

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1919 Session of
2005

INTRODUCED BY MCGEEHAN, BELFANTI, BLACKWELL, CALTAGIRONE,
CASORIO, COHEN, CORRIGAN, CREIGHTON, DeLUCA, DeWEESE,
DONATUCCI, FABRIZIO, FAIRCHILD, FRANKEL, GEORGE, GOOD,
GOODMAN, HARRIS, JOSEPHS, LEACH, LEDERER, LEVDANSKY,
MANDERINO, MANN, MARKOSEK, MUNDY, PISTELLA, READSHAW,
REICHLEY, RUBLEY, SAINATO, SAYLOR, SCAVELLO, SCHRODER,
SHANER, SOLOBAY, STABACK, TANGRETTI, E. Z. TAYLOR, TIGUE,
WALKO AND YUDICHAK, AUGUST 18, 2005

REFERRED TO COMMITTEE ON JUDICIARY, AUGUST 18, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, providing for offenses relating to
3 theft of government information and identifying documents;
4 and further providing for the offense of bribery.

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

7 Section 1. Title 18 of the Pennsylvania Consolidated
8 Statutes is amended by adding sections to read:

9 § 3935. Theft of confidential government information.

10 A person commits a felony of the third degree if, being an
11 officer or employee of the Commonwealth or any political
12 subdivision, he sells or offers for sale any identifying
13 information, as defined in section 4120(f) (relating to identity
14 theft), to which he gained access in the scope of his official
15 duties or employment.

16 § 4121. Trafficking in identity documents.

1 (a) Offense defined.--A person commits the offense of
2 trafficking in identity documents if he sells or offers to sell
3 any false or genuine certificate of birth, fetal death, death or
4 marriage. This section shall not apply to an employee of the
5 Commonwealth or a political subdivision acting within the scope
6 of his employment in providing the public with genuine and
7 official documents.

8 (b) Separate offenses.--Each time a person sells or offers
9 to sell a document in violation of subsection (a) constitutes a
10 separate offense under this section.

11 (c) Grading.--The offenses shall be graded as follows:

12 (1) A first offense under this section is a felony of
13 the third degree, and a second or subsequent offense under
14 this section is a felony of the second degree.

15 (2) When a person commits an offense under subsection
16 (a) and the victim of the offense is 60 years of age or
17 older, the grading of the offense shall be one grade higher
18 than specified in paragraph (1).

19 (d) Concurrent jurisdiction to prosecute.--In addition to
20 the authority conferred upon the Attorney General by the act of
21 October 15, 1980 (P.L.950, No.164), known as the Commonwealth
22 Attorneys Act, the Attorney General shall have the authority to
23 investigate and to institute criminal proceedings for any
24 violation of this section or any series of such violations
25 involving more than one county of this Commonwealth or another
26 state. No person charged with a violation of this section by the
27 Attorney General shall have standing to challenge the authority
28 of the Attorney General to investigate or prosecute the case,
29 and if any such challenge is made, the challenge shall be
30 dismissed and no relief shall be made available in the courts of

1 this Commonwealth to the person making the challenge.

2 Section 2. Section 4701 of Title 18 is amended to read:

3 § 4701. Bribery in official and political matters.

4 (a) Offenses defined.--A person is guilty of bribery, a
5 felony of the third degree, if he offers, confers or agrees to
6 confer upon another, or solicits, accepts or agrees to accept
7 from another:

8 (1) any pecuniary benefit as consideration for the
9 decision, opinion, recommendation, vote or other exercise of
10 discretion as a public servant, party official or voter by
11 the recipient;

12 (2) any benefit as consideration for the decision, vote,
13 recommendation or other exercise of official discretion by
14 the recipient in a judicial, administrative or legislative
15 proceeding; [or]

16 (3) any benefit as consideration for a violation of a
17 known legal duty as public servant or party official[.]; or

18 (4) any benefit as consideration for the issuance of a
19 license or permit for which the person seeking the license or
20 permit is known not to have met all of the qualifications.

21 (b) Defenses prohibited.--It is no defense to prosecution
22 under this section that a person whom the actor sought to
23 influence was not qualified to act in the desired way whether
24 because he had not yet assumed office, had left office, or
25 lacked jurisdiction, or for any other reason.

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