

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1319 Session of  
1978

INTRODUCED BY O'PAKE, STOUT, DUFFIELD, KELLEY, SNYDER, EARLY,  
SCHAEFER, ZEMPRELLI, REIBMAN, JUBELIRER AND STAPLETON,  
MARCH 1, 1978

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
SEPTEMBER 21, 1978

AN ACT

1 ~~Amending the act of June 1, 1956 (P.L.1959, No.657), entitled,~~ <—  
2 ~~as amended, "An act fixing the salaries and compensation of~~  
3 ~~the Chief Justice and judges of the Supreme Court, the~~  
4 ~~President Judge and judges of the Superior Court, the judges~~  
5 ~~of the courts of common pleas, the judges of the orphans'~~  
6 ~~courts, the judges of the County Court of Philadelphia and~~  
7 ~~the judges of the County Court and Juvenile Court of~~  
8 ~~Allegheny County, certain associate judges not learned in the~~  
9 ~~law, certain state officers, and the salary and expenses of~~  
10 ~~the members of the General Assembly, and repealing certain~~  
11 ~~inconsistent acts," providing that nothing in this act shall~~  
12 ~~be construed as prohibiting any judge from serving without~~  
13 ~~compensation.~~

14 PROVIDING FOR INVESTIGATING GRAND JURIES. <—

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12 The General Assembly of the Commonwealth of Pennsylvania  
13 hereby enacts as follows:

14 ~~Section 1. Section 10, act of June 1, 1956 (P.L.1959,~~ <—  
15 ~~No.657), referred to as the Public Official Compensation Law,~~  
16 ~~amended June 17, 1974 (P.L.346, No.111), is amended to read:~~

17 ~~Section 10. (a) When any judge learned in the law is called~~  
18 ~~in, as is now provided by law, to assist the judge or judges of~~  
19 ~~any other judicial district, the judge so called in shall be~~  
20 ~~entitled to receive, for each day he is actually engaged in the~~  
21 ~~performance of such duty, the sum of fifty dollars (\$50) per day~~  
22 ~~and the actual traveling expenses not in excess of fifteen cents~~  
23 ~~(15c/) for each mile traveled to and from the place of holding~~  
24 ~~court in such district. The provisions hereof shall in no way~~  
25 ~~affect the right of any such judge to the pay provided by law~~  
26 ~~for his services in this capacity.~~

27 ~~(b) Nothing in this section shall be construed as~~  
28 ~~prohibiting any judge from serving without compensation if he is~~  
29 ~~willing to do so.~~

30 ~~Section 2. This act shall take effect immediately.~~

1 SECTION 1. SHORT TITLE.

2 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE  
3 "INVESTIGATING GRAND JURY ACT."

4 SECTION 2. DEFINITIONS.

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

8 "ATTORNEY FOR THE COMMONWEALTH." THE DISTRICT ATTORNEY OF  
9 THE COUNTY IN WHICH A COUNTY INVESTIGATING GRAND JURY IS  
10 SUMMONED, OR HIS DESIGNEE, OR THE ATTORNEY GENERAL OR HIS  
11 DESIGNEE IF THE ATTORNEY GENERAL HAS SUPERSEDED THE DISTRICT  
12 ATTORNEY; THE ATTORNEY GENERAL, OR HIS DESIGNEE, WITH RESPECT TO  
13 MULTI-COUNTY INVESTIGATING GRAND JURIES.

14 "INVESTIGATING GRAND JURY." THE COUNTY INVESTIGATING GRAND  
15 JURY OR THE MULTI-COUNTY INVESTIGATING GRAND JURY OR BOTH.

16 "INVESTIGATING GRAND JURY REPORT." A REPORT SUBMITTED BY THE  
17 INVESTIGATING GRAND JURY TO THE SUPERVISING JUDGE REGARDING  
18 CONDITIONS RELATING TO ORGANIZED CRIME OR PUBLIC CORRUPTION OR  
19 BOTH; OR PROPOSING RECOMMENDATIONS FOR LEGISLATIVE, EXECUTIVE,  
20 OR ADMINISTRATIVE ACTION IN THE PUBLIC INTEREST BASED UPON  
21 STATED FINDINGS.

22 "INVESTIGATIVE RESOURCES OF THE GRAND JURY." THE POWER TO  
23 COMPEL THE ATTENDANCE OF INVESTIGATING WITNESSES; THE POWER TO  
24 COMPEL THE TESTIMONY OF INVESTIGATING WITNESSES UNDER OATH; THE  
25 POWER TO TAKE INVESTIGATING TESTIMONY FROM WITNESSES WHO HAVE  
26 BEEN GRANTED IMMUNITY; THE POWER TO REQUIRE THE PRODUCTION OF  
27 DOCUMENTS, RECORDS AND OTHER EVIDENCE; THE POWER TO OBTAIN THE  
28 INITIATION OF CIVIL AND CRIMINAL CONTEMPT PROCEEDINGS; AND EVERY  
29 INVESTIGATIVE POWER OF ANY GRAND JURY OF THE COMMONWEALTH.

30 "MULTI-COUNTY INVESTIGATING GRAND JURY." A STATEWIDE OR

1 REGIONAL INVESTIGATING GRAND JURY CONVENED BY A JUSTICE OF THE  
2 SUPREME COURT UPON THE APPLICATION OF THE ATTORNEY GENERAL AND  
3 HAVING JURISDICTION TO INQUIRE INTO ORGANIZED CRIME OR POLITICAL  
4 CORRUPTION OR BOTH UNDER CIRCUMSTANCES WHEREIN MORE THAN ONE  
5 COUNTY IS NAMED IN THE ORDER CONVENING SAID INVESTIGATING GRAND  
6 JURY.

7 "ORGANIZED CRIME." THE UNLAWFUL ACTIVITY OF AN ASSOCIATION  
8 TRAFFICKING IN ILLEGAL GOODS OR SERVICES, INCLUDING BUT NOT  
9 LIMITED TO GAMBLING, PROSTITUTION, LOAN SHARKING, CONTROLLED  
10 SUBSTANCES, LABOR RACKETEERING, OR OTHER UNLAWFUL ACTIVITIES; OR  
11 ANY CONTINUING CRIMINAL CONSPIRACY OR OTHER UNLAWFUL PRACTICE  
12 WHICH HAS AS ITS OBJECTIVE:

13 (I) LARGE ECONOMIC GAIN THROUGH FRAUDULENT OR COERCIVE  
14 PRACTICES; OR

15 (II) IMPROPER GOVERNMENTAL INFLUENCE.

16 "PUBLIC CORRUPTION." THE UNLAWFUL ACTIVITY UNDER COLOR OF OR  
17 IN CONNECTION WITH ANY PUBLIC OFFICE OR EMPLOYMENT OF:

18 (I) ANY PUBLIC OFFICIAL OR PUBLIC EMPLOYEE, OR THE AGENT  
19 OF ANY PUBLIC OFFICIAL OR PUBLIC EMPLOYEE UNDER COLOR OF OR  
20 IN CONNECTION WITH ANY PUBLIC OFFICE OR EMPLOYMENT; OR

21 (II) ANY CANDIDATE FOR PUBLIC OFFICE OR THE AGENT OF ANY  
22 CANDIDATE FOR PUBLIC OFFICE.

23 "SUPERVISING JUDGE." THE COMMON PLEAS JUDGE DESIGNATED BY  
24 THE PRESIDENT JUDGE TO SUPERVISE THE ACTIVITIES OF THE COUNTY  
25 INVESTIGATING GRAND JURY, OR THE COMMON PLEAS JUDGE DESIGNATED  
26 BY A JUSTICE OF THE SUPREME COURT TO SUPERVISE THE ACTIVITIES OF  
27 THE MULTI-COUNTY INVESTIGATING GRAND JURY.

28 SECTION 3. CONVENING THE COUNTY INVESTIGATING GRAND JURY.

29 (A) IN ADDITION TO SUCH OTHER GRAND JURIES AS ARE CALLED  
30 FROM TIME TO TIME, COUNTY INVESTIGATING GRAND JURIES SHALL BE

1 SUMMONED AS PROVIDED IN SUBSECTION (B).

2 (B) APPLICATION MAY BE MADE TO THE PRESIDENT JUDGE OF THE  
3 COURT OF COMMON PLEAS OF ANY COUNTY BY THE ATTORNEY FOR THE  
4 COMMONWEALTH FOR AN ORDER DIRECTING THAT A COUNTY INVESTIGATING  
5 GRAND JURY BE SUMMONED, STATING IN SUCH APPLICATION THAT THE  
6 CONVENING OF A COUNTY INVESTIGATING GRAND JURY IS NECESSARY  
7 BECAUSE OF THE EXISTENCE OF CRIMINAL ACTIVITY WITHIN THE COUNTY  
8 WHICH CAN BEST BE FULLY INVESTIGATED USING THE INVESTIGATIVE  
9 RESOURCES OF THE GRAND JURY. WITHIN TEN DAYS OF RECEIPT OF SUCH  
10 APPLICATION, THE PRESIDENT JUDGE SHALL ISSUE AN ORDER GRANTING  
11 THE REQUEST. THE ORDER SHALL SPECIFY WHICH JUDGE IS TO BE THE  
12 SUPERVISING JUDGE OF THE COUNTY INVESTIGATING GRAND JURY.  
13 REFUSAL TO GRANT AN APPLICATION UNDER THIS SUBSECTION SHALL BE  
14 APPEALABLE TO THE CHIEF JUSTICE OF THE SUPREME COURT OR SUCH  
15 JUSTICE OF THE SUPREME COURT WHO IS DESIGNATED BY RULE TO HEAR  
16 SUCH APPEALS.

17 (C) IN THE ABSENCE OF AN ORDER UNDER SUBSECTION (B), THE  
18 PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS UPON HIS OWN MOTION  
19 MAY ISSUE AN ORDER DIRECTING THAT A COUNTY INVESTIGATING GRAND  
20 JURY BE SUMMONED: PROVIDED, HOWEVER, THAT THE SUMMONING OF SUCH  
21 GRAND JURY MAY, IN THE DISCRETION OF THE COURT, BE STAYED IF THE  
22 DISTRICT ATTORNEY OF THE COUNTY AND THE ATTORNEY GENERAL BOTH  
23 CERTIFY TO THE COURT THAT, IN THEIR JUDGMENTS, THE SUMMONING OF  
24 SUCH GRAND JURY IS NOT NECESSARY AT SUCH TIME.

25 (D) IN ADDITION TO THE METHODS OF SUMMONING AN INVESTIGATING <—  
26 GRAND JURY IN (B) AND (C), THE ATTORNEY FOR THE COMMONWEALTH OR  
27 THE PRESIDENT JUDGE OF THE COURT OF COMMON PLEAS MAY, UPON  
28 PETITION OF 10% OF THE COUNTY RESIDENTS WHO ARE REGISTERED  
29 ELECTORS, IMPANEL AN INVESTIGATING GRAND JURY AS PROVIDED IN (B)  
30 OR (C) TO INVESTIGATE THE ALLEGATIONS SET FORTH IN THE CITIZENS'

1 PETITION.

2 ~~(D)~~ (E) THE COUNTY INVESTIGATING GRAND JURY SHALL BE <—  
3 IMPANELED IN THE MANNER PROVIDED BY LAW.

4 SECTION 4. CONVENING THE MULTI-COUNTY INVESTIGATING GRAND JURY.

5 (A) APPLICATION FOR A MULTI-COUNTY INVESTIGATING GRAND JURY  
6 MAY BE MADE BY THE ATTORNEY GENERAL TO THE CHIEF JUSTICE OF THE  
7 SUPREME COURT OR TO SUCH JUSTICE OF THE SUPREME COURT WHO IS  
8 DESIGNATED BY RULE TO RECEIVE SUCH APPLICATION. IN SUCH  
9 APPLICATION THE ATTORNEY GENERAL SHALL STATE THAT, IN HIS  
10 JUDGMENT, THE CONVENING OF A MULTI-COUNTY INVESTIGATING GRAND  
11 JURY IS NECESSARY BECAUSE OF ORGANIZED CRIME OR POLITICAL  
12 CORRUPTION OR BOTH INVOLVING MORE THAN ONE COUNTY OF THE  
13 COMMONWEALTH. ~~AND THAT, IN HIS JUDGMENT, THE INVESTIGATION~~ <—  
14 ~~CANNOT BE ADEQUATELY PERFORMED BY AN INVESTIGATING GRAND JURY~~  
15 ~~AVAILABLE UNDER SECTION 3.~~ THE APPLICATION SHALL SPECIFY FOR  
16 WHICH COUNTIES THE MULTI-COUNTY INVESTIGATING GRAND JURY IS TO  
17 BE CONVENED. WITHIN TEN DAYS OF RECEIPT OF SUCH APPLICATION, THE  
18 JUSTICE SHALL ISSUE AN ORDER GRANTING THE SAME. FAILURE TO GRANT  
19 SUCH APPLICATION SHALL BE APPEALABLE TO THE ENTIRE SUPREME <—  
20 COURT.

21 (B) AN ORDER ISSUED UNDER SUBSECTION (A) SHALL:

22 (1) CONVENE A MULTI-COUNTY INVESTIGATING GRAND JURY  
23 HAVING ~~JURISDICTION~~ STATEWIDE JURISDICTION, OR JURISDICTION <—  
24 OVER ALL COUNTIES REQUESTED IN THE APPLICATION BY THE  
25 ATTORNEY GENERAL;

26 (2) DESIGNATE A JUDGE OF A COURT OF COMMON PLEAS TO BE  
27 THE SUPERVISING JUDGE OVER SUCH MULTI-COUNTY INVESTIGATING  
28 GRAND JURY AND PROVIDE THAT SUCH JUDGE SHALL WITH RESPECT TO  
29 INVESTIGATIONS, INDICTMENTS, REPORTS, AND ALL OTHER PROPER  
30 ACTIVITIES OF SAID INVESTIGATING MULTI-COUNTY GRAND JURY,

HAVE JURISDICTION OVER ALL COUNTIES IN THE JURISDICTION OF  
SAID MULTI-COUNTY INVESTIGATING GRAND JURY;

(3) DESIGNATE THE COUNTIES WHICH SHALL SUPPLY JURORS AND  
IN WHAT RATIOS;

(4) DESIGNATE A LOCATION OR LOCATIONS FOR THE MULTI-  
COUNTY INVESTIGATING GRAND JURY PROCEEDING; AND

(5) PROVIDE FOR SUCH OTHER INCIDENTAL ARRANGEMENTS AS  
MAY BE NECESSARY INCLUDING THE COMMONWEALTH'S SHARE OF COSTS.

ALL MATTERS TO BE INCLUDED IN SUCH ORDER SHALL BE DETERMINED BY  
THE JUSTICE ISSUING THE ORDER IN ANY MANNER WHICH HE DEEMS  
APPROPRIATE, EXCEPT THAT THE SUPREME COURT MAY ADOPT RULES,  
CONSISTENT WITH THE PROVISIONS OF THIS SECTION, ESTABLISHING  
STANDARD PROCEDURES FOR THE CONVENING OF MULTI-COUNTY  
INVESTIGATING GRAND JURIES.

(C) THE MULTI-COUNTY INVESTIGATING GRAND JURY SHALL BE  
IMPANELED IN THE MANNER PROVIDED BY LAW.

(D) THE IMPANELING OF A MULTI-COUNTY INVESTIGATING GRAND  
JURY SHALL IN NO WAY DIMINISH THE RESPONSIBILITY AND THE  
AUTHORITY OF THE DISTRICT ATTORNEYS WITHIN THEIR JURISDICTIONS  
TO INVESTIGATE AND PROSECUTE ORGANIZED CRIME OR PUBLIC  
CORRUPTION OR BOTH.

SECTION 5. COMPOSITION OF THE INVESTIGATING GRAND JURY.

(A) EACH INVESTIGATING GRAND JURY SHALL BE COMPOSED  
INITIALLY OF 23 MEMBERS AND HAVE SEVEN ALTERNATES. SUBSEQUENT  
VACANCIES SHALL BE FILLED BY SUBSTITUTING ALTERNATES FOR THE  
MEMBERS WHO ARE EXCUSED OR OTHERWISE UNABLE TO CONTINUE THEIR  
SERVICE.

(B) FIFTEEN MEMBERS SHALL CONSTITUTE A QUORUM AND MAY  
CONDUCT BUSINESS FOR THE INVESTIGATING GRAND JURY BUT A MAJORITY  
OF THE FULL INVESTIGATING GRAND JURY SHALL BE REQUIRED TO ADOPT

1 A REPORT OR PRESENT AN INDICTMENT.

2 (C) THE SUPERVISING JUDGE SHALL APPOINT A FOREMAN FROM AMONG  
3 THE MEMBERS OF THE INVESTIGATING GRAND JURY. THE MEMBERS OF THE  
4 INVESTIGATING GRAND JURY SHALL THEN ELECT A SECRETARY.

5 SECTION 6. TERM OF INVESTIGATING GRAND JURY.

6 (A) NO INVESTIGATING GRAND JURY SHALL BE LIMITED IN DURATION  
7 TO THE TERM OF COURT. EACH SUCH INVESTIGATING GRAND JURY SHALL,  
8 EXCEPT AS PROVIDED IN SUBSECTIONS (B) AND (C), SERVE FOR A TERM  
9 OF 18 MONTHS, UNLESS AN ORDER FOR DISCHARGE SHALL BE ENTERED  
10 EARLIER BY THE COURT UPON THE DETERMINATION OF SUCH  
11 INVESTIGATING GRAND JURY, BY MAJORITY VOTE, THAT ITS BUSINESS  
12 HAS BEEN COMPLETED.

13 (B) IF, AT THE END OF ITS ORIGINAL TERM OR ANY EXTENSION  
14 THEREOF, ANY INVESTIGATING GRAND JURY DETERMINES BY MAJORITY  
15 VOTE THAT IT HAS NOT COMPLETED ITS BUSINESS, IT MAY REQUEST THE  
16 COURT TO EXTEND ITS TERM FOR AN ADDITIONAL PERIOD OF SIX MONTHS:  
17 PROVIDED, HOWEVER, THAT NO SUCH INVESTIGATING GRAND JURY TERM  
18 SHALL EXCEED 24 MONTHS FROM THE TIME IT WAS ORIGINALLY SUMMONED.  
19 THE COURT SHALL ISSUE AN ORDER GRANTING A REQUEST FOR EXTENSION  
20 UNLESS IT DETERMINES THAT SUCH REQUEST IS CLEARLY WITHOUT BASIS.  
21 FAILURE TO GRANT AN EXTENSION OF TERM UNDER THIS SUBSECTION MAY,  
22 ~~UPON AFFIRMATIVE MAJORITY VOTE OF SUCH GRAND JURY,~~ BE APPEALED <—  
23 BY THE ATTORNEY FOR THE COMMONWEALTH TO THE CHIEF JUSTICE OF THE <—  
24 SUPREME COURT OR SUCH JUSTICE OF THE SUPREME COURT WHO IS  
25 DESIGNATED BY RULE TO HEAR SUCH APPEALS. WHERE AN APPEAL IS  
26 TAKEN, THE GRAND JURY SHALL CONTINUE TO EXERCISE ITS POWERS  
27 PENDING THE DISPOSITION THEREOF.

28 (C) IF, AT ANY TIME WITHIN THE ORIGINAL TERM OF ANY  
29 INVESTIGATING GRAND JURY OR ANY EXTENSION THEREOF, THE COURT  
30 DETERMINES THAT ~~THERE IS CLEARLY NO BASIS FOR THE FURTHER~~ <—



1 ~~EXISTENCE OF ANY INVESTIGATING GRAND JURY,~~ THE INVESTIGATING <—  
2 GRAND JURY IS NOT CONDUCTING PROPER INVESTIGATIVE ACTIVITY, THE  
3 COURT MAY ORDER THAT SUCH GRAND JURY BE DISCHARGED. AN ORDER OF  
4 DISCHARGE UNDER THIS SUBSECTION SHALL NOT BECOME EFFECTIVE LESS  
5 THAN TEN DAYS AFTER THE DATE ON WHICH IT IS ISSUED AND ACTUAL  
6 NOTICE GIVEN TO THE ATTORNEY FOR THE COMMONWEALTH AND THE  
7 FOREMAN OF THE INVESTIGATING GRAND JURY, AND MAY, ~~UPON~~ <—  
8 ~~AFFIRMATIVE MAJORITY VOTE OF SUCH GRAND JURY,~~ BE APPEALED BY THE <—  
9 ATTORNEY FOR THE COMMONWEALTH TO THE CHIEF JUSTICE OF THE  
10 SUPREME COURT OR SUCH JUSTICE OF THE SUPREME COURT WHO IS  
11 DESIGNATED BY RULE TO HEAR SUCH APPEALS. WHEN AN APPEAL IS  
12 TAKEN, THE GRAND JURY SHALL CONTINUE TO EXERCISE ITS POWERS  
13 PENDING THE DISPOSITION THEREOF.

14 (D) WHENEVER THE ATTORNEY FOR THE COMMONWEALTH DETERMINES  
15 THAT THE VOLUME OF WORK OF AN INVESTIGATING GRAND JURY EXCEEDS  
16 THE CAPACITY OF THE INVESTIGATING GRAND JURY TO DISCHARGE ITS  
17 OBLIGATIONS, HE MAY MAKE APPLICATION TO THE COURT TO IMPANEL  
18 ADDITIONAL INVESTIGATING GRAND JURIES UNDER THE PROVISIONS OF  
19 SECTIONS 3 AND 4 OF THIS ACT.

20 SECTION 7. POWERS OF THE INVESTIGATING GRAND JURY.

21 (A) THE INVESTIGATING GRAND JURY SHALL HAVE THE POWER TO  
22 INQUIRE INTO OFFENSES AGAINST THE CRIMINAL LAWS OF THE  
23 COMMONWEALTH ALLEGED TO HAVE BEEN COMMITTED WITHIN THE COUNTY OR  
24 COUNTIES IN WHICH IT IS SUMMONED. SUCH POWER SHALL INCLUDE THE  
25 INVESTIGATIVE RESOURCES OF THE GRAND JURY WHICH SHALL INCLUDE  
26 BUT NOT BE LIMITED TO THE POWER OF SUBPOENA, THE POWER TO OBTAIN  
27 THE INITIATION OF CIVIL AND CRIMINAL CONTEMPT PROCEEDINGS, AND  
28 EVERY INVESTIGATIVE POWER OF ANY GRAND JURY OF THE COMMONWEALTH.  
29 SUCH ALLEGED OFFENSES MAY BE BROUGHT TO THE ATTENTION OF SUCH  
30 GRAND JURY BY THE COURT OR BY THE ATTORNEY FOR THE COMMONWEALTH,

1 BUT IN NO CASE SHALL THE INVESTIGATING GRAND JURY INQUIRE INTO  
2 ALLEGED OFFENSES ON ITS OWN MOTION.

3 (B) THE INVESTIGATING GRAND JURY SHALL HAVE THE POWER TO  
4 INDICT ANY PERSON WHO APPEARS TO HAVE COMMITTED WITHIN THE  
5 COUNTY OR COUNTIES IN WHICH SUCH INVESTIGATING GRAND JURY IS  
6 SUMMONED AN OFFENSE AGAINST THE CRIMINAL LAWS OF THE  
7 COMMONWEALTH. THE POWER OF AN INVESTIGATING GRAND JURY TO INDICT  
8 SHALL BE EXERCISED IN THE SAME MANNER, AND UPON THE SAME  
9 STANDARDS AND EVIDENCE, AS IN THE CASE OF OTHER GRAND JURIES  
10 EXCEPT AS MODIFIED BY SECTION 10. AN INDICTMENT BY AN  
11 INVESTIGATING GRAND JURY SHALL CONSTITUTE THE COMMENCEMENT OF  
12 CRIMINAL PROCEEDINGS AGAINST THE DEFENDANT NAMED THEREIN; AND  
13 THE PROCEEDINGS PRIOR AND SUBSEQUENT TO SUCH INDICTMENT SHALL  
14 NOT INCLUDE A COMPLAINT, PRELIMINARY HEARING, INFORMATION OR  
15 PRESENTMENT TO ANOTHER GRAND JURY.

16 (C) THE INVESTIGATING GRAND JURY SHALL HAVE EVERY POWER  
17 AVAILABLE TO ANY OTHER GRAND JURY IN THE COMMONWEALTH. THE  
18 JURISDICTION, POWERS AND ACTIVITIES OF AN INVESTIGATING GRAND  
19 JURY SHALL NOT, IF OTHERWISE LAWFUL, BE LIMITED IN ANY WAY BY  
20 THE CHARGE OF THE COURT.

21 SECTION 8. INVESTIGATING GRAND JURY PROCEEDINGS.

22 (A) ANY DOCUMENT PRODUCED BEFORE AN INVESTIGATING GRAND JURY  
23 MAY BE COPIED OR REPRODUCED. EACH STATEMENT, QUESTION, COMMENT  
24 OR RESPONSE OF THE SUPERVISING JUDGE, THE ATTORNEY FOR THE  
25 COMMONWEALTH, ANY WITNESS, ANY GRAND JUROR OR ANY OTHER PERSON  
26 WHICH IS MADE IN THE PRESENCE OF THE INVESTIGATING GRAND JURY,  
27 EXCEPT ITS DELIBERATIONS AND THE VOTE OF ANY JUROR, SHALL BE  
28 STENOGRAPHICALLY RECORDED OR TRANSCRIBED OR BOTH.

29 (B) DISCLOSURE OF MATTERS OCCURRING BEFORE THE GRAND JURY  
30 OTHER THAN ITS DELIBERATIONS AND THE VOTE OF ANY JUROR MAY BE

1 MADE TO THE ATTORNEYS FOR THE COMMONWEALTH FOR USE IN THE  
2 PERFORMANCE OF THEIR DUTIES. THE ATTORNEYS FOR THE COMMONWEALTH  
3 MAY WITH THE APPROVAL OF THE SUPERVISING JUDGE DISCLOSE MATTERS  
4 OCCURRING BEFORE THE INVESTIGATING GRAND JURY INCLUDING  
5 TRANSCRIPTS OF TESTIMONY TO LOCAL, STATE, OTHER STATE OR FEDERAL  
6 LAW ENFORCEMENT OR INVESTIGATING AGENCIES TO ASSIST THEM IN  
7 INVESTIGATING CRIMES UNDER THEIR INVESTIGATIVE JURISDICTION.  
8 OTHERWISE A JUROR, ATTORNEY, INTERPRETER, STENOGRAPHER, OPERATOR  
9 OF A RECORDING DEVICE, OR ANY TYPIST WHO TRANSCRIBES RECORDED  
10 TESTIMONY MAY DISCLOSE MATTERS OCCURRING BEFORE THE GRAND JURY  
11 ONLY WHEN SO DIRECTED BY THE COURT. ALL SUCH PERSONS SHALL BE  
12 SWORN TO SECRECY, AND SHALL BE IN CONTEMPT OF COURT IF THEY  
13 REVEAL ANY INFORMATION WHICH THEY ARE SWORN TO KEEP SECRET.

14 ~~(C) NO WITNESS MAY BE ACCOMPANIED BY COUNSEL WHILE~~ <—  
15 ~~TESTIFYING BEFORE AN INVESTIGATING GRAND JURY. NOTHING HEREIN~~  
16 ~~SHALL BE CONSTRUED TO PROHIBIT A WITNESS FROM CONFERRING WITH~~  
17 ~~COUNSEL OUTSIDE THE PRESENCE OF THE GRAND JURY AT ANY TIME~~  
18 ~~DURING THE COURSE OF HIS TESTIMONY.~~

19 (C) (1) A WITNESS SUBPOENAED TO APPEAR AND TESTIFY BEFORE <—  
20 AN INVESTIGATING GRAND JURY OR TO PRODUCE DOCUMENTS, RECORDS  
21 OR OTHER EVIDENCE BEFORE AN INVESTIGATING GRAND JURY SHALL BE  
22 ENTITLED TO THE ASSISTANCE OF COUNSEL, INCLUDING ASSISTANCE  
23 DURING SUCH TIME AS THE WITNESS IS QUESTIONED IN THE PRESENCE  
24 OF THE INVESTIGATING GRAND JURY.

25 (2) SUCH COUNSEL MAY BE RETAINED BY THE WITNESS OR SHALL  
26 BE APPOINTED IN THE CASE OF ANY PERSON UNABLE TO PROCURE  
27 SUFFICIENT FUNDS TO OBTAIN LEGAL REPRESENTATION.

28 (3) SUCH COUNSEL SHALL BE ALLOWED TO BE PRESENT IN THE  
29 GRAND JURY ROOM DURING THE QUESTIONING OF THE WITNESS AND  
30 SHALL BE ALLOWED TO ADVISE THE WITNESS BUT SHALL NOT BE

1 ALLOWED TO ADDRESS THE GRAND JURORS OR OTHERWISE TO  
2 PARTICIPATE IN THE PROCEEDINGS BEFORE THE INVESTIGATING GRAND  
3 JURY.

4 (D) NO WITNESS SHALL BE PROHIBITED FROM DISCLOSING HIS  
5 TESTIMONY BEFORE THE INVESTIGATING GRAND JURY EXCEPT FOR CAUSE  
6 SHOWN IN A HEARING BEFORE THE SUPERVISING JUDGE. IN NO EVENT MAY  
7 A WITNESS BE PREVENTED FROM DISCLOSING HIS TESTIMONY TO HIS  
8 ATTORNEY.

9 SECTION 9. SUBMISSION OF INVESTIGATIONS BY THE

10 ATTORNEY FOR THE COMMONWEALTH TO THE INVESTIGATING  
11 GRAND JURY.

12 (A) BEFORE SUBMITTING AN INVESTIGATION TO THE INVESTIGATING  
13 GRAND JURY THE ATTORNEY FOR THE COMMONWEALTH SHALL SUBMIT A  
14 NOTICE TO THE SUPERVISING JUDGE. THIS NOTICE SHALL ALLEGE THAT  
15 THE MATTER IN QUESTION SHOULD BE BROUGHT TO THE ATTENTION OF THE  
16 INVESTIGATING GRAND JURY BECAUSE THE INVESTIGATIVE RESOURCES OF  
17 THE GRAND JURY ARE NECESSARY FOR PROPER INVESTIGATION. THE  
18 NOTICE SHALL ALLEGE THAT ONE OR MORE OF THE INVESTIGATIVE  
19 RESOURCES OF THE GRAND JURY ARE REQUIRED IN ORDER TO ADEQUATELY  
20 INVESTIGATE THE MATTER.

21 (B) AFTER THE ATTORNEY FOR THE COMMONWEALTH HAS FILED THE  
22 NOTICE SUBMITTING A MATTER TO THE INVESTIGATING GRAND JURY ANY  
23 OR ALL OF THE INVESTIGATIVE RESOURCES OF THE INVESTIGATING GRAND  
24 JURY MAY BE USED AS REGARDS THE INVESTIGATION.

25 SECTION 10. INVESTIGATING GRAND JURY INDICTMENTS.

26 (A) SHOULD THE INVESTIGATING GRAND JURY DETERMINE THAT UPON  
27 THE BASIS OF EVIDENCE PRESENTED TO IT A CRIMINAL INDICTMENT  
28 SHOULD BE RETURNED AGAINST AN INDIVIDUAL, THE GRAND JURY SHALL  
29 DIRECT THE ATTORNEY FOR THE COMMONWEALTH TO PREPARE A BILL OF  
30 INDICTMENT WHICH SHALL BE SUBMITTED TO THE INVESTIGATING GRAND

1 JURY FOR A VOTE. SHOULD A MAJORITY OF THE FULL GRAND JURY VOTE  
2 APPROVAL FOR THE INDICTMENT IT SHALL THEN BE PRESENTED TO THE  
3 SUPERVISING JUDGE.

4 (B) THE SUPERVISING JUDGE SHALL THEN SCHEDULE A PROBABLE  
5 CAUSE HEARING WHICH MAY IN THE INTERESTS OF JUSTICE BE HELD IN  
6 CAMERA AND AT WHICH THE ATTORNEY FOR THE COMMONWEALTH SHALL  
7 PRESENT EVIDENCE FROM THE GRAND JURY RECORD TO DEMONSTRATE THAT  
8 THE DECISION OF THE GRAND JURY TO RETURN AN INDICTMENT WAS BASED  
9 UPON EVIDENCE BEFORE IT WHICH CONSTITUTES PROBABLE CAUSE THAT  
10 THE INDICTED INDIVIDUAL COMMITTED THE OFFENSES ALLEGED. THE  
11 ~~INDIVIDUAL~~ PERSON SOUGHT TO BE INDICTED SHALL HAVE THE RIGHT TO <—  
12 BE PRESENT AT AND PARTICIPATE IN THIS HEARING WITH THE <—  
13 ASSISTANCE OF RETAINED OR APPOINTED COUNSEL AND TO CONTEST THE  
14 ALLEGATIONS OF THE ~~COMMONWEALTH'S ATTORNEY~~ ATTORNEY FOR THE <—  
15 COMMONWEALTH.

16 (C) IF THE SUPERVISING JUDGE DETERMINES ON THE BASIS OF THE  
17 EVIDENCE SUBMITTED AT THE HEARING THAT THERE IS PROBABLE CAUSE  
18 FOR THE INDICTMENT HE SHALL APPROVE IT AND DIRECT THAT IT BE  
19 FILED WITH THE COURT. NO INDICTMENT APPROVED BY AN INVESTIGATING  
20 GRAND JURY SHALL BE FILED UNTIL SUCH A PROBABLE CAUSE HEARING  
21 SHALL BE HELD.

22 (D) THE SUPERVISING JUDGE MAY SEAL THE PROPOSED INDICTMENT  
23 BEFORE OR AFTER THE CONDUCTING OF THE HEARING FOR CAUSE SHOWN.

24 (E) WHENEVER A MULTI-COUNTY INVESTIGATING GRAND JURY RETURNS  
25 AN INDICTMENT AGAINST ANY PERSON OR PERSONS THE ATTORNEY GENERAL  
26 OR HIS DESIGNEE SHALL, WITH RESPECT TO THE ALLEGED CRIMINAL  
27 ACTIVITIES, BE AUTHORIZED TO PROSECUTE SAID PERSON OR PERSONS ON  
28 BEHALF OF THE COMMONWEALTH BY INSTITUTING CRIMINAL PROCEEDINGS  
29 IN THE COUNTY OF APPROPRIATE VENUE. THE ATTORNEY GENERAL OR HIS  
30 DESIGNEE SHALL TAKE THE OATH OF OFFICE REQUIRED BY LAW TO BE

1 TAKEN OF DISTRICT ATTORNEYS, AND SHALL BE CLOTHED WITH ALL THE  
2 POWERS AND SUBJECT TO ALL THE LIABILITIES IMPOSED UPON THEM BY  
3 LAW.

4 (F) IN ANY CASE WHERE A MULTI-COUNTY INVESTIGATING GRAND  
5 JURY RETURNS AN INDICTMENT THE SUPERVISING JUDGE SHALL SELECT  
6 THE COUNTY FOR CONDUCTING THE TRIAL FROM AMONG THOSE COUNTIES  
7 HAVING JURISDICTION.

8 SECTION 11. INVESTIGATING GRAND JURY REPORTS.

9 (A) ANY INVESTIGATING GRAND JURY, BY AN AFFIRMATIVE MAJORITY  
10 VOTE OF THE FULL INVESTIGATING GRAND JURY, MAY, AT ANY TIME  
11 DURING ITS TERM SUBMIT TO THE SUPERVISING JUDGE AN INVESTIGATING  
12 GRAND JURY REPORT.

13 (B) THE JUDGE TO WHOM SUCH REPORT IS SUBMITTED SHALL EXAMINE  
14 IT AND THE RECORD OF THE INVESTIGATING GRAND JURY AND, EXCEPT AS  
15 OTHERWISE PROVIDED IN THIS SECTION, SHALL ISSUE AN ORDER  
16 ACCEPTING AND FILING SUCH REPORT AS A PUBLIC RECORD WITH THE  
17 COURT OF COMMON PLEAS OF THE COUNTY OR COUNTIES WHICH ARE THE  
18 SUBJECT OF SUCH REPORT ONLY IF THE REPORT IS BASED UPON FACTS  
19 RECEIVED IN THE COURSE OF AN INVESTIGATION AUTHORIZED BY THIS  
20 ACT AND IS SUPPORTED BY THE PREPONDERANCE OF THE EVIDENCE.

21 (C) UPON THE SUBMISSION OF A REPORT PURSUANT TO SUBSECTION  
22 (A), IF THE SUPERVISING JUDGE FINDS THAT THE FILING OF SUCH  
23 REPORT AS A PUBLIC RECORD MAY PREJUDICE FAIR CONSIDERATION OF A  
24 PENDING CRIMINAL MATTER, HE SHALL ORDER SUCH REPORT SEALED AND  
25 SUCH REPORT SHALL NOT BE SUBJECT TO SUBPOENA OR PUBLIC  
26 INSPECTION DURING THE PENDENCY OF SUCH CRIMINAL MATTER EXCEPT  
27 UPON ORDER OF COURT.

28 (D) FAILURE OF THE SUPERVISING JUDGE TO ACCEPT AND FILE AS A  
29 PUBLIC RECORD A REPORT SUBMITTED UNDER THIS SECTION MAY, UPON  
30 ~~AFFIRMATIVE MAJORITY VOTE OF THE FULL INVESTIGATING GRAND JURY,~~

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BE APPEALED BY THE ATTORNEY FOR THE COMMONWEALTH TO THE CHIEF  
JUSTICE OF THE SUPREME COURT OR SUCH JUSTICE OF THE SUPREME  
COURT WHO IS DESIGNATED BY RULE TO HEAR SUCH APPEALS.

(E) IF THE SUPERVISING JUDGE FINDS THAT THE REPORT IS  
CRITICAL OF AN INDIVIDUAL NOT INDICTED FOR A CRIMINAL OFFENSE  
THE SUPERVISING JUDGE MAY AT HIS SOLE DISCRETION ALLOW THE NAMED  
INDIVIDUAL TO SUBMIT A RESPONSE TO THE ALLEGATIONS CONTAINED IN  
THE REPORT. THE SUPERVISING JUDGE MAY THEN AT HIS DISCRETION  
ALLOW THE RESPONSE TO BE ATTACHED TO THE REPORT AS PART OF THE  
REPORT BEFORE THE REPORT IS MADE PART OF THE PUBLIC RECORD  
PURSUANT TO SUBSECTION (B).

SECTION 12. COSTS OF INVESTIGATING GRAND JURIES.

(A) THE COSTS OF A COUNTY INVESTIGATING GRAND JURY SHALL BE  
BORNE BY THE COUNTY IN WHICH IT IS IMPANELED.

(B) THE COSTS OF ANY MULTI-COUNTY INVESTIGATING GRAND JURY  
SHALL BE BORNE BY THE COMMONWEALTH.

SECTION 13. COMPENSATION OF INVESTIGATING GRAND JURORS.

INVESTIGATING GRAND JURORS SHALL BE COMPENSATED IN ACCORDANCE  
WITH THE RULES OF COURT FOR COMPENSATING PETIT JURORS IN THE  
COUNTY OR COUNTIES IN WHICH SAID GRAND JURY IS SITTING.

SECTION 14. PROTECTION OF EMPLOYMENT OF JURORS.

(A) AN EMPLOYER SHALL NOT DEPRIVE AN EMPLOYEE OF HIS  
EMPLOYMENT, SENIORITY POSITION OR BENEFITS, OR THREATEN OR  
OTHERWISE COERCE HIM WITH RESPECT THERETO, BECAUSE THE EMPLOYEE  
RECEIVES A SUMMONS, RESPONDS THERETO, SERVES AS AN INVESTIGATING  
GRAND JUROR OR ATTENDS COURT FOR PROSPECTIVE INVESTIGATING GRAND  
JURY SERVICE. NOTHING HEREIN SHALL BE CONSTRUED TO REQUIRE THE  
EMPLOYER TO COMPENSATE THE EMPLOYEE FOR EMPLOYMENT TIME LOST  
BECAUSE OF SAID GRAND JURY SERVICE.

(B) ANY EMPLOYER WHO VIOLATES SUBSECTION (A) IS GUILTY OF A

1 SUMMARY OFFENSE.

2 (C) IF ANY EMPLOYER PENALIZES AN EMPLOYEE IN VIOLATION OF  
3 SUBSECTION (A) THE EMPLOYEE WITHIN SIX MONTHS MAY BRING A CIVIL  
4 ACTION FOR RECOVERY OF WAGES OR BENEFITS LOST AS A RESULT OF THE  
5 VIOLATION AND FOR AN ORDER REQUIRING THE REINSTATEMENT OF THE  
6 EMPLOYEE. DAMAGES RECOVERABLE SHALL NOT EXCEED WAGES AND  
7 BENEFITS ACTUALLY LOST. IF HE PREVAILS, THE EMPLOYEE SHALL BE  
8 ALLOWED A REASONABLE ATTORNEY'S FEE FIXED BY THE COURT.

9 (D) THIS SECTION SHALL NOT APPLY TO ANY EMPLOYER IN ANY  
10 RETAIL OR SERVICE INDUSTRY EMPLOYING FEWER THAN 15 PERSONS OR  
11 ANY EMPLOYER IN ANY MANUFACTURING INDUSTRY EMPLOYING FEWER THAN  
12 40 PERSONS. ANY INDIVIDUAL NOT ENTITLED TO REEMPLOYMENT UNDER  
13 SUBSECTION (A) SHALL BE ENTITLED UPON REQUEST TO THE PRESIDING  
14 JUDGE TO BE EXCUSED FROM GRAND JURY SERVICE.

15 SECTION 15. EFFECTIVE DATE.

16 THIS ACT SHALL TAKE EFFECT IMMEDIATELY.