

**SENATE APPROPRIATIONS COMMITTEE  
FISCAL NOTE**

**BILL NO.** House Bill 1118

**PRINTER NO.** 3640

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

May 6, 2015

**PRIME SPONSOR**

Representative Vereb

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 1118 amends Title 18 (Crimes and Offenses) to provide a process for appointing an independent counsel.

This legislation creates a new Chapter 95 which allows for the appointment of an independent counsel to investigate alleged wrongdoing by an Attorney General, a Deputy Attorney General, employees of the Office of Attorney General, or chairman or treasurer of a political campaign of the Attorney General.

The Special Independent Prosecutor's Panel (Panel) would be comprised of one Superior Court judge and two judges of the Court of Common Pleas. The Common Pleas judges may be senior judges. The Panel will be selected in accordance with a procedure developed by the Administrative Office of Pennsylvania Courts. The Prothonotary of the Superior Court shall serve as the clerk for the Panel. Panel members shall serve for a term of three years unless they reach the mandatory retirement age. All decisions of the panel shall be by majority vote of the members.

The Panel, upon the petition of a district attorney or a requesting judge with reasonable grounds to believe that an offense greater than a summary offense has occurred, shall appoint a special investigative counsel to conduct a preliminary investigation. The preliminary investigation shall be of matters as the special investigative counsel considers appropriate in order to determine whether further investigation is warranted with respect to each potential violation.

If further investigation is warranted, the Panel will appoint an independent counsel to proceed with an investigation.

The independent counsel shall have full power and independent authority to exercise all investigative and prosecutorial functions of the Office of Attorney General.

The State Treasurer shall submit to the General Assembly, no later than thirty days after the end of each fiscal year, a report on amounts paid during that fiscal year for expenses of investigations and prosecutions by an independent counsel.

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An office of independent counsel shall terminate when the independent counsel notifies the Panel that the investigation of all matters and any resulting prosecutions have been completed and a final report is filed.

The Panel shall decide on its own motion whether termination is appropriate no later than two years after the appointment of an independent counsel or the reported expenditures of the independent counsel, including personnel costs and travel expenses, have reached \$2 million, whichever occurs first, and at the end of each succeeding one-year period.

This legislation shall take effect in 60 days.

### **FISCAL IMPACT:**

An independent counsel shall receive compensation at the per diem rate equal to the annual rate of pay for the Attorney General, as well as payment of travel expenses. The independent counsel may appoint, fix the compensation, and assign duties of employees as necessary, including attorneys, investigators, and experts. These employees are exempted from competitive service and shall be compensated at levels comparable to similar positions in the Office of Attorney General.

The independent counsel may request assistance from the Pennsylvania State Police in carrying out the functions of the independent counsel. The State Police shall provide assistance, including the use of resources and personnel necessary to complete the independent counsel's duties.

All expenses attributable to the appointment of either a special investigative counsel or an independent counsel shall be paid from the annual appropriation for the Office of Attorney General's general government operations.

The costs associated with the independent counsel and the Special Independent Prosecutor's Panel will be dependent on the size and scope of their investigations. The independent counsel shall file reports with the Panel every six months identifying and detailing all actual expenses incurred and estimating future expenses.