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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 438 Session of  
2021

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INTRODUCED BY MUTH, KANE, STREET, FONTANA, BREWSTER, COSTA,  
YUDICHAK, SANTARSIERO, COMMITTA AND COLLETT, MARCH 18, 2021

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REFERRED TO JUDICIARY, MARCH 18, 2021

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in riot, disorderly conduct and  
3 related offenses, providing for concurrent jurisdiction to  
4 prosecute.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated  
8 Statutes is amended by adding a section to read:

9 § 5562. Concurrent jurisdiction to prosecute.

10 In addition to the authority conferred upon the Attorney  
11 General by the act of October 15, 1980 (P.L.950, No.164), known  
12 as the Commonwealth Attorneys Act, the Attorney General shall  
13 have the authority to investigate and institute criminal  
14 proceedings for a felony offense under this subchapter if the  
15 Attorney General requests in writing to prosecute the felony  
16 offense under this subchapter in a criminal court or juvenile  
17 delinquency court and:

18 (1) the district attorney with jurisdiction over the  
19 prosecution of the felony offense accepts the request in

1 writing; or

2 (2) all of the following occur:

3 (i) the district attorney with jurisdiction over the  
4 prosecution of the felony offense fails to respond to the  
5 request within 90 days of the date of the request;

6 (ii) the Attorney General sends a subsequent written  
7 request by certified or registered mail to the district  
8 attorney; and

9 (iii) the district attorney fails to respond to the  
10 subsequent request within 10 days of the date of the  
11 subsequent request.

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