

No. 1986-40

## AN ACT

SB 1342

Amending the act of October 4, 1978 (P.L.876, No.169), entitled "An act establishing the Pennsylvania Crime Commission and providing for its powers and duties," reestablishing and further providing for vacancies and the powers and duties of the Pennsylvania Crime Commission.

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

Section 1. Section 3(e) of the act of October 4, 1978 (P.L.876, No.169), known as the Pennsylvania Crime Commission Act, is amended to read:

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

\* \* \*

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

\* \* \*

Section 2. Section 4 of the act, repealed in part October 5, 1980 (P.L.693, No.142), is amended to read:

Section 4. Powers and duties.

The Pennsylvania Crime Commission shall have the power and its duty shall be:

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

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

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

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

(5) To submit, during April of each calendar year, an annual report on the status of organized crime in the Commonwealth to a joint public hearing of the Judiciary Committee of the Senate and the House of Representatives. In addition the commission shall submit other reports prepared pursuant to this section and to present said reports at public hearings of the committees of the Senate and the House of Representatives having oversight responsibilities or appropriate legislative jurisdiction of the subject matter of said reports.

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

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

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

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

**[10) To compile and publish rules for the calling of meetings and to carry out the provisions of this act. Such rules may be altered or amended at any time but shall not take effect until filed.]**

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

- (i) Calling of meetings.***
- (ii) Investigative responsibilities of commission members.***
- (iii) Written procedures to be utilized by the commission's investigative management staff in planning and supervising investigations and inquiries.***
- (iv) Dissemination of materials, including dissemination to the Governor and members or committees of the General Assembly.***
- (v) Appropriate use of commission property, including all vehicles.***
- (vi) Maintenance of confidentiality of information.***
- (vii) All other procedures and acts as are necessary for the proper functioning of the commission.***

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

Section 3. The act is amended by adding a section to read:

**Section 5.1. Weapons.**

***(a) The commission shall publish and promulgate regulations and procedures for the use or possession of firearms by any commission employee, including:***

- (1) The type of weapon permitted.***
- (2) The job title or classification of employee to be permitted to possess or use a firearm.***
- (3) The specific circumstances in which an employee would be permitted to possess or use a firearm.***

***(b) No commission employee may use or possess a firearm in the course of his duties unless he has successfully completed the basic firearm training program approved by the Pennsylvania State Police for its own officers. All costs for such training shall be borne by the commission.***

Section 4. Section 7 of the act is amended to read:  
Section 7. Enforcement of subpoenas.

**[If any person subpoenaed pursuant to section 4(7) shall neglect or refuse to obey the command of the subpoena, any judge of the Commonwealth Court, upon request of the commission, and on proof of affidavit of service of the subpoena, payment or tender of any fees required and of refusal or neglect by the person to obey the command of the subpoena may issue a warrant for the arrest of said person to bring him before said judge, who is authorized to proceed against said person as for a civil contempt of court.]**

*(a) Upon the failure of any person who is subpoenaed pursuant to section 4(7) to obey the command of the subpoena or to be sworn or affirmed or to testify, application may be made to the Commonwealth Court for the enforcement of such subpoena.*

*(b) If any person who has been ordered by the Commonwealth Court to comply with a subpoena issued pursuant to section 4(7) fails to obey the command of such order, application may be made to the Commonwealth Court for the attachment of said person who is to be brought before the court which is authorized to proceed against said person for civil contempt of court.*

Section 5. Section 11 of the act is repealed.

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

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

Section 7. This act shall take effect May 1, 1986.

APPROVED—The 30th day of April, A. D. 1986.

DICK THORNBURGH