AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, in particular rights and immunities, providing for contracts or agreements for nondisclosure of certain conduct.

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

Section 1. Title 42 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 8316.2. Contracts or agreements for nondisclosure of certain conduct.

(a) Void agreements.--A provision of an agreement, contract, settlement or similar instrument that is executed, amended, revised or otherwise entered into after the effective date of this section and is contrary to this section shall be void and unenforceable. On and after the effective date of this section, no person may enter into, revise or amend an agreement, contract, settlement or similar instrument which includes a provision that:
(1) prohibits or attempts to prohibit the disclosure of
the name of any person suspected of sexual misconduct;
(2) suppresses or attempts to suppress information
relevant to an investigation into a claim of sexual
misconduct;
(3) impairs or attempts to impair the ability of any
person to report a claim of sexual misconduct to an
appropriate person;
(4) purports or attempts to waive a substantive or
procedural right or remedy of any person relating to a claim
of sexual misconduct; or
(5) requires or attempts to require any person to
expunge information pertaining to a claim of sexual
misconduct from documents maintained by the person, unless
due investigation determines the claim to be false.

(b) Applicability.—Nothing in subsection (a) shall apply to
a provision in an agreement, contract, settlement or similar
instrument that prohibits the disclosure of either the name of a
person who reports or makes a claim of sexual misconduct or the
amount of any monetary consideration provided in a settlement of
the claim.

(c) Voidable agreements.—An agreement, contract, settlement
or similar instrument containing a provision contrary to this
section that was entered into on or before the effective date of
this section shall be voidable by a party who entered into it
under any one of the following circumstances:

(1) While under duress in the execution of the
agreement, contract, settlement or similar instrument.

(2) While incompetent or impaired at the time of
execution of the agreement, contract, settlement or similar
instrument.

(3) While a minor at the time of execution of the agreement, contract, settlement or similar instrument, regardless of whether the person was represented at the time by counsel, a guardian or a parent.

(d) Execution and use prohibited.--It is unlawful to cause, induce or procure a person to execute an agreement, contract, settlement or similar instrument proscribed by this section, or to cause, induce or procure a person to give, pay, transfer or deliver any money or thing of value in payment, satisfaction, settlement or compromise of a claim or cause of action brought to enforce or recover upon a proscribed agreement, contract, settlement or similar instrument, or to receive, take or accept any money or thing of value in payment, satisfaction, settlement or compromise of such claim or cause of action.

(e) Actions to enforce prohibited.--It is unlawful to commence or cause to be commenced, either as a litigant or attorney, in a court of this Commonwealth a proceeding or action seeking to enforce or recover upon an agreement, contract, settlement or similar instrument proscribed by this section, knowing it to be such, whether the agreement, contract, settlement or similar instrument was executed within or without this Commonwealth.

(f) Nonapplicability.--No record described under this section shall be exempt from disclosure under any provision of the act of February 14, 2008 (P.L.6, No.3), known as the Right-to-Know Law.

(g) Definition.--As used in this section, the term "sexual misconduct" means harassment, stalking or assault of a person with the intent to engage the person in conduct of a sexual
Section 2. This act shall take effect in 60 days.