

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1972

Session of
1995

INTRODUCED BY WOGAN, BATTISTO, GEIST, FARGO, J. TAYLOR, MERRY,
O'BRIEN, WALKO, FICHTER, ALLEN, SCHRODER, MILLER AND BARD,
SEPTEMBER 1, 1995

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
JUNE 18, 1996

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, PROVIDING FOR
3 REAPPOINTMENT OF DISTRICT JUSTICE; AND authorizing immunity
4 for employers who disclose certain information regarding
5 employees. <—

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

8 Section 1. Title 42 of the Pennsylvania Consolidated
9 Statutes is amended by adding ~~a section~~ SECTIONS to read: <—

10 § 3132.1. REAPPOINTMENT OF DISTRICT JUSTICE. <—

11 NOTWITHSTANDING ANY PROVISIONS OF THIS TITLE TO THE CONTRARY,
12 A DISTRICT JUSTICE WHO RESIGNS FROM OFFICE MAY NOT BE
13 REAPPOINTED TO HIS OR HER UNEXPIRED TERM.

14 § 8339.1. Employer immunity relating to disclosure of employee
15 information.

16 An employer who discloses information about a current or
17 former employee's job performance to a prospective employer of
18 the current or former employee upon request of the prospective

1 employer or of the current or former employee is presumed to be
2 acting in good faith and, unless lack of good faith is shown by
3 clear and convincing evidence, is immune from civil liability
4 for such disclosure or its consequences. For purposes of this
5 section, the presumption of good faith is rebutted upon a
6 showing that the employer disclosed information that:

7 (1) the employer knew was false;

8 (2) the employer knew was deliberately misleading;

9 (3) was rendered with an improper purpose; or

10 (4) was rendered with reckless disregard as to the truth
11 or falsity of the information.

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