

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 177 Session of 2023

INTRODUCED BY OTTEN, RABB, SAPPEY, MADDEN, SANCHEZ, PIELLI, KRAJEWSKI, CIRESI, GUENST, BRENNAN AND KHAN, APRIL 3, 2023

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 3, 2023

AN ACT

1 Amending the act of October 15, 1980 (P.L.950, No.164), entitled  
 2 "A supplement to the act of April 9, 1929 (P.L.177, No.175),  
 3 entitled 'An act providing for and reorganizing the conduct  
 4 of the executive and administrative work of the Commonwealth  
 5 by the Executive Department thereof and the administrative  
 6 departments, boards, commissions, and officers thereof,  
 7 including the boards of trustees of State Normal Schools, or  
 8 Teachers Colleges; abolishing, creating, reorganizing or  
 9 authorizing the reorganization of certain administrative  
 10 departments, boards, and commissions; defining the powers and  
 11 duties of the Governor and other executive and administrative  
 12 officers, and of the several administrative departments,  
 13 boards, commissions, and officers; fixing the salaries of the  
 14 Governor, Lieutenant Governor, and certain other executive  
 15 and administrative officers; providing for the appointment of  
 16 certain administrative officers, and of all deputies and  
 17 other assistants and employes in certain departments, boards,  
 18 and commissions; and prescribing the manner in which the  
 19 number and compensation of the deputies and all other  
 20 assistants and employes of certain departments, boards and  
 21 commissions shall be determined,' implementing the addition  
 22 of section 4.1 to Article IV of the Constitution of  
 23 Pennsylvania; establishing the Office of Attorney General  
 24 elected by the citizens and setting forth powers and duties  
 25 of the Attorney General; creating an Office of General  
 26 Counsel and providing for legal services for Commonwealth  
 27 agencies; transferring, reorganizing or reconstituting  
 28 certain boards, commissions and agencies; placing certain  
 29 duties upon the courts and district attorneys; repealing  
 30 certain acts and parts of acts and making appropriations," in  
 31 Office of Attorney General, further providing for criminal  
 32 prosecutions.

33 The General Assembly of the Commonwealth of Pennsylvania

1 hereby enacts as follows:

2 Section 1. Section 205(b) of the act of October 15, 1980  
3 (P.L.950, No.164), known as the Commonwealth Attorneys Act, is  
4 amended and subsection (a) is amended by adding a paragraph to  
5 read:

6 Section 205. Criminal prosecutions.

7 (a) Prosecutions.--The Attorney General shall have the power  
8 to prosecute in any county criminal court the following cases:

9 \* \* \*

10 (6.1) Criminal charges, regardless of whether  
11 investigated and referred to him by a Commonwealth agency,  
12 arising out of enforcement provisions of an environmental law  
13 or regulation.

14 \* \* \*

15 (b) Concurrent jurisdiction to prosecute.--The Attorney  
16 General shall have the concurrent prosecutorial jurisdiction  
17 with the district attorney for cases arising under subsection  
18 (a) (1), (2) [and], (6) and (6.1) and may refer to the district  
19 attorney with his consent any violation or alleged violation of  
20 the criminal laws of the Commonwealth which may come to his  
21 notice.

22 \* \* \*

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