

## THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

**HOUSE BILL****No. 104** Session of  
2011

---

INTRODUCED BY GERGELY, ELLIS, BARRAR, BOYD, BRENNAN, BUXTON,  
CALTAGIRONE, D. COSTA, CUTLER, DEASY, DePASQUALE, FREEMAN,  
GEORGE, HORNAMAN, KORTZ, MATZIE, SANTARSIERO, SCHRODER,  
VULAKOVICH, WAGNER, GIBBONS, PICKETT, CARROLL, GILLEN,  
MARSHALL, JOSEPHS, RAVENSTAHL, DeLUCA, K. SMITH, FARRY, MOUL,  
PEIFER, BRADFORD, EVERETT AND YOUNGBLOOD, JANUARY 19, 2011

---

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
FEBRUARY 8, 2011

---

## 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 definition of "public  
8 body" and for penalties.

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

11 Section 1. The definition of "public body" in section 2 of  
12 the act of December 12, 1986 (P.L.1559, No.169), known as the  
13 Whistleblower Law, is amended to read:

14 Section 2. Definitions.

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

18 \* \* \*

1 "Public body." All of the following:

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

5 (1.1) The General Assembly and its agencies.

6 (2) A county, city, township, regional governing body,  
7 council, school district, special district or municipal  
8 corporation, or a board, department, commission, council or  
9 agency.

10 (3) Any other body which is created by Commonwealth or  
11 political subdivision authority or which is funded in any  
12 amount by or through Commonwealth or political subdivision  
13 authority or a member or employee of that body.

14 \* \* \*

15 Section 2. Section 6 of the act is amended to read:

16 Section 6. Penalties.

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

28 Section 3. The amendment of sections 2 and 6 of the act  
29 shall apply to a person who alleges a violation of the act OR  
30 WHO VIOLATES THE ACT on or after the effective date of this



1 section.

2 Section 4. This act shall take effect in 60 days.