

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE RESOLUTION

No. 520 Session of 2011

INTRODUCED BY DeLUCA, SCAVELLO, WATERS, PASHINSKI, STURLA, McGEEHAN, MATZIE, D. COSTA, MUNDY, HARHAI, DePASQUALE, DeWEESE, BISHOP, MANN, HORNAMAN, HARKINS, MIRABITO, JOSEPHS, YOUNGBLOOD, THOMAS, GERGELY, KIRKLAND, DAVIDSON, BRIGGS, V. BROWN, KORTZ, BROWNLEE, PRESTON, SANTARSIERO, MURPHY, M. O'BRIEN, GERBER, MAHONEY, CONKLIN, P. COSTA, CURRY, DAY, DEASY, DERMODY, FABRIZIO, FRANKEL, GEORGE, GIBBONS, GOODMAN, HALUSKA, M. K. KELLER, KOTIK, MARKOSEK, NEUMAN, PETRARCA, RAVENSTAHL, READSHAW, WHEATLEY, WHITE, WILLIAMS AND HANNA, DECEMBER 12, 2011

REFERRED TO COMMITTEE ON RULES, DECEMBER 12, 2011

A CONCURRENT RESOLUTION

1 Calling on the Attorney General of the United States to appoint
 2 a special counsel to investigate the handling by the
 3 Pennsylvania Office of Attorney General of an investigation
 4 into alleged sexual abuse of minors and to investigate
 5 whether that alleged sexual abuse may have violated Federal
 6 law.

7 WHEREAS, On November 5, 2011, the Office of Attorney General
 8 filed a criminal complaint under Pa.R.Crim.P. 502(1) (relating
 9 to Instituting Proceedings in Court Cases) against Gerald A.
 10 Sandusky, a former football coach at The Pennsylvania State
 11 University, alleging, among other things, sexual misconduct,
 12 unlawful contact with a minor and endangering the welfare of a
 13 child, with respect to minors entrusted to his care; and

14 WHEREAS, The report of the Thirty-Third Statewide
 15 Investigating Grand Jury, which recommended prosecution, found
 16 that there were similar allegations lodged against Mr. Sandusky

1 as far back as 1998; and

2 WHEREAS, The report also details actual and credible
3 eyewitness accounts of sexual misconduct by Mr. Sandusky; and

4 WHEREAS, It was years before the criminal complaint was filed
5 by the Office of Attorney General and Mr. Sandusky was finally
6 arrested; and

7 WHEREAS, While these allegations were pending, Mr. Sandusky
8 continued to have contact with minors, putting them at risk of
9 falling victim to additional instances of sexual misconduct; and

10 WHEREAS, It is inconceivable that, with credible eyewitness
11 accounts of sexual misconduct by Mr. Sandusky, the office did
12 not file a criminal complaint under Pa.R.Crim.P. 502(1) and make
13 an arrest under Pa.R.Crim.P. 509(2)(a) or (c) (relating to Use
14 of Summons or Warrant of Arrest in Court Cases) immediately upon
15 learning of such alleged misconduct; and

16 WHEREAS, The Grand Jury also found that Mr. Sandusky took one
17 or more minors across state lines and that inappropriate sexual
18 contact occurred with those minors while they were outside of
19 this Commonwealth, apparently in violation of Federal law,
20 including 18 U.S.C. Ch. 117 (relating to transportation for
21 illegal sexual activity and related crimes); and

22 WHEREAS, There is no Commonwealth law enforcement agency with
23 the independence needed to competently investigate why the
24 Office of Attorney General took so long to investigate this
25 matter and to finally take action to remove Mr. Sandusky from
26 further contact with minors and to investigate whether Mr.
27 Sandusky committed acts in violation of Federal law by taking
28 minors across state lines and engaging in inappropriate sexual
29 contact with such minors while they were outside of this
30 Commonwealth; therefore be it

1 RESOLVED (the Senate concurring), That the General Assembly
2 urge the Attorney General of the United States to appoint a
3 special counsel to conduct an investigation; and be it further

4 RESOLVED, That the special counsel's investigation determine
5 whether appropriate personnel and other resources were assigned
6 by the Pennsylvania Office of Attorney General to the
7 investigation of Gerald A. Sandusky alleging, among other
8 things, sexual misconduct, unlawful contact with a minor and
9 endangering the welfare of a child, with respect to minors
10 entrusted to his care; and be it further

11 RESOLVED, That the special counsel's investigation determine
12 why the office, with apparent probable cause consisting of
13 credible eyewitness accounts of sexual abuse of children in its
14 possession, failed to protect those children and others coming
15 into contact with Mr. Sandusky by filing a criminal complaint
16 under Pa.R.Crim.P. 502(1) (relating to Instituting Proceedings
17 in Court Cases) and making an arrest under Pa.R.Crim.P. 509(2)
18 (a) or (c) (relating to Use of Summons or Warrant of Arrest in
19 Court Cases) immediately upon learning of the first incident of
20 abuse; and be it further

21 RESOLVED, That the special counsel's investigation determine
22 whether Mr. Sandusky violated Federal law by taking minors
23 across state lines and engaging in sexual abuse or otherwise
24 inappropriate sexual conduct with the minors while he was
25 outside of this Commonwealth and, if there was such a violation
26 of Federal law, determine what individuals at The Pennsylvania
27 State University knew or had reason to know about the activity
28 which gave rise to the violation and when those individuals knew
29 or had reason to know about that activity; and be it further

30 RESOLVED, That a copy of this resolution be transmitted to

1 the Attorney General of the United States.