

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1240 Session of
1998

INTRODUCED BY MOWERY, JUBELIRER, LOEPER, RHOADES, CONTI, O'PAKE,
TOMLINSON, SCHWARTZ AND LEMMOND, JANUARY 21, 1998

REFERRED TO JUDICIARY, JANUARY 21, 1998

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for unlawful actions
3 by athlete agents.

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

6 Section 1. Section 7107 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 7107. Unlawful actions by athlete agents.

9 (a) Offense defined.--An athlete agent shall not do any of
10 the following:

11 (1) Enter into an oral or written agent contract or
12 professional sport services contract with a student athlete
13 before the student athlete's eligibility for collegiate
14 athletics expires.

15 (2) Give, offer or promise anything of value to a
16 student athlete, to his parent or guardian or to any member
17 of the student athlete's immediate family before the student
18 athlete's eligibility for collegiate athletics expires.

1 (3) Enter into an oral or written agreement whereby the
2 athlete agent gives, offers or promises anything of value to
3 an employee of an institution of higher education in return
4 for the referral of a student athlete by that employee.

5 (4) Contact a student athlete either directly or
6 indirectly through a parent, guardian or member of the
7 student athlete's immediate family, an employee of an
8 institution of higher education or any other person before a
9 student athlete's eligibility for collegiate athletics
10 expires for the purpose of soliciting the student athlete to
11 enter into a written agent contract or professional sport
12 services contract.

13 (b) Penalty.--An athlete agent who violates subsection (a)
14 commits a misdemeanor of the first degree and shall, upon
15 conviction, be sentenced to pay a fine of not more than \$10,000
16 or an amount equal to three times the amount given, offered or
17 promised as an inducement as described in subsection (a)(2) or
18 three times the value of the agreement entered into as described
19 in subsection (a)(3), whichever is greater, or imprisonment for
20 not more than [one year] five years, or both.

21 (c) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection:

24 "Agent contract." Any contract or agreement pursuant to
25 which a person authorizes or empowers an athlete agent to
26 negotiate or solicit on behalf of the person with one or more
27 professional sport teams for the employment of the person by a
28 professional sport team or to negotiate or solicit on behalf of
29 the person for the employment of the person as a professional
30 athlete.

1 "Athlete agent." A person who, directly or indirectly,
2 recruits or solicits a person to enter into an agent contract or
3 professional sport services contract, or who procures, offers,
4 promises or attempts to obtain employment for a person with a
5 professional sport team or as a professional athlete.

6 "Institution of higher education." A public or private
7 college or university, including a community college.

8 "Person." An individual, sole proprietorship, partnership,
9 association, corporation or other legal entity.

10 "Professional sport services contract." A contract or
11 agreement pursuant to which a person is employed or agrees to
12 render services as a player on a professional sport team or as a
13 professional athlete.

14 "Student athlete." A student enrolled in an institution of
15 higher education who, while a student at the institution in
16 which enrolled, is eligible to participate in any
17 intercollegiate sporting event or contest in a particular sport
18 and may have athletic eligibility remaining in that particular
19 sport.

20 "Value." Anything of value shall be any payment, loan, gift,
21 good, service, expense of any kind or the promise of any of
22 these for the future, regardless of the monetary worth of any of
23 these items.

24 Section 2. This act shall take effect immediately.