

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1327 Session of 2014

INTRODUCED BY BAKER, SMUCKER, PILEGGI, VOGEL, EICHELBERGER, TEPLITZ, FONTANA, STACK, WASHINGTON, ERICKSON, YUDICHAK, KASUNIC, GORDNER, SCHWANK, SMITH, HUGHES, ARGALL, VULAKOVICH, RAFFERTY, WHITE, GREENLEAF, COSTA, BREWSTER, BLAKE, FARNESE, VANCE, BROWNE, ALLOWAY AND BRUBAKER, APRIL 7, 2014

SENATOR SMUCKER, STATE GOVERNMENT, AS AMENDED, APRIL 7, 2014

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in ethics standards and financial
3 disclosure, further providing for definitions and for
4 restricted activities; and prescribing penalties.

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

7 Section 1. Section 1102 of Title 65 of the Pennsylvania
8 Consolidated Statutes is amended by adding definitions to read:

9 § 1102. Definitions.

10 The following words and phrases when used in this chapter
11 shall have, unless the context clearly indicates otherwise, the
12 meanings given to them in this section:

13 * * *

14 "Cash gift."

15 (1) Any of the following:

16 (i) United States or foreign currency.

17 (ii) A money order.

1 (iii) A check.

2 (iv) A prepaid debit or credit card.

3 (v) A gift card or certificate.

4 (2) The term does not include:

5 (i) A political contribution reported as required by
6 law.

7 (ii) A commercial loan made in the ordinary course
8 of business.

9 (iii) A transaction involving reasonable
10 consideration of equal or greater value.

11 (iv) A cash gift from a parent, sibling, spouse,
12 child, stepchild, stepparent, stepsibling, grandparent,
13 grandchild, parent-in-law ~~or~~, sibling-in-law OR OTHER <--
14 CLOSE RELATIVE when the circumstances make it clear that
15 the motivation for the action was a personal or family
16 relationship.

17 (v) A cash gift available to the public or offered
18 to members of a group or class in which membership is not
19 related to being a public official or public employee.

20 (vi) An award or prize given to competitors in any
21 contest or event open to the public, including random
22 drawings.

23 * * *

24 "Lobbyist." Any individual, association, corporation,
25 partnership, business trust or other entity that is registered
26 as a lobbyist under Chapter 13A (relating to lobbying
27 disclosure).

28 * * *

29 "Official action." An administrative action or legislative
30 action, as those terms are defined in section 13A03 (relating to

1 definitions).

2 * * *

3 "Principal." Any individual, association, corporation,
4 partnership, business trust or other entity that is registered
5 as a principal under Chapter 13A (relating to lobbying
6 disclosure).

7 * * *

8 Section 2. Sections 1103 and 1109 of Title 65 are amended by
9 adding subsections to read:

10 § 1103. Restricted activities.

11 * * *

12 (k) Cash gifts.--No public official or public employee shall
13 accept or solicit a cash gift from any of the following:

14 (1) A lobbyist or principal.

15 (2) A person that is seeking official action from the
16 public official or public employee.

17 § 1109. Penalties.

18 * * *

19 (a.1) Cash gifts.--

20 (1) Any person who intentionally violates the provisions
21 of section 1103(k) (relating to restricted activities)
22 involving:

23 (i) An amount of less than \$250 commits a
24 misdemeanor and shall, upon conviction, be sentenced to
25 pay a fine of not more than \$1,000 plus costs and, if
26 payment of the fine and costs is not timely made, to
27 imprisonment for not more than two years.

28 (ii) An amount of \$250 or more commits a felony and
29 shall, upon conviction, be sentenced to pay a fine of not
30 more than \$10,000 plus costs or to imprisonment for not

1 more than five years, or both.

2 (2) Each fine and penalty imposed under this section
3 shall be paid into the General Fund.

4 * * *

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