
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1337 Session of
2011

INTRODUCED BY GREENLEAF, ERICKSON, SOLOBAY, WAUGH, COSTA,
BREWSTER, FERLO, TARTAGLIONE, HUGHES AND WASHINGTON,
NOVEMBER 10, 2011

REFERRED TO JUDICIARY, NOVEMBER 10, 2011

AN ACT

1 Establishing the Pennsylvania Commission on Conviction
2 Integrity; and imposing powers and duties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Pennsylvania
7 Commission on Conviction Integrity Act.

8 Section 2. Purpose.

9 This act provides a mechanism for investigating cases in this
10 Commonwealth in which an innocent person is found to have been
11 wrongly convicted and for recommending procedures to prevent
12 similar recurrences. Existing practices and changes in the
13 criminal justice system nationally that could be adopted to
14 minimize the occurrence of wrongful convictions in this
15 Commonwealth will be monitored and reported. This act is
16 intended to improve the quality, efficiencies and resources of
17 law enforcement in the execution of their duties.

1 Section 3. Definitions.

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

5 "Commission." The Pennsylvania Commission on Conviction
6 Integrity.

7 Section 4. Establishment.

8 There is established the Pennsylvania Commission on
9 Conviction Integrity.

10 Section 5. Duties and responsibilities.

11 Whenever the Board of Pardons or a court releases a person
12 based upon a finding of actual innocence, the commission shall
13 conduct an inquiry into the causes of the wrongful conviction.
14 In addition, the commission shall annually review conviction
15 integrity reforms introduced by statute, rule or best practices
16 and report its findings on these matters to the Judiciary
17 Committee of the Senate and the Judiciary Committee of the House
18 of Representatives.

19 Section 6. Subpoena power and ability to administer oaths.

20 The chairman of the commission may issue subpoenas for the
21 attendance and testimony of witnesses and the production of
22 documentary evidence relating to any matter under formal
23 investigation by the commission. The commission may administer
24 oaths or affirmations and examine and receive evidence.

25 Section 7. Privilege and confidentiality.

26 (a) General rule.--In the interest of improving the quality
27 of the criminal justice system and eliminating wrongful
28 convictions in this Commonwealth, the deliberations, work and
29 findings of the commission, as it relates to the examination of
30 specific instances of wrongful conviction, shall be privileged

1 and confidential. The proceedings and records of the commission
2 shall be held in confidence and may not be subject to discovery
3 or introduction into evidence in any action arising out of the
4 matters that are the subject of evaluation and review of the
5 commission, and no person who was in attendance at a meeting of
6 the commission shall be permitted or required to testify in any
7 civil action as to any evidence or other matters produced or
8 presented during the proceedings of the commission or as to any
9 findings, recommendations, evaluations, opinions or other
10 actions of the commission or of any members thereof.

11 Information, documents or records otherwise available from
12 original sources are not to be construed as immune from
13 discovery or use in any civil action solely because they were
14 presented during proceedings of the commission, nor should any
15 person who testifies before the commission who is a member of
16 the commission be prevented from testifying as to matters within
17 his knowledge, but such person cannot be asked about his
18 testimony before the commission or opinions formed by him as a
19 result of commission hearings.

20 (b) Records and meetings.--

21 (1) A privileged or confidential record of the
22 Pennsylvania Commission on Conviction Integrity shall not be
23 deemed a public record under the act of February 14, 2008
24 (P.L.6, No.3), known as the Right-to-Know Law.

25 (2) Meetings of the Pennsylvania Commission on
26 Conviction Integrity shall not be open to the public under 65
27 Pa.C.S. Ch. 7 (relating to open meetings).

28 Section 8. Membership.

29 The commission shall consist of the following members:

30 (1) The Attorney General, ex officio, or a designee.

1 (2) The Chief Justice of the Pennsylvania Supreme Court,
2 ex officio, or a designee.

3 (3) A member of the Commonwealth's Forensic Science
4 Advisory Board appointed by the chairperson of the board.

5 (4) A member appointed by the President pro tempore of
6 the Senate.

7 (5) A member appointed by the Minority Leader of the
8 Senate.

9 (6) A member appointed by the Speaker of the House of
10 Representatives.

11 (7) A member appointed by the Minority Leader of the
12 House of Representatives.

13 (8) An at-large member appointed by the Governor.

14 Any appointment to the commission shall be made no later than 60
15 days after the effective date of this act.

16 Section 9. Terms of membership.

17 The Attorney General or his designee, the Chief Justice of
18 the Pennsylvania Supreme Court or his designee, and the member
19 of the Commonwealth's Forensic Science Advisory Board appointed
20 by the chairperson of the board shall each serve on the
21 commission as long as they continue to serve in the qualifying
22 position specified in section 8. The member appointed by the
23 President pro tempore of the Senate and the member appointed by
24 the Minority Leader of the House of Representatives shall each
25 serve an initial term of two years. The member appointed by the
26 Minority Leader of the Senate and the member appointed by the
27 Speaker of the House of Representatives shall each serve an
28 initial term of three years. The at-large appointee of the
29 Governor shall serve an initial term of four years. Members may
30 not be reappointed to the commission more than one time. If any

1 member fails to complete his term, the appointing authority for
2 that member shall, as soon as possible, appoint a replacement to
3 complete that member's term. These appointees may also be
4 reappointed only one time. Except in the case of members who
5 serve ex officio, once all initial terms have expired, all
6 subsequent appointees shall serve for a term of four years.

7 Section 10. Election and term of chairperson.

8 The commission shall elect a chairperson from its membership
9 by majority vote. If the vote for a chairperson results in a
10 tie, repeat balloting shall occur until a chairperson is elected
11 by a vote of the majority of the members of the commission. The
12 elected member shall serve as chairperson for a period of two
13 years after which another election for chairperson shall be
14 held. A member may only serve as chairperson for a maximum of
15 two consecutive terms. Any vacancy in the position of
16 chairperson shall be filled as soon as possible by the election
17 of another member by majority vote.

18 Section 11. Compensation and quorum.

19 Other than for reimbursement of reasonable expenses actually
20 incurred to attend the meetings of the commission, there shall
21 be no compensation for serving as a member of the commission. A
22 majority of the members shall constitute a quorum, and a vote of
23 the majority of the members present shall be sufficient for all
24 actions.

25 Section 12. Funding.

26 An appropriation shall be included annually in the General
27 Appropriation Act to pay the expenses of the members of the
28 commission as constituted by this act and for the office space
29 and salary of a director, clerical and other staff and
30 incidental expenses deemed necessary for performing the

- 1 functions required by this act.
- 2 Section 13. Effective date.
- 3 This act shall take effect in 180 days.