

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 934 Session of 2021

INTRODUCED BY JOZWIAK, ZIMMERMAN, BROOKS, RYAN, MILLARD, JAMES, SMITH, RIGBY, KEEFER, WHEELAND AND GILLEN, MARCH 16, 2021

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 16, 2021

AN ACT

1 Repealing the act of October 4, 1978 (P.L.876, No.169), entitled
2 "An act establishing the Pennsylvania Crime Commission and
3 providing for its powers and duties."

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

6 Section 1. The act of October 4, 1978 (P.L.876, No.169),
7 referred to as the Pennsylvania Crime Commission Act, is
8 repealed:

9 [AN ACT

10 Establishing the Pennsylvania Crime Commission and providing for
11 its powers and duties.

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

14 Section 3. Creation of commission; membership; compensation;
15 vacancies; removal.

16 (a) The Pennsylvania Crime Commission shall consist of six
17 members to be known as commissioners.

18 (b) One member of the commission shall be appointed by the

1 Governor, one by the President pro tempore of the Senate, one by
2 the Speaker of the House of Representatives, one by the Minority
3 Leader of the Senate and one by the Minority Leader of the House
4 of Representatives. The chairperson of the commission shall be
5 the Commissioner of the Pennsylvania State Police.

6 (c) Of the original members, the member appointed by the
7 Governor shall serve for an initial term of one year, the two
8 members appointed by the Speaker of the House of Representatives
9 and the Minority Leader of the House of Representatives
10 respectively shall serve for an initial term of two years and
11 the two members appointed by the President pro tempore of the
12 Senate and the Minority Leader of the Senate respectively shall
13 serve for an initial term of three years. Thereafter each
14 appointment provided for by this act shall be for a term of
15 three years and such appointments shall be made in the same
16 manner as the original appointments. Not more than three
17 commissioners shall be members of the same political party.

18 (d) Commissioners shall receive \$50 a day compensation for
19 their services. Expenses incurred by the executive director or
20 other employees shall be allowed and paid on the presentation of
21 itemized vouchers therefor and approved by the commission. This
22 subsection shall not apply to the chairperson of the commission.

23 (e) All vacancies shall be filled, for the remainder of the
24 unexpired term in the same manner as original appointments. Any
25 commissioner, upon the expiration of his term, shall continue to
26 hold office until his successor has been duly appointed and
27 qualified according to law, but in no event longer than six
28 months after the expiration of the commissioner's appointed
29 term.

30 (f) Except as authorized pursuant to this subsection, no

1 commissioner may be removed from office during his term. The
2 Governor may, upon a clear and convincing evidence of
3 misfeasance or malfeasance in office or neglect of duty, remove
4 a commissioner prior to the expiration of his term. The Governor
5 shall provide the commissioner so removed with a detailed
6 written statement of the reasons for his removal. A commissioner
7 so removed may petition the Court for reinstatement. The court
8 shall hold an expedited hearing and render a decision within 30
9 days after said hearing or as soon thereafter as may be
10 practicable. Any decision of the Court adverse to a commissioner
11 so removed shall create a vacancy which shall be filled pursuant
12 to subsection (e). This subsection shall not apply to the
13 chairperson of the commission.

14 (g) This section shall expire June 30, 1994.

15 Section 4. Powers and duties.

16 (a) The Pennsylvania Crime Commission shall have the power
17 and its duty shall be:

18 (1) To inquire into organized crime and activities of
19 persons engaged in or associated with organized crime.

20 (2) To inquire into public corruption and the activities
21 of persons engaged in and associated with public corruption.

22 (3) To make a detailed written report of every completed
23 investigation which may include recommendation for
24 legislative or administrative action.

25 (4) To account to the Governor, the Auditor General and
26 the General Assembly at the end of each fiscal year for all
27 moneys received and disbursed.

28 (6) Through its chairman, to call upon the department
29 heads of State Government and State agencies for such
30 information and assistance as is needed to carry out the

1 functions of the commission.

2 (7) To require the attendance and testimony of witnesses
3 and the production of documentary evidence relative to any
4 investigation which the commission may conduct in accordance
5 with the powers given it. Such subpoenas shall be signed by
6 the chairman, the executive director and two commissioners
7 and shall be served by any person authorized to serve
8 subpoenas under the laws of the Commonwealth.

9 (8) To appoint and fix the compensation of an executive
10 director who shall devote his full time to the general
11 supervision of all investigations and proceedings by the
12 commission.

13 (9) To appoint and fix the compensation of such other
14 employees as the commission may from time to time find
15 necessary for the proper performance of the functions of the
16 commission. Investigative employees of the commission shall
17 be deemed law enforcement officers.

18 (10.1) To promulgate and publish rules and regulations,
19 including those regulations controlling or defining the:

20 (i) Calling of meetings.

21 (ii) Investigative responsibilities of commission
22 members.

23 (iii) Written procedures to be utilized by the
24 commission's investigative management staff in planning
25 and supervising investigations and inquiries.

26 (iv) Dissemination of materials, including
27 dissemination to the Governor and members or committees
28 of the General Assembly.

29 (v) Appropriate use of commission property,
30 including all vehicles.

1 (vi) Maintenance of confidentiality of information.

2 (vii) All other procedures and acts as are necessary
3 for the proper functioning of the commission.

4 (11) To perform such other acts as are necessary for the
5 proper functioning of the commission.

6 (b) This section shall expire June 30, 1994.

7 Section 9. Privileged statements and reports.

8 (a) Any statement or disclosure of information made by a
9 commissioner or an employee of the commission during the course
10 of any hearing before the General Assembly shall be absolutely
11 privileged and such privilege shall be an absolute defense to
12 any action for invasion of privacy, defamation or other civil or
13 criminal action.

14 (b) This section shall expire June 30, 1994.

15 Section 6. (a) The Pennsylvania Crime Commission is hereby
16 reestablished in compliance with the act of December 22, 1981
17 (P.L.508, No.142), known as the Sunset Act.

18 (b) Each rule and regulation of the commission in effect on
19 the effective date of this act shall remain in effect after such
20 date until amended by the commission, provided that the
21 commission shall immediately initiate the repeal or amendment of
22 any rule or regulation which is inconsistent with the provisions
23 of this act.

24 Section 9. The Pennsylvania Crime Commission shall not begin
25 any new investigation. It shall also prepare to transfer all
26 ongoing investigations to the Pennsylvania State Police and
27 Federal law enforcement officials by June 30, 1994.

28 The Commissioner of the Pennsylvania State Police, or a
29 designee, shall review the records of the Pennsylvania Crime
30 Commission and determine which records should remain with the

1 Pennsylvania State Police and which should be transferred to
2 Federal law enforcement authorities.

3 Section 10. The Commissioner of the Pennsylvania State
4 Police shall determine which employees of the Pennsylvania Crime
5 Commission shall be transferred to the Bureau of Criminal
6 Investigation of the Pennsylvania State Police by June 30, 1994.

7 Section 11. By November 30, 1994, the Commissioner of the
8 Pennsylvania State Police shall make a report to the General
9 Assembly on the disposition of employees, property, cases and
10 records of the Pennsylvania Crime Commission.]

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