

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 652 Session of 2023

INTRODUCED BY COSTA, HUGHES, COLLETT, BREWSTER, SCHWANK,
SANTARSIERO, KANE, FONTANA, KEARNEY, COMITTA, TARTAGLIONE,
MUTH, STREET AND CAPPELLETTI, MAY 8, 2023

REFERRED TO JUDICIARY, MAY 8, 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 legal
32 advice and civil matters and for criminal prosecutions.

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

3 Section 1. Section 204(c) of the act of October 15, 1980
4 (P.L.950, No.164), known as the Commonwealth Attorneys Act, is
5 amended to read:

6 Section 204. Legal advice and civil matters.

7 * * *

8 (c) Civil litigation; collection of debts.--The Attorney
9 General shall represent the Commonwealth and all Commonwealth
10 agencies and upon request, the Departments of Auditor General
11 and State Treasury and the Public Utility Commission in any
12 action brought by or against the Commonwealth or its agencies,
13 and may intervene in any other action, including those involving
14 charitable bequests and trusts or the constitutionality of any
15 statute. The Attorney General may investigate conduct that may
16 constitute a violation of the act of October 27, 1955 (P.L.744,
17 No.222), known as the "Pennsylvania Human Relations Act," when
18 the Attorney General determines that the matter is of Statewide
19 importance. In conducting an investigation of conduct that may
20 constitute a violation of the "Pennsylvania Human Relations
21 Act," the Attorney General may subpoena witness testimony,
22 documents and other evidence relevant to the investigation and
23 may invoke the aid of a court of competent jurisdiction to issue
24 an order requiring a subpoenaed person to comply. If the
25 Attorney General determines that a violation of the
26 "Pennsylvania Human Relations Act" occurred or is occurring, the
27 Attorney General may file an action in a court of jurisdiction
28 and shall represent the Commonwealth and its citizens in such
29 action where a violation of the "Pennsylvania Human Relations
30 Act" and any other civil rights law of the United States or the

1 Commonwealth is involved. The Attorney General shall represent
2 the Commonwealth and its citizens in any action brought for
3 violation of the antitrust laws of the United States and the
4 Commonwealth. The Attorney General shall collect, by suit or
5 otherwise, all debts, taxes and accounts due the Commonwealth
6 which shall be referred to and placed with the Attorney General
7 for collection by any Commonwealth agency; the Attorney General
8 shall keep a proper docket or dockets, duly indexed, of all such
9 claims, showing whether they are in litigation and their nature
10 and condition. The Attorney General may, upon determining that
11 it is more efficient or otherwise is in the best interest of the
12 Commonwealth, authorize the General Counsel or the counsel for
13 an independent agency to initiate, conduct or defend any
14 particular litigation or category of litigation in his stead.
15 The Attorney General shall approve all settlements over such
16 maximum amounts as he shall determine arising out of claims
17 brought against the Commonwealth pursuant to 42 Pa.C.S. § 5110.

18 * * *

19 Section 2. Section 205(b) of the act is amended, subsection
20 (a) is amended by adding a paragraph and the section is amended
21 by adding a subsection to read:

22 Section 205. Criminal prosecutions.

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

25 * * *

26 (9) Criminal charges involving ethnic intimidation as
27 provided for in 18 Pa.C.S. § 2710 (relating to ethnic
28 intimidation) and criminal charges under 18 Pa.C.S. (relating
29 to crimes and offenses) for an offense involving conduct that
30 may constitute a violation of the act of October 27, 1955

1 (P.L.744, No.222), known as the "Pennsylvania Human Relations
2 Act."

3 (b) Concurrent jurisdiction to prosecute.--The Attorney
4 General shall have the concurrent prosecutorial jurisdiction
5 with the district attorney for cases arising under subsection
6 (a) (1), (2) [and], (6) and (9) and may refer to the district
7 attorney with his consent any violation or alleged violation of
8 the criminal laws of the Commonwealth which may come to his
9 notice.

10 (b.1) Assistance in ethnic intimidation cases.--Upon the
11 request of a district attorney who lacks the resources to
12 conduct an adequate investigation or the prosecution of a
13 criminal case or matter involving ethnic intimidation as
14 provided for in 18 Pa.C.S. § 2710, the Attorney General, in lieu
15 of assuming jurisdiction over the investigation or prosecution
16 under subsection (a) (3), may provide technical, forensic,
17 prosecutorial or any other form of assistance to the district
18 attorney in the investigation or the prosecution of the criminal
19 case or matter.

20 * * *

21 Section 3. This act shall take effect in 60 days.