

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2663 Session of
1998

INTRODUCED BY CALTAGIRONE, JAMES, ARMSTRONG, HORSEY, M. COHEN,
WASHINGTON, TRELLO, MYERS, A. H. WILLIAMS, BISHOP, CARN,
KIRKLAND, YOUNGBLOOD, ROEBUCK AND THOMAS, JUNE 3, 1998

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 3, 1998

AN ACT

1 Establishing standards of conduct for district attorneys in
2 counties other than counties of the first class; and
3 providing for duties of the Supreme Court and for penalties.

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

6 Section 1. Ethical standards for district attorneys.

7 (a) General rule.--District attorneys and assistant district
8 attorneys, and employees of the office of district attorney in
9 counties, other than counties of the first class, shall be
10 subject to Commonwealth laws and rules and local court rules
11 governing attorneys, including the rules of professional
12 conduct, where the attorney engages in the duties of district
13 attorney to the same extent and in the same manner as other
14 attorneys in that jurisdiction.

15 (b) Violations.--No district attorney or assistant district
16 attorney in a county other than a county of the first class
17 shall:

18 (1) in the absence of probable cause seek the indictment

1 of any person;

2 (2) fail promptly to release information that would
3 exonerate a person under indictment;

4 (3) intentionally mislead a court as to the guilt of any
5 person;

6 (4) intentionally or knowingly misstate evidence;

7 (5) intentionally or knowingly alter evidence;

8 (6) attempt to influence or color the testimony of a
9 witness;

10 (7) act to frustrate or impede a defendant's right to
11 discovery;

12 (8) offer or provide sexual activities to any government
13 witness or potential witness;

14 (9) leak or otherwise improperly disseminate information
15 to any person during an investigation;

16 (10) knowingly misstate statutory or case law; or

17 (11) engage in conduct that discredits the Office of
18 District Attorney.

19 (c) Penalties.--Persons violating the provisions described
20 in subsection (b) shall, upon finding that a violation occurred,
21 be subject to:

22 (1) Probation.

23 (2) Demotion.

24 (3) Dismissal.

25 (4) Referral of ethical charges to the bar.

26 (5) Loss of pension or other retirement benefits.

27 (6) Suspension from employment.

28 (7) Referral of the allegations, if appropriate, to a
29 grand jury for possible criminal prosecution.

30 Section 2. Complaints.

1 (a) Written statement.--A person who believes that a
2 district attorney or employee of the office of district attorney
3 in a county, other than a county of the first class, has engaged
4 in conduct in violation of section 1 may submit a written
5 statement to the Disciplinary Board of the Supreme Court of
6 Pennsylvania, in such form as the Supreme Court may require,
7 describing the alleged conduct.

8 (b) Preliminary investigation.--Not later than 30 days after
9 receipt of a written statement submitted under subsection (a),
10 the Supreme Court Disciplinary Counsel shall conduct a
11 preliminary investigation and determine whether the allegations
12 contained in such written statement warrant further
13 investigation.

14 (c) Investigation and penalty.--If the Supreme Court, upon
15 receipt of findings by the Supreme Court Disciplinary Counsel,
16 determines that further investigation is warranted, the court
17 shall within 90 days further investigate the allegations and, if
18 the court determines that a preponderance of the evidence
19 supports the allegations, impose an appropriate penalty.

20 Section 3. Definitions.

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

24 "Employee." The term shall include, but not be limited to,
25 an attorney, investigator, special prosecutor or other employee
26 of the office of district attorney in a county other than a
27 county of the first class as well as an attorney, investigator,
28 accountant or a special prosecutor acting under the authority of
29 the office of district attorney.

30 Section 4. Effective date.

1 This act shall take effect in 60 days.