

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2287 Session of
2008

INTRODUCED BY CUTLER, BEAR, BENNINGHOFF, HELM, HENNESSEY,
HORNAMAN, HUTCHINSON, McILVAINE SMITH, MENSCH, MURT, REED,
ROAE, RUBLEY, SCHRODER, SIPTROTH, SWANGER, TRUE AND
YOUNGBLOOD, MARCH 5, 2008

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 5, 2008

AN ACT

1 Amending the act of June 21, 1957 (P.L.390, No.212), entitled
2 "An act requiring certain records of the Commonwealth and its
3 political subdivisions and of certain authorities and other
4 agencies performing essential governmental functions, to be
5 open for examination and inspection by citizens of the
6 Commonwealth of Pennsylvania; authorizing such citizens under
7 certain conditions to make extracts, copies, photographs or
8 photostats of such records; and providing for appeals to the
9 courts of common pleas," further providing for definitions.

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

12 Section 1. Section 1 of the act of June 21, 1957 (P.L.390,
13 No.212), referred to as the Right-to-Know Law, amended June 29,
14 2002 (P.L.663, No.100), is amended to read:

15 Section 1. Definitions.

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

19 "Agency." Any office, department, board or commission of the
20 legislature, the executive branch of the Commonwealth, any

1 political subdivision of the Commonwealth, the Pennsylvania
2 Turnpike Commission, the State System of Higher Education or any
3 State or municipal authority or similar organization created by
4 or pursuant to a statute which declares in substance that such
5 organization performs or has for its purpose the performance of
6 an essential governmental function.

7 "Commonwealth agency." An agency which is a Commonwealth
8 agency as that term is defined under 62 Pa.C.S. § 103 (relating
9 to definitions).

10 "Non-Commonwealth agency." An agency which is not a
11 Commonwealth agency.

12 "Public record." Any account, voucher or contract dealing
13 with the receipt or disbursement of funds by an agency or its
14 acquisition, use or disposal of services or of supplies,
15 materials, equipment or other property and any minute, order or
16 decision by an agency fixing the personal or property rights,
17 privileges, immunities, duties or obligations of any person or
18 group of persons: Provided, That the term "public records" shall
19 not mean any report, communication or other paper, the
20 publication of which would disclose the institution, progress or
21 result of an investigation undertaken by an agency in the
22 performance of its official duties, except those reports filed
23 by agencies pertaining to safety and health in industrial
24 plants; it shall not include any record, document, material,
25 exhibit, pleading, report, memorandum or other paper, access to
26 or the publication of which is prohibited, restricted or
27 forbidden by statute law or order or decree of court, or which
28 would operate to the prejudice or impairment of a person's
29 reputation or personal security, or which would result in the
30 loss by the Commonwealth or any of its political subdivisions or

1 commissions or State or municipal authorities of Federal funds,
2 excepting therefrom however the record of any conviction for any
3 criminal act.

4 "Record." Any document maintained by an agency, in any form,
5 whether public or not.

6 "Requester." A person who is a resident of the Commonwealth
7 and requests a record pursuant to this act.

8 "Response." Access to a record or an agency's written notice
9 granting, denying or partially granting and partially denying
10 access to a record.

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