

LAWS
OF THE
COMMONWEALTH OF PENNSYLVANIA

No. 1
AN ACT

Relating to the investigation of charges of, or involving, misdemeanor in office made against civil officers subject to impeachment; providing that the jurisdiction of the House of Representatives to make such investigations shall have precedence over the jurisdiction of grand juries; and limiting the circumstances under which courts of oyer and terminer and general jail delivery or courts of quarter sessions, or judges of such courts, may authorize grand juries to make such investigations.

Whereas, Article VI, Section 3, of the Constitution of the Commonwealth provides that: Preamble.

“The Governor and all other civil officers shall be liable to impeachment for any misdemeanor in office, but judgment in such cases shall not extend further than to removal from office and disqualification to hold any office of trust or profit under this Commonwealth; the person accused, whether convicted or acquitted, shall nevertheless be liable to indictment, trial, judgment and punishment according to law”; and

Whereas, Article VI, Section 1, of the Constitution provides that:

“The House of Representatives shall have the sole power of impeachment”; and

Whereas, Charges of misdemeanor in office, particularly against high officers of the State government, tend to destroy public confidence in the integrity of government itself and thus threaten the ability of all government to function; and

Whereas, Such a situation is wholly different from any other situation in which persons are charged with violations of the laws of the Commonwealth; and

Whereas, The welfare and safety of the Commonwealth require that charges of, or involving, misdemeanor in office be investigated in public and not in secret; and

Whereas, An investigation of such charges by a grand jury, concurrently with their investigation by the House of Representatives, would impede and interfere with the House investigation, particularly if the conclusions of the grand jury became known prior to the conclusion of the House investigation.

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

House of Representatives to have exclusive jurisdiction to investigate Governor and certain civil officers.

Section 1. Whenever the Governor, or any other civil officer who is liable to impeachment, shall be charged with any offense against the laws of this Commonwealth which would constitute or involve misdemeanor in office, the House of Representatives shall have exclusive jurisdiction to investigate the same except as hereinafter provided.

Section 2. It shall be unlawful for any court of oyer and terminer and general jail delivery or court of quarter sessions, or any judge of such courts, to order an investigation by a grand jury of charges against the Governor, or any other civil officer who is liable to impeachment, if the offenses charged would constitute or involve misdemeanor in office, unless, within ninety (90) days after the charges have been certified by such court, or any judge thereof, to the Governor, he shall not convene the General Assembly in special session; or unless, if the General Assembly is in session when the charges are made, the House of Representatives shall fail to investigate them within ninety (90) days after the charges have been certified by such court, or any judge thereof, to the Speaker of the House of Representatives; or unless, after the investigation by the House of Representatives shall have been concluded, a court of oyer and terminer and general jail delivery, or a court of quarter sessions, after examining the testimony taken by the House of Representatives, shall determine and certify by proper order, stating the reasons therefor, that as to some matter or thing over which said court has jurisdiction, a grand jury investigation is necessary to develop information not disclosed before the House of Representatives.

Evidence secured by House of Representatives may be used before grand jury.

Section 3. Nothing in this act contained shall prevent evidence presented to the House of Representatives, or its committee, during any investigation to which this act applies, from being subsequently repeated before the grand jury of any county for the purpose of obtaining an indictment against any person involved in the charges investigated by the House of Representatives.

Inconsistent acts repealed.

Section 4. All acts or parts of acts inconsistent herewith are hereby repealed.

When effective.

Section 5. This act shall become effective immediately upon its approval by the Governor.

APPROVED—The 30th day of July, A. D. 1938.

GEORGE H. EARLE