

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1323 Session of
1975

INTRODUCED BY GALLEN, BUTERA, O'CONNELL, RYAN, S. E. HAYES JR.,
DIETZ, DORR, A. C. FOSTER JR., ZELLER, PYLES, MOEHLMANN,
CIMINI, KLINGAMAN, LEVI, WEIDNER, WRIGHT, PANCOAST,
SALVATORE, GLEASON, CRAWFORD, WHELAN, GRIECO, WESTERBERG,
PITTS, HALVERSON, KNEPPER, E. H. SMITH, TURNER, CESSAR,
DAVIES, STAHL, W. W. WILT, MAY 28, 1975

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 2, 1975

AN ACT

1 Defining prohibited conduct by public officers and certain other
2 persons, providing for removal or suspension from office of
3 certain persons, and providing penalties.

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

6 Section 1. "Agency" shall mean any unit of government of the
7 Commonwealth, a political subdivision, authority or other
8 organization created by or pursuant to statute that has for its
9 purpose the performance of an essential government function.

10 "Authorized person: shall mean a public official or other
11 government employee authorized to issue payment, approve the
12 compensation of, hire, dismiss or suspend a public official or
13 government employee.

14 "Class One government position" shall mean (i) a management
15 level position directly involved in the determination of policy
16 or responsibly directing the implementation thereof; (ii) or any

1 law enforcement agency or law enforcement position or office in
2 any agency.

3 Section 2. (a) No person shall be eligible for nomination,
4 election or appointment to any public office or any State or
5 county political party office nor shall any person continue to
6 hold said offices who pleads nolo contendere or guilty or is
7 convicted in a court of record of a felony.

8 (b) No person shall be employed or continue to hold any
9 Class One government position who pleads nolo contendere or
10 guilty or is convicted in a court of record of any felony.

11 (c) Any person indicted for a felony involving an abuse of
12 his office or abuse of a Class One government position shall be
13 suspended without compensation and without prejudice pending a
14 determination through conviction or acquittal relative to said
15 indictment. Any person acquitted of the offense set forth in the
16 indictment shall be entitled to full recovery of any
17 compensation so withheld.

18 Section 3. (a) An authorized person who hires, continues to
19 employ, issues payment or approves the compensation of a person
20 who pleads nolo contendere or guilty, or is convicted in a court
21 of record of a felony or knowing or having reason to know of
22 such pleading on conviction, shall be guilty of a misdemeanor of
23 the second degree as defined by the Crimes Code.

24 (b) An authorized person who hires, issues payment or
25 approves the compensation or fails to suspend a person who is
26 indicted for a felony which involves the abuse of his office or
27 knowing or having reason to know of such indictment, shall be
28 guilty of a misdemeanor of the second degree as defined by the
29 Crimes Code.

30 Section 4. The executive board, subject to the approval of

1 the Attorney General, shall determine the positions of
2 government within the Executive branch of the Commonwealth which
3 are management level and law enforcement positions. The Attorney
4 General shall determine, within 30 days of receipt of a request
5 from an authorized person affected by the provisions of this act
6 (i) whether a position of government in any other agency is a
7 management level or law enforcement position; and (ii) whether
8 an indictment for a felony involves an abuse of office or
9 government position. Any authorized person who relies upon a
10 determination of the Attorney General or executive board made in
11 accordance with this section shall not be guilty of any
12 violation of this act. An authorized person who continues to
13 employ or compensate a person or who fails to suspend such
14 person pending receipt of such determination from the Attorney
15 General shall not be guilty of a violation of this act provided
16 the authorized person seeks such a determination with reasonable
17 dispatch.

18 Section 5. This act shall in no way repeal any provision of
19 the act of August 14, 1963 (P.L.1048, No.452), entitled "An act
20 providing for the forfeiture of office of public officers
21 convicted of certain crimes."

22 Section 6. This act shall take effect immediately.