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 THE GENERAL ASSEMBLY OF PENNSYLVANIA
 

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# HOUSE BILL

No. 185 Session of  
2013

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INTRODUCED BY GIBBONS, GERGELY, ELLIS, BARRAR, CARROLL, CLYMER,  
COHEN, D. COSTA, CUTLER, DEASY, GABLER, MACKENZIE, MARSHALL,  
MATZIE, MOUL, O'BRIEN, QUINN, RAVENSTAHL, SCHLOSSBERG,  
YOUNGBLOOD, ROCK, THOMAS, HARKINS, KORTZ, MOLCHANY, COX,  
NEUMAN, MALONEY, GILLEN, CALTAGIRONE, NEILSON, FREEMAN AND  
FARRY, JANUARY 18, 2013

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AS AMENDED ON THIRD CONSIDERATION, IN SENATE, JUNE 26, 2014

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## AN ACT

1 Amending the act of December 12, 1986 (P.L.1559, No.169),  
2 entitled "An act providing protection for employees who  
3 report a violation or suspected violation of State, local or  
4 Federal law; providing protection for employees who  
5 participate in hearings, investigations, legislative  
6 inquiries or court actions; and prescribing remedies and  
7 penalties," further providing for the definitions of  
8 "appropriate ~~authority~~ AUTHORITY," "GOOD FAITH REPORT" and <--  
9 "public body," for protection of employees and for penalties.

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

12 Section 1. The definitions of "appropriate ~~authority~~" <--  
13 AUTHORITY," "GOOD FAITH REPORT" and "public body" in section 2 <--  
14 of the act of December 12, 1986 (P.L.1559, No.169), known as the  
15 Whistleblower Law, are amended to read:

16 Section 2. Definitions.

17 The following words and phrases when used in this act shall  
18 have the meanings given to them in this section unless the  
19 context clearly indicates otherwise:

1 "Appropriate authority." A Federal, State or local  
2 government body, agency or organization having jurisdiction over  
3 criminal law enforcement, regulatory violations, professional  
4 conduct or ethics, or waste; or a member, officer, agent,  
5 representative or supervisory employee of the body, agency or  
6 organization. The term includes, but is not limited to, the  
7 Office of Inspector General, the Office of Attorney General, the  
8 Department of the Auditor General, the Treasury Department, the  
9 General Assembly and committees of the General Assembly having  
10 the power and duty to investigate criminal law enforcement,  
11 regulatory violations, professional conduct or ethics, or waste.

12 \* \* \*

13 "GOOD FAITH REPORT." A REPORT OF CONDUCT DEFINED IN THIS ACT <--  
14 AS WRONGDOING OR WASTE WHICH IS MADE WITHOUT MALICE OR  
15 CONSIDERATION OF PERSONAL BENEFIT AND WHICH THE PERSON MAKING  
16 THE REPORT HAS REASONABLE CAUSE TO BELIEVE IS TRUE. AN EMPLOYER  
17 IS NOT BARRED FROM TAKING DISCIPLINARY ACTION AGAINST THE  
18 EMPLOYEE WHO COMPLETED THE REPORT IF THE EMPLOYEE'S REPORT WAS  
19 SUBMITTED IN BAD FAITH.

20 "Public body." All of the following:

21 (1) A State officer, agency, department, division,  
22 bureau, board, commission, council, authority or other body  
23 in the executive branch of State government.

24 (1.1) The General Assembly and its agencies.

25 (2) A county, city, township, regional governing body,  
26 council, school district, special district or municipal  
27 corporation, or a board, department, commission, council or  
28 agency.

29 (3) Any other body which is created by Commonwealth or  
30 political subdivision authority or which is funded in any

1 amount by or through Commonwealth or political subdivision  
2 authority or a member or employee of that body.

3 \* \* \*

4 Section 2. Section 3 is amended by adding a subsection to  
5 read:

6 Section 3. Protection of employees.

7 \* \* \*

8 (c) Disclosure prohibition.--An appropriate authority to  
9 which a violation of this act was reported may not disclose the  
10 identity of a whistleblower without the whistleblower's consent  
11 unless disclosure is unavoidable in the investigation of the  
12 alleged violation.

13 Section 3. Section 6 of the act is amended to read:

14 Section 6. Penalties.

15 A person who, under color of an employer's authority,  
16 violates this act shall be liable for a civil fine of not more  
17 than [\$500] \$10,000. Additionally, except where the person holds  
18 an elected public office, if the court specifically finds that  
19 the person, while in the employment of the Commonwealth or a  
20 political subdivision, committed a violation of this act with  
21 the intent to discourage the disclosure of criminal activity,  
22 the court may order the person's suspension from public service  
23 for not more than six months. A civil fine which is ordered  
24 under this section shall be paid to the State Treasurer for  
25 deposit into the General Fund.

26 Section 4. The amendment of sections 2, 3 and 6 of the act  
27 shall apply to a person who alleges a violation of the act or  
28 who violates the act on or after the effective date of this  
29 section.

30 Section 5. This act shall take effect in 60 days.