar year, an
2 annual report on the status of organized crime in the
3 Commonwealth to a joint public hearing of the Judiciary
4 Committee of the Senate and the House of Representatives.] <—

5 ~~(5) To report to the Judiciary Committee of the Senate~~
6 ~~and the House of Representatives on a quarterly basis. These~~
7 ~~reports shall contain information on the activities of the~~
8 ~~commission during the preceding calendar quarter.~~ In addition
9 the commission shall submit other reports prepared pursuant
10 to this section and to present said reports at public
11 hearings of the committees of the Senate and the House of
12 Representatives having oversight responsibilities or
13 appropriate legislative jurisdiction of the subject matter of
14 said reports.] <—

15 (6) Through its chairman, to call upon the department
16 heads of State Government and State agencies for such
17 information and assistance as is needed to carry out the
18 functions of the commission.

19 (7) To require the attendance and testimony of witnesses
20 and the production of documentary evidence relative to any
21 investigation which the commission may conduct in accordance
22 with the powers given it. Such subpoenas shall be signed by
23 the chairman, the executive director and two commissioners
24 and shall be served by any person authorized to serve
25 subpoenas under the laws of the Commonwealth.

26 (8) To appoint and fix the compensation of an executive
27 director who shall devote his full time to the general
28 supervision of all investigations and proceedings by the
29 commission.

30 (9) To appoint and fix the compensation of such other

1 employees as the commission may from time to time find
2 necessary for the proper performance of the functions of the
3 commission. Investigative employees of the commission shall
4 be deemed law enforcement officers.

5 (10.1) To promulgate and publish rules and regulations,
6 including those regulations controlling or defining the:

7 (i) Calling of meetings.

8 (ii) Investigative responsibilities of commission
9 members.

10 (iii) Written procedures to be utilized by the
11 commission's investigative management staff in planning
12 and supervising investigations and inquiries.

13 (iv) Dissemination of materials, including
14 dissemination to the Governor and members or committees
15 of the General Assembly.

16 (v) Appropriate use of commission property,
17 including all vehicles.

18 (vi) Maintenance of confidentiality of information.

19 (vii) All other procedures and acts as are necessary
20 for the proper functioning of the commission.

21 (11) To perform such other acts as are necessary for the
22 proper functioning of the commission.

23 (B) THIS SECTION SHALL EXPIRE JUNE 30, 1994.

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24 SECTION 4. SECTION 5 OF THE ACT IS AMENDED TO READ:

25 [SECTION 5. LIMITATIONS ON ACTIVITIES BY COMMISSION MEMBERS AND
26 EMPLOYEES.

27 (A) A COMMISSIONER SHALL NOT HOLD ANY ELECTIVE PUBLIC
28 OFFICE.

29 (B) A COMMISSIONER OR ANY EMPLOYEE OF THE COMMISSION SHALL
30 NOT ENGAGE IN ANY PARTISAN ACTIVITY, OTHER THAN VOTING AND

1 MAKING, BUT NOT SOLICITING CONTRIBUTIONS TO CANDIDATES FOR
2 OFFICE.]

3 SECTION 5. SECTION 5.1 OF THE ACT, ADDED APRIL 30, 1986,
4 P.L.132, NO.40), IS AMENDED TO READ:

5 [SECTION 5.1. WEAPONS.

6 (A) THE COMMISSION SHALL PUBLISH AND PROMULGATE REGULATIONS
7 AND PROCEDURES FOR THE USE OR POSSESSION OF FIREARMS BY ANY
8 COMMISSION EMPLOYEE, INCLUDING:

9 (1) THE TYPE OF WEAPON PERMITTED.

10 (2) THE JOB TITLE OR CLASSIFICATION OF EMPLOYEE TO BE
11 PERMITTED TO POSSESS OR USE A FIREARM.

12 (3) THE SPECIFIC CIRCUMSTANCES IN WHICH AN EMPLOYEE
13 WOULD BE PERMITTED TO POSSESS OR USE A FIREARM.

14 (B) NO COMMISSION EMPLOYEE MAY USE OR POSSESS A FIREARM IN
15 THE COURSE OF HIS DUTIES UNLESS HE HAS SUCCESSFULLY COMPLETED
16 THE BASIC FIREARM TRAINING PROGRAM APPROVED BY THE PENNSYLVANIA
17 STATE POLICE FOR ITS OWN OFFICERS. ALL COSTS FOR SUCH TRAINING
18 SHALL BE BORNE BY THE COMMISSION.]

19 SECTION 6. SECTION 6 OF THE ACT IS AMENDED TO READ:

20 [SECTION 6. IMMUNITY OF WITNESSES.

21 (A) IMMUNITY ORDERS SHALL BE AVAILABLE UNDER THIS SECTION IN
22 ALL PROCEEDINGS BEFORE THE PENNSYLVANIA CRIME COMMISSION.

23 (B) THE COMMISSION MAY REQUEST AN IMMUNITY ORDER FROM ANY
24 JUDGE OF THE COMMONWEALTH COURT AND SAID JUDGE SHALL ISSUE AN
25 IMMUNITY ORDER WHEN IN THE JUDGEMENT OF THE COMMISSION:

26 (1) THE TESTIMONY OR OTHER INFORMATION FROM A WITNESS
27 MAY BE NECESSARY TO THE PUBLIC INTEREST, AND

28 (2) A WITNESS HAS REFUSED OR IS LIKELY TO REFUSE TO
29 TESTIFY OR PROVIDE OTHER INFORMATION ON THE BASIS OF HIS
30 PRIVILEGE AGAINST SELF-INCRIMINATION.

1 (C) WHENEVER A WITNESS REFUSES, ON THE BASIS OF HIS
2 PRIVILEGE AGAINST SELF-INCRIMINATION, TO TESTIFY OR PROVIDE
3 OTHER INFORMATION IN A PROCEEDING SPECIFIED IN SUBSECTION (A),
4 AND ANY COMMISSIONER PRESIDING AT SUCH PROCEEDING COMMUNICATES
5 TO THE WITNESS AN IMMUNITY ORDER, THAT WITNESS MAY NOT REFUSE TO
6 TESTIFY BASED ON HIS PRIVILEGE AGAINST SELF-INCRIMINATION.

7 (D) NO TESTIMONY OR OTHER INFORMATION COMPELLED UNDER AN
8 IMMUNITY ORDER, OR ANY INFORMATION DIRECTLY OR INDIRECTLY
9 DERIVED FROM SUCH TESTIMONY OR OTHER INFORMATION, MAY BE USED
10 AGAINST A WITNESS IN ANY CRIMINAL CASE, EXCEPT THAT SUCH
11 INFORMATION MAY BE USED:

12 (1) IN A PROSECUTION UNDER 18 PA.C.S. § 4902 (RELATING
13 TO PERJURY) OR UNDER 18 PA.C.S. § 4903 (RELATING TO FALSE
14 SWEARING),

15 (2) IN A CONTEMPT PROCEEDING FOR FAILURE TO COMPLY WITH
16 AN IMMUNITY ORDER, OR

17 (3) AS EVIDENCE, WHERE OTHERWISE ADMISSIBLE, IN ANY
18 PROCEEDING WHERE THE WITNESS IS NOT A CRIMINAL DEFENDANT.

19 (E) ANY PERSON WHO SHALL FAIL TO COMPLY WITH AN IMMUNITY
20 ORDER MAY BE ADJUDGED IN CIVIL CONTEMPT AND COMMITTED TO A
21 COUNTY JAIL BY THE ISSUING JUDGE UNTIL SUCH TIME AS SAID PERSON
22 SHALL PURGE HIMSELF OF CONTEMPT BY COMPLYING WITH THE IMMUNITY
23 ORDER. PROVIDED HOWEVER, IF THE PROCEEDING OR THE INVESTIGATION
24 OR REPORT INVOLVING ANY PROCEEDING WHEREIN SAID PERSON REFUSED
25 TO COMPLY WITH AN IMMUNITY ORDER HAS BEEN COMPLETED, SAID PERSON
26 MAY PURGE HIMSELF OF CONTEMPT BY COMPLYING WITH SAID ORDER
27 BEFORE THE COMMISSION NOTWITHSTANDING THE COMPLETION OF SAID
28 INVESTIGATION OR REPORT.

29 (F) PRIOR TO SEEKING AN IMMUNITY ORDER, THE COMMISSION SHALL
30 REQUIRE THE EXECUTIVE DIRECTOR TO CONSULT WITH THE ATTORNEY

1 GENERAL, THE DISTRICT ATTORNEY OF ANY AFFECTED COUNTY, AND THE
2 UNITED STATES ATTORNEY OF ANY AFFECTED DISTRICT IN ORDER TO
3 PREVENT ANY INTERFERENCE WITH ANY OF THEIR INVESTIGATIONS. THE
4 RESULTS OF THE CONSULTATION SHALL BE REPORTED TO THE COMMISSION
5 BEFORE ANY IMMUNITY ORDER IS SOUGHT PURSUANT TO THIS SECTION. IN
6 ADDITION THE COMMISSION SHALL GIVE NOTICE TO THE ATTORNEY
7 GENERAL, THE UNITED STATES ATTORNEY OF ANY AFFECTED DISTRICT AND
8 ANY DISTRICT ATTORNEY OF ANY AFFECTED COUNTY OF ANY REQUEST FOR
9 AN IMMUNITY ORDER TO BE SUBMITTED TO A JUDGE OF THE COMMONWEALTH
10 COURT. ANY SUCH OFFICER MAY APPEAR AS A PARTY AND REQUEST A
11 REASONABLE DELAY OR DENIAL OF THE GRANT OF IMMUNITY IF AN
12 IMMEDIATE GRANT WOULD JEOPARDIZE AN INVESTIGATION OR
13 PROSECUTION. THE JUDGE MAY, IN A PROCEEDING UNDER THIS SECTION,
14 DELAY OR DENY THE REQUEST FOR IMMUNITY IF HE DETERMINES, IN THE
15 EXERCISE OF HIS DISCRETION THAT AN IMMUNITY ORDER WILL
16 JEOPARDIZE AN ACTUAL OR PENDING INVESTIGATION OR PROSECUTION.]

17 SECTION 7. SECTION 7 OF THE ACT, AMENDED APRIL 30, 1986
18 (P.L.132, NO.40), IS AMENDED TO READ:

19 [SECTION 7. ENFORCEMENT OF SUBPOENAS.

20 (A) UPON THE FAILURE OF ANY PERSON WHO IS SUBPOENAED
21 PURSUANT TO SECTION 4(7) TO OBEY THE COMMAND OF THE SUBPOENA OR
22 TO BE SWORN OR AFFIRMED OR TO TESTIFY, APPLICATION MAY BE MADE
23 TO THE COMMONWEALTH COURT FOR THE ENFORCEMENT OF SUCH SUBPOENA.

24 (B) IF ANY PERSON WHO HAS BEEN ORDERED BY THE COMMONWEALTH
25 COURT TO COMPLY WITH A SUBPOENA ISSUED PURSUANT TO SECTION 4(7)
26 FAILS TO OBEY THE COMMAND OF SUCH ORDER, APPLICATION MAY BE MADE
27 TO THE COMMONWEALTH COURT FOR THE ATTACHMENT OF SAID PERSON WHO
28 IS TO BE BROUGHT BEFORE THE COURT WHICH IS AUTHORIZED TO PROCEED
29 AGAINST SAID PERSON FOR CIVIL CONTEMPT OF COURT.]

30 SECTION 8. SECTIONS 8, 9, 10, 12 AND 13 OF THE ACT ARE

1 AMENDED TO READ:

2 [SECTION 8. DISCLOSURE OF EXECUTIVE SESSION TESTIMONY AND
3 INVESTIGATIVE RECORDS.

4 NO TESTIMONY TAKEN IN EXECUTIVE SESSION, ANY PART THEREOF, OR
5 ANY SUMMARY THEREOF AND NO INVESTIGATIVE RECORD, ANY PART
6 THEREOF, OR ANY SUMMARY THEREOF, SHALL BE RELEASED OR DISCLOSED
7 TO ANY PERSON EITHER ORALLY OR IN WRITING BY ANY COMMISSIONER OR
8 EMPLOYEE OF THE COMMISSION WITHOUT THE AUTHORIZATION OF THE
9 COMMISSION.]

10 SECTION 9. PRIVILEGED STATEMENTS AND REPORTS.

11 (A) ANY STATEMENT OR DISCLOSURE OF INFORMATION MADE BY A
12 COMMISSIONER OR AN EMPLOYEE OF THE COMMISSION DURING THE COURSE
13 OF ANY [COMMISSION] HEARING [OR OFFICIAL PROCEEDING AND ANY
14 REPORT ISSUED BY THE COMMISSION] BEFORE THE GENERAL ASSEMBLY
15 SHALL BE ABSOLUTELY PRIVILEGED AND SUCH PRIVILEGE SHALL BE AN
16 ABSOLUTE DEFENSE TO ANY ACTION FOR INVASION OF PRIVACY,
17 DEFAMATION OR OTHER CIVIL OR CRIMINAL ACTION.

18 (B) THIS SECTION SHALL EXPIRE JUNE 30, 1994.

19 [SECTION 10. DISCLOSURE OF FINANCIAL INTERESTS.

20 (A) EACH COMMISSIONER, AS OF THE DATE OF APPOINTMENT TO THE
21 COMMISSION AND ON OR BEFORE MARCH 15TH OF EACH FOLLOWING YEAR,
22 SHALL FILE WITH THE GOVERNOR, THE SECRETARY OF THE SENATE AND
23 THE CHIEF CLERK OF THE HOUSE OF REPRESENTATIVES FOR THE
24 PRECEDING CALENDAR YEAR A SWORN STATEMENT OF FINANCIAL
25 INTERESTS. THE FINANCIAL STATEMENT SHALL CONTAIN THE INFORMATION
26 REQUIRED PURSUANT TO SUBSECTION (E). ONCE AN ECONOMIC INTEREST
27 STATEMENT HAS BEEN FILED UNDER THIS ACT, SUCH STATEMENT SHALL BE
28 UPDATED ANNUALLY BY FILING A SUPPLEMENTAL STATEMENT THERETO. THE
29 FINANCIAL INTERESTS OF A SPOUSE OR CHILD, UNDER 18 YEARS OF AGE,
30 OF A COMMISSIONER SHALL BE DEEMED A FINANCIAL INTEREST OF A

1 COMMISSIONER.

2 (B) THE GOVERNOR, THE SECRETARY OF THE SENATE AND THE CHIEF
3 CLERK OF THE HOUSE OF REPRESENTATIVES SHALL MAINTAIN ALL
4 DISCLOSURE STATEMENTS FILED BY COMMISSIONERS AS PUBLIC RECORDS
5 WHICH SHALL BE OPEN FOR PUBLIC EXAMINATION AND COPYING, AT COST,
6 AT ALL REASONABLE TIMES. SUCH DISCLOSURE STATEMENTS SHALL REMAIN
7 ON FILE FOR FIVE YEARS FROM THE INITIAL DATE OF FILING.

8 (C) THE COMMISSION SHALL PROMULGATE, BY REGULATION, TO BE
9 PUBLISHED IN THE PENNSYLVANIA BULLETIN, FINANCIAL DISCLOSURE
10 REQUIREMENTS FOR EMPLOYEES OF THE COMMISSION.

11 (D) IN ADDITION TO ANY OTHER PENALTIES IMPOSED BY LAW FOR
12 FALSE SWEARING, NEGLECT OR REFUSAL OF ANY COMMISSIONER OR
13 EMPLOYEE TO FILE A COMPLETE AND ACCURATE FINANCIAL STATEMENT
14 PURSUANT TO THE REQUIREMENTS OF THIS SECTION OR THE WILLFUL
15 FILING OF AN INACCURATE STATEMENT SHALL, IN THE CASE OF
16 COMMISSIONERS, CONSTITUTE MISFEASANCE IN OFFICE, AND SHALL, IN
17 THE CASE OF EMPLOYEES, CONSTITUTE GROUNDS FOR DISMISSAL.

18 (E) THE SWORN FINANCIAL DISCLOSURE STATEMENT SHALL CONTAIN:

19 (1) THE IDENTITY, BY NAME, OF ALL OFFICES AND
20 DIRECTORSHIPS.

21 (2) AN IDENTIFYING DESCRIPTION OF ALL REAL ESTATE IN THE
22 COMMONWEALTH IN WHICH HE OR A MEMBER OF HIS HOUSEHOLD HAS ANY
23 INTEREST, DIRECT OR INDIRECT, INCLUDING AN OPTION TO BUY,
24 PROVIDED A COMMISSIONER'S PRIMARY PLACE OF RESIDENCE SHALL
25 NOT BE INCLUDED.

26 (3) THE NAME OF EACH CREDITOR TO WHOM HE OR A MEMBER OF
27 HIS HOUSEHOLD OWES MONEYS IN EXCESS OF \$5,000, THE CATEGORY
28 OF THE AMOUNT OWED, AND THE INTEREST RATE, PROVIDED FURTHER
29 THAT LOANS OR CREDIT EXTENDED BETWEEN MEMBERS OF THE
30 IMMEDIATE FAMILY AND ANY MORTGAGE UPON THE COMMISSIONER'S

1 PRIMARY PLACE OF RESIDENCE SHALL NOT BE INCLUDED.

2 (4) THE NAME OF EACH BUSINESS, INSURANCE POLICY, OR
3 TRUST IN WHICH HE OR A MEMBER OF HIS HOUSEHOLD HAS A
4 FINANCIAL INTEREST, AND THE NATURE AND CATEGORY OF THE AMOUNT
5 OF SUCH INTEREST.

6 (5) THE SOURCE, BY NAME, AND CATEGORY OF THE AMOUNTS OF
7 ANY INCOME IN EXCESS OF \$1,000, INCLUDING CAPITAL GAINS,
8 WHETHER OR NOT TAXABLE, RECEIVED BY HIM OR A MEMBER OF HIS
9 HOUSEHOLD DURING THE PRECEDING YEAR.

10 (6) A LIST OF BUSINESSES WITH WHICH A COMMISSIONER IS
11 ASSOCIATED THAT DO BUSINESS WITH OR ARE REGULATED BY THE
12 STATE AND A DESCRIPTION OF THE NATURE OF SUCH BUSINESS OR
13 REGULATION.

14 (7) ANY SALARY, FEE, COMMISSION OR OTHER INCOME, LISTED
15 IN DOLLAR AMOUNT OR VALUE, RECEIVED BY A COMMISSIONER FROM
16 ANY POLITICAL SUBDIVISION OF THE COMMONWEALTH OR ANY AGENCY
17 OF THE COMMONWEALTH, OTHER THAN THE COMMISSION, INCLUDING THE
18 NAME OF SUCH POLITICAL SUBDIVISION OR AGENCY OR FROM ANY
19 ENTITY WHICH MAINTAINS A PERSON REQUIRED TO BE REGISTERED AS
20 A LOBBYIST UNDER ANY LAW REQUIRING SUCH REGISTRATION.

21 (F) WHERE AN AMOUNT IS REQUIRED TO BE REPORTED BY CATEGORY
22 THE INDIVIDUAL SHALL REPORT WHETHER THE AMOUNT IS LESS THAN
23 \$5,000, AT LEAST \$5,000 BUT LESS THAN \$10,000, AT LEAST \$10,000
24 BUT LESS THAN \$25,000, OR \$25,000 OR MORE. AN AMOUNT OF STOCK
25 MAY BE REPORTED BY NUMBER OF SHARES INSTEAD OF BY CATEGORY OF
26 DOLLAR VALUE. NO PROVISION OF THIS ACT SHALL BE INTERPRETED TO
27 PREVENT ANY PERSON FROM FILING MORE INFORMATION OR MORE DETAILED
28 INFORMATION THAN REQUIRED.

29 SECTION 12. REPEALS.

30 SECTIONS 469 AND 923, ACT OF APRIL 9, 1929 (P.L.177, NO.175),

1 KNOWN AS "THE ADMINISTRATIVE CODE OF 1929," ARE REPEALED.

2 SECTION 13. EFFECTIVE DATE.

3 THIS ACT SHALL TAKE EFFECT IN 60 DAYS.]

4 SECTION 9. THE PENNSYLVANIA CRIME COMMISSION SHALL NOT BEGIN
5 ANY NEW INVESTIGATION. IT SHALL ALSO PREPARE TO TRANSFER ALL
6 ONGOING INVESTIGATIONS TO THE PENNSYLVANIA STATE POLICE AND
7 FEDERAL LAW ENFORCEMENT OFFICIALS BY JUNE 30, 1994.

8 THE COMMISSIONER OF THE PENNSYLVANIA STATE POLICE, OR A
9 DESIGNEE, SHALL REVIEW THE RECORDS OF THE PENNSYLVANIA CRIME
10 COMMISSION AND DETERMINE WHICH RECORDS SHOULD REMAIN WITH THE
11 PENNSYLVANIA STATE POLICE AND WHICH SHOULD BE TRANSFERRED TO
12 FEDERAL LAW ENFORCEMENT AUTHORITIES.

13 SECTION 10. THE COMMISSIONER OF THE PENNSYLVANIA STATE
14 POLICE SHALL DETERMINE WHICH EMPLOYEES OF THE PENNSYLVANIA CRIME
15 COMMISSION SHALL BE TRANSFERRED TO THE BUREAU OF CRIMINAL
16 INVESTIGATION OF THE PENNSYLVANIA STATE POLICE BY JUNE 30, 1994.

17 SECTION 11. BY NOVEMBER 30, 1994, THE COMMISSIONER OF THE
18 PENNSYLVANIA STATE POLICE SHALL MAKE A REPORT TO THE GENERAL
19 ASSEMBLY ON THE DISPOSITION OF EMPLOYEES, PROPERTY, CASES AND
20 RECORDS OF THE PENNSYLVANIA CRIME COMMISSION.

21 Section ~~2~~ 12. The sum of \$1,191,000 is hereby appropriated <—
22 to the Pennsylvania Crime Commission for the period January 1,
23 1994, to June 30, 1994, for the general governmental operations
24 of the Pennsylvania Crime Commission.

25 ~~Section 3. This act shall take effect immediately.~~ <—

26 SECTION 13. THIS ACT SHALL TAKE EFFECT AS FOLLOWS: <—

27 (1) SECTION 12 OF THIS ACT SHALL TAKE EFFECT JANUARY 1,
28 1994.

29 (2) THE AMENDMENT OF SECTIONS 1, 2, 5, 5.1, 6, 7, 8, 10,
30 12 AND 13 OF THE ACT SHALL TAKE EFFECT JUNE 30, 1994.

1 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
2 IMMEDIATELY.