



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1118

PRINTERS NO. 4066

PRIME SPONSOR: Vereb

COST / (SAVINGS)

FUND	FY 2016/17	FY 2017/18
General Fund	\$0	See "Fiscal Impact" below.

SUMMARY:

House Bill 1118 amends the Crimes Code concerning conflicts of interest and independent counsels. It would take effect in 60 days.

ANALYSIS:

House Bill 1118 adds two new chapters to the Crimes Code, proposed as Chapters 92 and 95, concerning Conflicts of Interest and Independent Counsel, respectively.

Chapter 92 provides a process to follow when a county district attorney has a conflict of interest and needs refer a case to the attorney general or a district attorney from another county.

Chapter 95 provides a process for the appointment of an independent counsel (IC). It establishes a Special Independent Prosecutor's Panel consisting of three judges.

A president judge may request or a district attorney may petition the panel to appoint a Special Investigative Counsel (SIC) whenever he or she receives sufficient information that the Attorney General or an employee, senior aide, campaign chair, or other campaign official of the Attorney General may have committed an offense higher than a summary. The SIC must apply to the panel for appointment of an IC if the SIC determines there are reasonable grounds for further investigation or the investigative period expires without determination that further investigation is not warranted.

Once appointed, the IC would have all the powers of the Attorney General, receive an identical per diem salary, be permitted to hire additional staff, and utilize the existing resources of the Pennsylvania State Police.

When requested by the Governor, the General Assembly would appropriate the necessary funds for the operation of the IC and additional State Police costs. The IC must establish cost controls, place responsibility for expenditures on a specific employee and follow policies established by the Office of Administration. The IC must also submit to the General Assembly financial reports of expenditures.

The IC may terminate its office upon notice to the panel that all its work is completed and a final report is filed. The panel may terminate the office the earlier of two years after the IC was appointed or \$2 million has been spent, or at the end of each succeeding year.

FISCAL IMPACT:

Enactment of this legislation will have no immediate or direct fiscal impact on the Commonwealth. It will only have an impact if an IC is appointed in the future and the General Assembly appropriates funds for the operation of the IC.

PREPARED BY: Jeff Miller
House Appropriations Committee (R)

DATE: October 25, 2016

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.