AN ACT

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

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

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

§ 1102. Definitions.

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

* * *

"Cash gift."

(1) Any of the following:

(i) United States or foreign currency.

(ii) A money order.

(iii) A check.
(iv) A prepaid debit or credit card.
(v) A gift card or certificate.
(vi) Virtual currency.

(2) The term does not include:

(i) An expenditure or other transaction subject to reporting under Article XVI of the act of June 3, 1937 (P.L.1333, No.320), known as the Pennsylvania Election Code.

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

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

(iv) A cash gift from a parent, sibling, spouse, child, stepchild, stepparent, stepsibling, grandparent, grandchild, parent-in-law, sibling-in-law or other close relative when the circumstances make it clear that the motivation for the action was a personal or family relationship.

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

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

"Commercial loan made in the ordinary course of business." A loan from a bank or other financial institution on terms generally available to the public.

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

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

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

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"Virtual currency." A digital representation of value that:

   (1) is used as a medium of exchange, unit of account or store of value; and

   (2) is not legal tender, whether or not denominated in legal tender.

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

§ 1103. Restricted activities.

* * *

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

   (1) A lobbyist or principal.

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

§ 1109. Penalties.

* * *

(a.1) Cash gifts.--The following shall apply:

   (1) A person who intentionally violates the provisions
of section 1103(k) involving:

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

   (ii) An amount of $250 or more commits a felony and
shall, upon conviction, be sentenced to pay a fine of not
more than $10,000 plus costs or to imprisonment for not
more than five years, or both.

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

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