

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1133 Session of 2018

INTRODUCED BY GREENLEAF, MENSCH AND BROWNE, APRIL 13, 2018

REFERRED TO JUDICIARY, APRIL 13, 2018

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
 2 Pennsylvania Consolidated Statutes, in juries and jurors,
 3 further providing for powers of investigating grand jury, for
 4 investigating grand jury proceedings and for investigating
 5 grand jury reports.

6 The General Assembly of the Commonwealth of Pennsylvania
 7 hereby enacts as follows:

8 Section 1. Sections 4548(b), 4549(b) and (d) and 4552(e) of
 9 Title 42 of the Pennsylvania Consolidated Statutes are amended
 10 to read:

11 § 4548. Powers of investigating grand jury.

12 * * *

13 (b) Presentments.--The investigating grand jury shall have
 14 the power to issue a presentment with regard to any person who
 15 appears to have committed within the county or counties in which
 16 such investigating grand jury is summoned an offense against the
 17 criminal laws of the Commonwealth. The presentment shall
 18 concisely address the elements of the charge recommended but may
 19 not include an assessment about the credibility of a defendant
 20 or witness.

1 * * *

2 § 4549. Investigating grand jury proceedings.

3 * * *

4 (b) Disclosure of proceedings by participants other than
5 witnesses.--Disclosure of matters occurring before the grand
6 jury other than its deliberations and the vote of any juror may
7 be made to the attorneys for the Commonwealth for use in the
8 performance of their duties. The attorneys for the Commonwealth
9 may with the approval of the supervising judge disclose matters
10 occurring before the investigating grand jury including
11 transcripts of testimony to local, State, other state or Federal
12 law enforcement or investigating agencies to assist them in
13 investigating crimes under their investigative jurisdiction.
14 Otherwise a juror, attorney for the Commonwealth, interpreter,
15 stenographer, operator of a recording device, or any typist who
16 transcribes recorded testimony may disclose matters occurring
17 before the grand jury only when so directed by the court. All
18 such persons shall be sworn to secrecy, and shall be in contempt
19 of court if they reveal any information which they are sworn to
20 keep secret. The following shall apply:

21 (1) An obligation of secrecy may not be imposed on a
22 person except in accordance with this subsection.

23 (2) A document, record, recording or other tangible
24 material obtained by subpoena may not become grand jury
25 matters subject to secrecy solely because the document,
26 record, recording or other tangible material is presented to
27 a witness or the grand jury.

28 (3) A person not granted immunity from prosecution who
29 is held in contempt for refusing to answer a question on the
30 basis of self-incrimination shall be entitled to a stay of

1 the contempt determination and an immediate right of appeal.

2 (4) The court shall provide reasonable notice to the
3 attorney for the Commonwealth, the defendant and each witness
4 or other person affected by a disclosure of grand jury matter
5 before approving the disclosure.

6 * * *

7 [(d) Disclosure of proceedings by witnesses.--No witness
8 shall be prohibited from disclosing his testimony before the
9 investigating grand jury except for cause shown in a hearing
10 before the supervising judge. In no event may a witness be
11 prevented from disclosing his testimony to his attorney.]

12 § 4552. Investigating grand jury reports.

13 * * *

14 (e) [Authorization of response by nonindicted subject.--If
15 the supervising judge finds that the report is critical of an
16 individual not indicted for a criminal offense the supervising
17 judge may in his sole discretion allow the named individual to
18 submit a response to the allegations contained in the report.

19 The supervising judge may then in his discretion allow the
20 response to be attached to the report as part of the report
21 before the report is made part of the public record pursuant to

22 subsection (b).] Nonindicted subject.--The report shall be
23 limited to the target of the investigation and shall contain no
24 allegation or assessment of a subject not under investigation.

25 Section 2. This act shall take effect in 60 days.