

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 903 Session of  
2003

INTRODUCED BY GREENLEAF, LEMMOND, O'PAKE, EARLL, COSTA, DENT,  
TARTAGLIONE, KITCHEN, STACK, MUSTO, WONDERLING, BOSCOLA,  
RAFFERTY, WOZNIAK AND ORIE, SEPTEMBER 15, 2003

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
JUNE 8, 2004

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, ~~by~~ PROHIBITING FALSE <—  
3 CLAIMS; IMPOSING DUTIES ON THE ATTORNEY GENERAL AND ON  
4 DISTRICT ATTORNEYS; PROVIDING FOR PROCEDURES AND FOR  
5 PENALTIES; AND further providing for ten-year registration, <—  
6 FOR REGISTRATION PROCEDURES AND APPLICABILITY, FOR  
7 NOTIFICATION AND FOR EXEMPTIONS FROM NOTIFICATION.

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

10 ~~Section 1. Section 9795.1(a)(1) of Title 42 of the~~ <—  
11 ~~Pennsylvania Consolidated Statutes is amended to read:~~

12 ~~SECTION 1. SECTIONS 9795.1(A)(1), 9795.2(B), 9798(A) AND (E)~~ <—  
13 ~~AND 9799.7 OF TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED STATUTES~~  
14 ~~ARE AMENDED TO READ:~~

15 SECTION 1. TITLE 42 OF THE PENNSYLVANIA CONSOLIDATED <—  
16 STATUTES IS AMENDED BY ADDING A CHAPTER TO READ:

17 CHAPTER 86

18 FRAUD AGAINST TAXPAYERS

19 SUBCHAPTER

- 1       A.    PRELIMINARY PROVISIONS
- 2       B.    FALSE CLAIMS
- 3       C.    QUI TAM ACTIONS
- 4       D.    MISCELLANEOUS PROVISIONS

5                                   SUBCHAPTER A

6                                   PRELIMINARY PROVISIONS

7   SEC.

8   8601.   DEFINITIONS.

9   8602.   CONSTRUCTION.

10 § 8601.   DEFINITIONS.

11       THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
12 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
13 CONTEXT CLEARLY INDICATES OTHERWISE:

14       "CLAIM."   ANY REQUEST OR DEMAND FOR MONEY, PROPERTY OR  
15 SERVICES MADE TO ANY EMPLOYEE, OFFICER OR AGENT OF THE  
16 COMMONWEALTH OR OF ANY POLITICAL SUBDIVISION THEREOF OR TO ANY  
17 CONTRACTOR, SUBCONTRACTOR, GRANTEE OR OTHER RECIPIENT OF THE  
18 COMMONWEALTH OR ANY POLITICAL SUBDIVISION THEREOF, IF ANY  
19 PORTION OF THE MONEY, PROPERTY OR SERVICES REQUESTED OR DEMANDED  
20 ISSUED FROM, WAS PROVIDED OR WILL BE REIMBURSED BY THE  
21 COMMONWEALTH, REFERRED TO AS COMMONWEALTH FUNDS, OR BY ANY  
22 POLITICAL SUBDIVISION THEREOF, REFERRED TO AS POLITICAL  
23 SUBDIVISION FUNDS. PROVIDED, HOWEVER, THAT A FILING WITH AN  
24 AGENCY OF THE COMMONWEALTH SHALL NOT CONSTITUTE A CLAIM UNDER  
25 THIS CHAPTER TO THE EXTENT IT IS NOT CONNECTED TO ANY REQUEST OR  
26 DEMAND FOR REIMBURSEMENT FROM THE COMMONWEALTH OR ANY POLITICAL  
27 SUBDIVISION THEREOF, OR TO ANY REQUEST OR DEMAND FOR A CONTRACT  
28 OR GRANT WITH THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION  
29 THEREOF. SERVICES SHALL NOT INCLUDE A REVIEW OF A FILING BY AN  
30 AGENCY OF THE COMMONWEALTH.

1 "FALSE." IN ADDITION TO ITS ORDINARY MEANING, THIS TERM ALSO  
2 MEANS FRAUDULENT.

3 "KNOWING" OR "KNOWINGLY." A PERSON WHO, WITH RESPECT TO  
4 INFORMATION, DOES ANY OF THE FOLLOWING:

- 5 (1) HAS ACTUAL KNOWLEDGE OF THE INFORMATION;  
6 (2) ACTS IN DELIBERATE IGNORANCE OF THE TRUTH OR FALSITY  
7 OF THE INFORMATION; OR  
8 (3) ACTS IN RECKLESS DISREGARD OF THE TRUTH OR FALSITY  
9 OF THE INFORMATION. PROOF OF SPECIFIC INTENT TO DEFRAUD SHALL  
10 NOT BE REQUIRED.

11 "PERSON." ANY NATURAL PERSON, CORPORATION, POLITICAL  
12 SUBDIVISION, FIRM, ASSOCIATION, ORGANIZATION, PARTNERSHIP,  
13 BUSINESS, TRUST OR OTHER LEGAL ENTITY.

14 "POLITICAL SUBDIVISION." ANY CITY, COUNTY, TAX OR ASSESSMENT  
15 DISTRICT, TOWNSHIP, MUNICIPAL OR GOVERNMENT AUTHORITY OR OTHER  
16 LEGALLY AUTHORIZED LOCAL GOVERNMENTAL ENTITY IN THIS  
17 COMMONWEALTH.

18 "PROCEEDS." THE TERM INCLUDES CIVIL PENALTIES AS WELL AS  
19 DOUBLE OR TREBLE DAMAGES AS PROVIDED IN SUBCHAPTER B (RELATING  
20 TO FALSE CLAIMS).

21 "PROSECUTING AUTHORITY." THE ATTORNEY GENERAL AND WHERE  
22 APPROPRIATE THE DISTRICT ATTORNEY OF ANY COUNTY IN WHICH THE  
23 POLITICAL SUBDIVISION, INCLUDING THE COUNTY ITSELF, LIES.

24 § 8602. CONSTRUCTION.

25 THIS CHAPTER SHALL BE LIBERALLY AND BROADLY CONSTRUED TO  
26 EFFECTUATE ITS PURPOSES. IT SHALL BE APPLIED AND INTERPRETED TO  
27 PROMOTE THE PUBLIC INTEREST TO ELIMINATE FRAUD, WASTE AND ABUSE  
28 THROUGH THE SUBMISSION OF FALSE OR FRAUDULENT CLAIMS IN THIS  
29 COMMONWEALTH OR IN ANY OF ITS POLITICAL SUBDIVISIONS.

30 SUBCHAPTER B

FALSE CLAIMS

SEC.

8611. OFFENSES DEFINED.

8612. FALSE CLAIMS JURISDICTION.

8613. PROCEDURE.

§ 8611. OFFENSES DEFINED.

(A) LIABILITY.--

(1) A PERSON SHALL BE LIABLE TO THE COMMONWEALTH OR TO THE POLITICAL SUBDIVISION FOR EACH FALSE CLAIM IN THE AMOUNT SPECIFIED IN PARAGRAPH (2) IF THAT PERSON COMMITS ANY OF THE FOLLOWING ACTS:

(I) KNOWINGLY PRESENTS OR CAUSES TO BE PRESENTED TO AN OFFICER OR EMPLOYEE OF THE COMMONWEALTH OR ANY POLITICAL SUBDIVISION A FALSE CLAIM FOR PAYMENT OR APPROVAL.

(II) KNOWINGLY MAKES, USES OR CAUSES TO BE MADE OR USED A FALSE RECORD OR STATEMENT TO GET A FALSE CLAIM PAID OR APPROVED BY THE COMMONWEALTH OR BY ANY POLITICAL SUBDIVISION.

(III) HAS POSSESSION, CUSTODY OR CONTROL OF PUBLIC PROPERTY OR MONEY USED OR TO BE USED BY THE COMMONWEALTH OR BY ANY POLITICAL SUBDIVISION AND KNOWINGLY DELIVERS OR CAUSES TO BE DELIVERED PROPERTY OF LESSER QUALITY, QUANTITY OR VALUE THAN FOR WHICH THE PERSON RECEIVES A CERTIFICATE OR RECEIPT.

(IV) IS AUTHORIZED TO MAKE OR DELIVER A DOCUMENT CERTIFYING RECEIPT OF PROPERTY USED OR TO BE USED BY THE COMMONWEALTH OR BY ANY POLITICAL SUBDIVISION AND KNOWINGLY MAKES OR DELIVERS A RECEIPT THAT FALSELY REPRESENTS THE QUALITY, QUANTITY OR VALUE OF THE PROPERTY

1           USED OR TO BE USED.

2           (V)   KNOWINGLY BUYS OR RECEIVES AS A PLEDGE OF AN  
3           OBLIGATION OR DEBT PUBLIC PROPERTY FROM ANY PERSON WHO  
4           LAWFULLY MAY NOT SELL OR PLEDGE THE PROPERTY.

5           (VI)   KNOWINGLY MAKES, USES OR CAUSES TO BE MADE OR  
6           USED A FALSE RECORD OR STATEMENT TO CONCEAL, AVOID OR  
7           DECREASE AN OBLIGATION TO PAY OR TRANSMIT MONEY OR  
8           PROPERTY TO THE COMMONWEALTH OR ANY POLITICAL  
9           SUBDIVISION.

10          (VII)  CONSPIRES TO COMMIT ANY OF THE ACTS SPECIFIED  
11          IN SUBPARAGRAPHS (I) THROUGH (VI).

12          (2)   THE LIABILITY IMPOSED UNDER PARAGRAPH (1) SHALL BE:

13               (I)   THREE TIMES THE AMOUNT OF DAMAGES WHICH THE  
14               COMMONWEALTH OR POLITICAL SUBDIVISION SUSTAINS BECAUSE OF  
15               THE ACT OF THAT PERSON;

16               (II)  THE COSTS OF AN ACTION BROUGHT TO RECOVER ANY  
17               OF THOSE PENALTIES OR DAMAGES; AND

18               (III) A CIVIL PENALTY OF NOT LESS THAN \$5,000 NOR  
19               MORE THAN \$10,000 FOR EACH FALSE CLAIM, EXCEPT THAT IF  
20               THE COURT FINDS THAT:

21                   (A)  THE PERSON COMMITTING THE VIOLATION OF THIS  
22                   SUBSECTION FURNISHED THE PROSECUTING AUTHORITY WITH  
23                   ALL INFORMATION KNOWN TO SUCH PERSON ABOUT THE  
24                   VIOLATION WITHIN 30 DAYS AFTER THE DATE ON WHICH THE  
25                   DEFENDANT FIRST OBTAINED THE INFORMATION;

26                   (B)  SUCH PERSON FULLY COOPERATED WITH ANY  
27                   INVESTIGATION BY THE PROSECUTING AUTHORITY OF SUCH  
28                   VIOLATION; AND

29                   (C)  AT THE TIME SUCH PERSON FURNISHED THE  
30                   PROSECUTING AUTHORITY WITH THE INFORMATION ABOUT THE

1 VIOLATION, NO CRIMINAL PROSECUTION, CIVIL ACTION OR  
2 ADMINISTRATIVE ACTION HAD COMMENCED UNDER THIS  
3 CHAPTER WITH RESPECT TO SUCH VIOLATION, AND THE  
4 PERSON DID NOT HAVE ACTUAL KNOWLEDGE OF THE EXISTENCE  
5 OF AN INVESTIGATION INTO SUCH VIOLATION;

6 THE COURT MAY ASSESS NOT LESS THAN TWO TIMES THE AMOUNT  
7 OF DAMAGES WHICH THE COMMONWEALTH OR POLITICAL  
8 SUBDIVISION SUSTAINS BECAUSE OF THE ACT OF THE PERSON. A  
9 PERSON VIOLATING THIS SUBSECTION SHALL ALSO BE LIABLE TO  
10 THE PROSECUTING AUTHORITY FOR THE COSTS OF A CIVIL ACTION  
11 BROUGHT TO RECOVER ANY SUCH PENALTY OR DAMAGES.

12 (B) JOINT AND SEVERAL LIABILITY.--NOTWITHSTANDING THE  
13 PROVISIONS OF SECTION 7102 (RELATING TO COMPARATIVE NEGLIGENCE),  
14 LIABILITY UNDER THIS SECTION SHALL BE JOINT AND SEVERAL FOR ANY  
15 ACT COMMITTED BY TWO OR MORE PERSONS.

16 (C) LIMITATION.--

17 (1) THIS SECTION DOES NOT APPLY TO ANY CONTROVERSY  
18 INVOLVING AN AGGREGATE AMOUNT OF LESS THAN \$2,500 IN VALUE OR  
19 WHERE THE CLAIM WAS FILED BY THE INDIVIDUAL RECIPIENT OF  
20 BENEFITS OR COMPENSATION CONFERRED UNDER THE ACT OF JUNE 2,  
21 1915 (P.L.736, NO.338), KNOWN AS THE WORKERS' COMPENSATION  
22 ACT, OR THE ACT OF DECEMBER 5, 1936 (2ND SP.SESS., 1937  
23 P.L.2897, NO.1), KNOWN AS THE UNEMPLOYMENT COMPENSATION LAW,  
24 OR THE ACT OF JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE  
25 PUBLIC WELFARE CODE.

26 (2) AS USED IN THIS SUBSECTION, THE TERM "CONTROVERSY"  
27 MEANS ANY ONE OR MORE FALSE CLAIMS SUBMITTED OR CAUSED TO BE  
28 SUBMITTED BY EITHER A PERSON OR PERSONS WHO ACT PURSUANT TO A  
29 COMMON PLAN, SCHEME OR DESIGN IN VIOLATION OF THIS CHAPTER.

30 § 8612. FALSE CLAIMS JURISDICTION.

1 IF ANY DEFENDANT CAN BE FOUND, RESIDES OR TRANSACTS BUSINESS  
2 IN THIS COMMONWEALTH OR IF AN ACT PROSCRIBED BY THIS CHAPTER  
3 OCCURRED WITHIN THIS COMMONWEALTH, AN ACTION UNDER THIS CHAPTER  
4 SHALL BE BROUGHT IN THE COMMONWEALTH COURT EXCLUSIVELY.

5 § 8613. PROCEDURE.

6 (A) COMMONWEALTH PROSECUTION.--

7 (1) THE ATTORNEY GENERAL SHALL DILIGENTLY INVESTIGATE  
8 VIOLATIONS UNDER SECTION 8611 (RELATING TO OFFENSES DEFINED)  
9 INVOLVING COMMONWEALTH FUNDS. IF THE ATTORNEY GENERAL FINDS  
10 THAT A PERSON HAS VIOLATED OR IS VIOLATING SECTION 8611, THE  
11 ATTORNEY GENERAL MAY BRING AN ACTION UNDER THIS CHAPTER  
12 AGAINST THAT PERSON.

13 (2) IF THE ATTORNEY GENERAL BRINGS AN ACTION UNDER THIS  
14 CHAPTER ON A CLAIM INVOLVING POLITICAL SUBDIVISION FUNDS AS  
15 WELL AS COMMONWEALTH FUNDS, THE ATTORNEY GENERAL SHALL, ON  
16 THE SAME DATE THAT THE COMPLAINT IS FILED IN THIS ACTION,  
17 SERVE BY MAIL, RETURN RECEIPT REQUESTED, A COPY OF THE  
18 COMPLAINT ON THE APPROPRIATE DISTRICT ATTORNEY.

19 (3) THE DISTRICT ATTORNEY SHALL HAVE THE RIGHT TO  
20 INTERVENE IN AN ACTION BROUGHT BY THE ATTORNEY GENERAL UNDER  
21 THIS CHAPTER WITHIN 90 DAYS AFTER RECEIPT OF THE COMPLAINT  
22 PURSUANT TO PARAGRAPH (2).

23 (B) POLITICAL SUBDIVISION PROSECUTION.--

24 (1) THE DISTRICT ATTORNEY SHALL DILIGENTLY INVESTIGATE  
25 VIOLATIONS UNDER SECTION 8611 INVOLVING POLITICAL SUBDIVISION  
26 FUNDS. IF THE DISTRICT ATTORNEY FINDS THAT A PERSON HAS  
27 VIOLATED OR IS VIOLATING SECTION 8611, THE DISTRICT ATTORNEY  
28 MAY BRING AN ACTION UNDER THIS CHAPTER AGAINST THAT PERSON.

29 (2) THE DISTRICT ATTORNEY MAY REFER A MATTER INVOLVING  
30 POLITICAL SUBDIVISION FUNDS TO THE ATTORNEY GENERAL AT ANY

1 TIME. THE ATTORNEY GENERAL MAY DECLINE OR ACCEPT THE  
2 REFERRAL.

3 (3) IF THE DISTRICT ATTORNEY BRINGS AN ACTION ON A CLAIM  
4 INVOLVING COMMONWEALTH FUNDS AS WELL AS POLITICAL SUBDIVISION  
5 FUNDS, THE DISTRICT ATTORNEY SHALL, ON THE SAME DATE THAT THE  
6 COMPLAINT IS FILED IN THIS ACTION, SERVE BY MAIL, RETURN  
7 RECEIPT REQUESTED, A COPY OF THE COMPLAINT ON THE ATTORNEY  
8 GENERAL.

9 (4) WITHIN 90 DAYS AFTER RECEIVING THE COMPLAINT  
10 PURSUANT TO PARAGRAPH (2), THE ATTORNEY GENERAL SHALL DO ONE  
11 OF THE FOLLOWING:

12 (I) NOTIFY THE COURT THAT THE ATTORNEY GENERAL  
13 INTENDS TO PROCEED WITH THE ACTION, IN WHICH CASE THE  
14 ATTORNEY GENERAL SHALL ASSUME PRIMARY RESPONSIBILITY FOR  
15 CONDUCTING THE ACTION AND THE DISTRICT ATTORNEY SHALL  
16 HAVE THE RIGHT TO CONTINUE AS A PARTY.

17 (II) NOTIFY THE COURT THAT THE ATTORNEY GENERAL  
18 DECLINES TO PROSECUTE THE ACTION, IN WHICH CASE THE  
19 DISTRICT ATTORNEY SHALL HAVE THE RIGHT TO CONDUCT THE  
20 ACTION ON ITS OWN.

21 (III) PROCEED JOINTLY WITH THE DISTRICT ATTORNEY,  
22 ASSUMING COEQUAL RESPONSIBILITY FOR PROSECUTION OF THE  
23 ACTION.

24 SUBCHAPTER C

25 QUI TAM ACTIONS

26 SEC.

27 8621. GENERAL PROVISIONS.

28 8622. COMMONWEALTH FUNDS.

29 8623. POLITICAL SUBDIVISION FUNDS.

30 8624. COMPLAINTS RELATING TO COMMONWEALTH AND POLITICAL



1 SUBDIVISION FUNDS.

2 8625. INTERVENTION BY POLITICAL SUBDIVISION.

3 8626. EXTENSION OF TIME.

4 8627. OTHER ACTIONS PROHIBITED.

5 8628. EXCLUSIONS.

6 8629. EMPLOYMENT-RELATED DISCOVERY OF INFORMATION.

7 8630. RESPONSIBILITY FOR PROSECUTION.

8 8631. DISMISSAL OF ACTION.

9 8632. SETTLEMENT.

10 8633. ELECTION NOT TO PROCEED.

11 8634. INTERVENTION.

12 8635. PROCEEDS.

13 8636. REVERSION TO GENERAL FUND.

14 8637. EXPENSES.

15 § 8621. GENERAL PROVISIONS.

16 (A) WHEN ACTION MAY BE BROUGHT AND DISMISSED.--

17 (1) A PERSON MAY BRING A QUI TAM ACTION FOR A VIOLATION

18 OF THIS CHAPTER FOR THE PERSON AND EITHER FOR THE

19 COMMONWEALTH IN THE NAME OF THE COMMONWEALTH IF ANY

20 COMMONWEALTH FUNDS ARE INVOLVED OR FOR A POLITICAL

21 SUBDIVISION IN THE NAME OF THE POLITICAL SUBDIVISION IF

22 POLITICAL SUBDIVISION FUNDS ARE EXCLUSIVELY INVOLVED. A QUI

23 TAM ACTION MAY BE BROUGHT ALLEGING FRAUD INVOLVING BOTH

24 COMMONWEALTH AND POLITICAL SUBDIVISION FUNDS. THE PERSON

25 BRINGING THE QUI TAM ACTION SHALL BE REFERRED TO AS THE QUI

26 TAM PLAINTIFF.

27 (2) THE PROSECUTING AUTHORITY MAY SEEK DISMISSAL OF THE

28 QUI TAM ACTION NOTWITHSTANDING THE OBJECTION OF THE QUI TAM

29 PLAINTIFF IF THE QUI TAM PLAINTIFF HAS BEEN NOTIFIED BY THE

30 PROSECUTING AUTHORITY OF THE FILING OF THE MOTION TO DISMISS

1 AND THE COURT HAS PROVIDED THE QUI TAM PLAINTIFF WITH AN  
2 OPPORTUNITY FOR A HEARING ON THE MOTION.

3 (B) FILING AND SERVICE ON DEFENDANT.--A COMPLAINT FILED BY A  
4 QUI TAM PLAINTIFF UNDER THIS ACT SHALL BE FILED EX PARTE UNDER  
5 SEAL WITH THE CLERK OF THE COMMONWEALTH COURT OR EX PARTE UNDER  
6 SEAL IN THE APPROPRIATE FEDERAL DISTRICT COURT IF FEDERAL FUNDS  
7 ARE ALSO INVOLVED, AND THE COMPLAINT AND ALL RELATED PLEADINGS  
8 SHALL REMAIN UNDER SEAL FOR 90 DAYS FROM THE DATE OF SERVICE. NO  
9 SERVICE SHALL BE MADE ON THE DEFENDANT UNTIL AFTER THE COMPLAINT  
10 IS UNSEALED BY ORDER OF THE COURT.

11 (C) SERVICE ON COMMONWEALTH.--WITHIN THREE DAYS OF THE  
12 COMPLAINT BEING FILED PURSUANT TO SUBSECTION (B), THE QUI TAM  
13 PLAINTIFF SHALL SERVE BY MAIL, RETURN RECEIPT REQUESTED, THE  
14 ATTORNEY GENERAL AND THE GENERAL COUNSEL WITH A COPY OF THE  
15 COMPLAINT AND A WRITTEN DISCLOSURE OF SUBSTANTIALLY ALL MATERIAL  
16 EVIDENCE AND INFORMATION THE QUI TAM PLAINTIFF POSSESSES AT THAT  
17 TIME.

18 § 8622. COMMONWEALTH FUNDS.

19 WITHIN 90 DAYS AFTER RECEIVING A COMPLAINT ALLEGING  
20 VIOLATIONS WHICH INVOLVE COMMONWEALTH FUNDS, BUT NOT POLITICAL  
21 SUBDIVISION FUNDS, THE ATTORNEY GENERAL SHALL DO EITHER OF THE  
22 FOLLOWING:

23 (1) NOTIFY THE COURT THAT IT INTENDS TO PROCEED WITH THE  
24 ACTION AND PETITION THE COURT TO HAVE THE CASE UNSEALED. IF  
25 THE COURT GRANTS THE ATTORNEY GENERAL'S REQUEST, THE SEAL MAY  
26 BE LIFTED. THE COURT MAY, UPON MOTION BY THE ATTORNEY  
27 GENERAL, ORDER A PARTIAL UNSEALING WHERE APPROPRIATE.

28 (2) NOTIFY THE COURT THAT IT DECLINES TO PROSECUTE THE  
29 ACTION, IN WHICH CASE THE COMPLAINT MAY BE UNSEALED BY THE  
30 COURT WITHIN 20 DAYS AFTER WRITTEN NOTIFICATION IS MADE BY

1 THE ATTORNEY GENERAL TO THE QUI TAM PLAINTIFF AND COUNSEL  
2 THAT THE ATTORNEY GENERAL DOES NOT WISH TO INTERVENE. UPON  
3 SUCH NOTIFICATION, THE QUI TAM PLAINTIFF SHALL HAVE THE RIGHT  
4 TO CONDUCT THE ACTION.

5 § 8623. POLITICAL SUBDIVISION FUNDS.

6 (A) PROCEDURE.--WITHIN 30 DAYS AFTER RECEIVING A COMPLAINT  
7 ALLEGING VIOLATIONS WHICH EXCLUSIVELY INVOLVE POLITICAL  
8 SUBDIVISION FUNDS, THE ATTORNEY GENERAL SHALL PROMPTLY FORWARD  
9 THE COMPLAINT AND WRITTEN DISCLOSURE TO THE APPROPRIATE DISTRICT  
10 ATTORNEY FOR REVIEW AND DISPOSITION AND SHALL NOTIFY IN WRITING  
11 THE QUI TAM PLAINTIFF AND COUNSEL OF THE TRANSFER.

12 (B) DUTY OF DISTRICT ATTORNEY.--WITHIN 60 DAYS AFTER THE  
13 ATTORNEY GENERAL FORWARDS THE COMPLAINT AND WRITTEN DISCLOSURE  
14 UNDER SUBSECTION (A), THE DISTRICT ATTORNEY SHALL DO EITHER OF  
15 THE FOLLOWING:

16 (1) NOTIFY THE COURT THAT THE DISTRICT ATTORNEY INTENDS  
17 TO PROCEED WITH THE ACTION AND PETITION THE COURT TO HAVE THE  
18 CASE UNSEALED. IF THE COURT GRANTS THE DISTRICT ATTORNEY'S  
19 REQUEST, THE SEAL SHALL BE LIFTED.

20 (2) NOTIFY THE COURT THAT THE DISTRICT ATTORNEY DECLINES  
21 TO TAKE OVER THE ACTION, IN WHICH CASE THE SEAL MAY BE LIFTED  
22 WITHIN 20 DAYS AFTER SUCH NOTIFICATION HAS BEEN MADE AND THE  
23 QUI TAM PLAINTIFF SHALL HAVE THE RIGHT TO CONDUCT THE ACTION.

24 § 8624. COMPLAINTS RELATING TO COMMONWEALTH AND POLITICAL  
25 SUBDIVISION FUNDS.

26 (A) COMPLAINTS.--WITHIN 30 DAYS AFTER RECEIVING A COMPLAINT  
27 ALLEGING VIOLATIONS WHICH INVOLVE OR ALLEGE BOTH COMMONWEALTH  
28 AND POLITICAL SUBDIVISION FUNDS, THE ATTORNEY GENERAL SHALL  
29 FORWARD COPIES OF THE COMPLAINT AND WRITTEN DISCLOSURE TO THE  
30 APPROPRIATE DISTRICT ATTORNEY AND SHALL COORDINATE THE REVIEW

1 AND INVESTIGATION WITH THOSE OF THE DISTRICT ATTORNEY.

2 (B) PROCEDURE.--WITHIN 90 DAYS AFTER RECEIVING A COMPLAINT  
3 ALLEGING VIOLATIONS WHICH INVOLVE OR ALLEGE BOTH COMMONWEALTH  
4 AND POLITICAL SUBDIVISION FUNDS, THE ATTORNEY GENERAL SHALL DO  
5 ONE OF THE FOLLOWING:

6 (1) NOTIFY THE COURT IN WRITING THAT THE ATTORNEY  
7 GENERAL INTENDS TO PROCEED WITH THE ACTION, IN WHICH CASE THE  
8 SEAL SHALL BE LIFTED AND SERVICE EFFECTED ON THE DEFENDANT.

9 (2) NOTIFY THE COURT IN WRITING THAT THE ATTORNEY  
10 GENERAL DECLINES TO TAKE OVER THE ACTION BUT THAT THE  
11 DISTRICT ATTORNEY INVOLVED INTENDS TO PROCEED WITH THE  
12 ACTION, IN WHICH CASE THE SEAL SHALL BE LIFTED AND THE ACTION  
13 SHALL BE CONDUCTED BY THE DISTRICT ATTORNEY.

14 (3) NOTIFY THE COURT THAT BOTH THE ATTORNEY GENERAL AND  
15 THE DISTRICT ATTORNEY DECLINE TO TAKE OVER THE ACTION, IN  
16 WHICH CASE THE SEAL MAY BE LIFTED WITHIN 20 DAYS AFTER  
17 NOTIFICATION HAS BEEN MADE AND THE QUI TAM PLAINTIFF SHALL  
18 HAVE THE RIGHT TO CONDUCT THE ACTION.

19 § 8625. INTERVENTION BY POLITICAL SUBDIVISION.

20 IF THE ATTORNEY GENERAL PROCEEDS WITH THE ACTION UNDER  
21 SECTION 8623 (RELATING TO POLITICAL SUBDIVISION FUNDS), THE  
22 DISTRICT ATTORNEY SHALL BE PERMITTED TO INTERVENE IN THE ACTION  
23 WITHIN 60 DAYS AFTER THE ATTORNEY GENERAL NOTIFIES THE COURT OF  
24 HIS INTENTIONS.

25 § 8626. EXTENSION OF TIME.

26 UPON A SHOWING OF GOOD CAUSE AND REASONABLE DILIGENCE IN HIS  
27 INVESTIGATION, THE PROSECUTING AUTHORITY MAY MOVE THE COURT FOR  
28 REASONABLE EXTENSIONS OF TIME DURING WHICH THE COMPLAINT WILL  
29 REMAIN UNDER SEAL. THE QUI TAM PLAINTIFF SHALL BE NOTIFIED OF  
30 ANY EXTENSIONS REQUESTED UNDER THIS SECTION. ANY SUCH MOTIONS

1 MAY BE SUPPORTED BY AFFIDAVITS OR OTHER SUBMISSIONS IN CAMERA.

2 § 8627. OTHER ACTIONS PROHIBITED.

3 WHEN A QUI TAM PLAINTIFF BRINGS AN ACTION UNDER THIS CHAPTER,  
4 NO OTHER PERSON SHALL BE PERMITTED TO BRING A RELATED ACTION  
5 UNDER THIS CHAPTER BASED ON THE SAME OR SIMILAR FACTS UNDERLYING  
6 THE PENDING ACTION.

7 § 8628. EXCLUSIONS.

8 (A) GENERAL RULE.--NO COURT SHALL HAVE JURISDICTION OVER AN  
9 ACTION BROUGHT UNDER THIS SUBCHAPTER:

10 (1) AGAINST THE COMMONWEALTH, ANY COUNTY OR MUNICIPALITY  
11 OR A PROSECUTING AUTHORITY.

12 (2) AGAINST AN OFFICIAL OR EMPLOYEE OF THE COMMONWEALTH  
13 OR A POLITICAL SUBDIVISION IF THE OFFICIAL OR EMPLOYEE DID  
14 NOT ACT WITH ACTUAL KNOWLEDGE.

15 (3) WHICH RELIES UPON THE PUBLIC DISCLOSURE OF SPECIFIC  
16 ALLEGATIONS OR TRANSACTIONS IN A CRIMINAL, CIVIL OR  
17 ADMINISTRATIVE HEARING, IN A GOVERNMENTAL REPORT, HEARING,  
18 AUDIT OR INVESTIGATION OR FROM THE NEWS MEDIA, UNLESS THE  
19 ACTION IS BROUGHT BY OR INTERVENED IN BY A PROSECUTING  
20 AUTHORITY OR THE QUI TAM PLAINTIFF IS AN ORIGINAL SOURCE OF  
21 THE INFORMATION.

22 (B) DEFINITION.--AS USED IN THIS SECTION, THE TERM "ORIGINAL  
23 SOURCE" MEANS AN INDIVIDUAL WHO HAS VOLUNTARILY PROVIDED THE  
24 INFORMATION TO THE PROSECUTING AUTHORITY BEFORE FILING AN ACTION  
25 BASED ON THAT INFORMATION AND EITHER HAS DIRECT AND INDEPENDENT  
26 KNOWLEDGE OF THE INFORMATION ON WHICH THE ALLEGATIONS ARE BASED  
27 OR DIRECTLY OR INDIRECTLY PROVIDED THE IMPETUS, BASIS OR  
28 CATALYST FOR THE INVESTIGATION, HEARING, AUDIT OR REPORT WHICH  
29 LED TO THE PUBLIC DISCLOSURE.

30 § 8629. EMPLOYMENT-RELATED DISCOVERY OF INFORMATION.

1 NO COURT SHALL HAVE JURISDICTION OVER AN ACTION BROUGHT UNDER  
2 THIS CHAPTER BY A PRESENT OR FORMER EMPLOYEE OF THE  
3 COMMONWEALTH, OF A POLITICAL SUBDIVISION OR OF THE PERSON IF  
4 THAT EMPLOYEE'S EXCLUSIVE RESPONSIBILITY IS THE INVESTIGATION OR  
5 PROSECUTION OF FRAUD, UNLESS SUCH EMPLOYEE FIRST MAKES A GOOD  
6 FAITH ATTEMPT TO USE EXISTING INTERNAL PROCEDURES FOR REPORTING,  
7 AUDITING AND SEEKING RECOVERY OF THE FALSELY CLAIMED FUNDS  
8 BEFORE FILING AN ACTION. THE COMMONWEALTH, POLITICAL SUBDIVISION  
9 OR THE PERSON SHALL HAVE PROMULGATED INTERNAL PROCEDURES FOR  
10 REPORTING, AUDITING AND SEEKING RECOVERY OF FALSELY CLAIMED  
11 FUNDS AND MUST ACT ON THE INFORMATION REPORTED BY THE EMPLOYEE  
12 WITHIN 60 DAYS OF RECEIPT OF THE INFORMATION.

13 § 8630. RESPONSIBILITY FOR PROSECUTION.

14 IF THE PROSECUTING AUTHORITY PROCEEDS WITH THE ACTION, IT  
15 SHALL HAVE THE PRIMARY RESPONSIBILITY FOR PROSECUTING THE  
16 ACTION. THE QUI TAM PLAINTIFF SHALL HAVE THE RIGHT TO CONTINUE  
17 WITH ALL RIGHTS AND OBLIGATIONS AS A FULL PARTY TO THE ACTION.

18 § 8631. DISMISSAL OF ACTION.

19 THE COMMONWEALTH OR POLITICAL SUBDIVISION MAY SEEK TO DISMISS  
20 THE ACTION AT ANY TIME NOTWITHSTANDING THE OBJECTIONS OF THE QUI  
21 TAM PLAINTIFF IF THE QUI TAM PLAINTIFF HAS BEEN NOTIFIED BY THE  
22 PROSECUTING AUTHORITY OF THE FILING OF THE MOTION AND THE COURT  
23 HAS PROVIDED THE QUI TAM PLAINTIFF WITH AN OPPORTUNITY FOR A  
24 HEARING ON THE MOTION.

25 § 8632. SETTLEMENT.

26 THE PROSECUTING AUTHORITY MAY SETTLE THE ACTION WITH THE  
27 DEFENDANT NOTWITHSTANDING THE OBJECTIONS OF THE QUI TAM  
28 PLAINTIFF IF THE COURT DETERMINES, AFTER A HEARING, THAT THE  
29 PROPOSED SETTLEMENT IS FAIR, ADEQUATE AND REASONABLE UNDER ALL  
30 CIRCUMSTANCES. UPON A SHOWING OF GOOD CAUSE, THE HEARING MAY BE

1 HELD IN CAMERA.

2 § 8633. ELECTION NOT TO PROCEED.

3 IF THE PROSECUTING AUTHORITY ELECTS NOT TO PROCEED, THE QUI  
4 TAM PLAINTIFF SHALL HAVE THE RIGHT TO CONDUCT THE ACTION AND  
5 SHALL APPRISE THE PROSECUTING AUTHORITY OF ALL DEVELOPMENTS  
6 DURING THE COURSE OF THE ACTION. IF THE PROSECUTING AUTHORITY SO  
7 REQUESTS, IT SHALL BE SERVED WITH COPIES OF ALL PLEADINGS FILED  
8 IN THE ACTION AND SUPPLIED WITH COPIES OF ALL DEPOSITION  
9 TRANSCRIPTS.

10 § 8634. INTERVENTION.

11 UPON APPLICATION, THE COURT SHALL PERMIT THE PROSECUTING  
12 AUTHORITY TO INTERVENE IN AN ACTION WITH WHICH IT HAD INITIALLY  
13 DECLINED TO PROCEED.

14 § 8635. PROCEEDS.

15 (A) ATTORNEY GENERAL.--IF THE ATTORNEY GENERAL INITIATES AN  
16 ACTION UNDER SECTION 8613(A) (RELATING TO PROCEDURE) OR ASSUMES  
17 CONTROL OF AN ACTION INITIATED BY THE DISTRICT ATTORNEY PURSUANT  
18 TO SECTION 8613(B)(4)(I), THE ATTORNEY GENERAL SHALL RECEIVE A  
19 FIXED 33% OF THE PROCEEDS OF THE ACTION OR SETTLEMENT OF THE  
20 CLAIM, WHICH FUNDS SHALL BE USED TO SUPPORT AND EXPAND ITS  
21 ONGOING INVESTIGATION AND PROSECUTION OF FALSE CLAIMS  
22 VIOLATIONS.

23 (B) DISTRICT ATTORNEY.--IF A DISTRICT ATTORNEY INITIATES AND  
24 CONDUCTS AN ACTION PURSUANT TO SECTION 8613(B), THE OFFICE OF  
25 THE DISTRICT ATTORNEY SHALL RECEIVE A FIXED 33% OF THE PROCEEDS  
26 OF THE ACTION OR SETTLEMENT OF THE CLAIM, WHICH FUNDS SHALL BE  
27 USED TO SUPPORT AND EXPAND ITS ONGOING INVESTIGATION AND  
28 PROSECUTION OF FALSE CLAIMS VIOLATIONS.

29 (C) AWARD OF PORTION OF RECOVERY.--IF A DISTRICT ATTORNEY  
30 INTERVENES IN AN ACTION INITIATED BY THE ATTORNEY GENERAL

1 PURSUANT TO SECTION 8613(A)(3) OR REMAINS A PARTY TO AN ACTION  
2 ASSUMED BY THE ATTORNEY GENERAL PURSUANT TO SECTION  
3 8613(B)(4)(I) AND (III), THE COURT MAY AWARD THE OFFICE OF THE  
4 DISTRICT ATTORNEY A PORTION OF THE ATTORNEY GENERAL'S FIXED 33%  
5 OF THE RECOVERY UNDER SUBSECTION (A), TAKING INTO ACCOUNT THE  
6 DISTRICT ATTORNEY'S ROLE IN INVESTIGATING AND CONDUCTING THE  
7 ACTION AND THE RESOURCES OF THE OFFICE EXPENDED ON THE  
8 PROSECUTION.

9 (D) QUI TAM RECOVERY.--

10 (1) IF THE PROSECUTING AUTHORITY PROCEEDS WITH AN ACTION  
11 BROUGHT BY A QUI TAM PLAINTIFF UNDER THIS CHAPTER, THE QUI  
12 TAM PLAINTIFF SHALL, SUBJECT TO SUBSECTIONS (H) AND (I),  
13 RECEIVE NOT LESS THAN 20% NOR MORE THAN 33% OF THE FULL  
14 PROCEEDS OF THE ACTION OR SETTLEMENT OF THE CLAIM, DEPENDING  
15 UPON THE EXTENT TO WHICH THE QUI TAM PLAINTIFF SUBSTANTIALLY  
16 CONTRIBUTED TO THE OVERALL PROSECUTION OF THE ACTION. IF THE  
17 PROSECUTING AUTHORITY AND THE QUI TAM PLAINTIFF CANNOT REACH  
18 AN AGREEMENT CONCERNING THE PERCENTAGE OF PROCEEDS TO BE  
19 DISTRIBUTED TO THE QUI TAM PLAINTIFF, THE DETERMINATION SHALL  
20 BE MADE BY THE COURT.

21 (2) WHEN IT CONDUCTS THE ACTION, THE ATTORNEY GENERAL OR  
22 THE DISTRICT ATTORNEY SHALL RECEIVE A FIXED 33% OF THE  
23 PROCEEDS OF THE ACTION OR SETTLEMENT OF THE CLAIM, WHICH  
24 FUNDS SHALL BE USED TO SUPPORT AND EXPAND ITS ONGOING  
25 INVESTIGATION AND PROSECUTION OF FALSE CLAIMS.

26 (3) WHEN BOTH THE ATTORNEY GENERAL AND THE DISTRICT  
27 ATTORNEY ARE INVOLVED AS COPARTIES IN A QUI TAM ACTION  
28 PURSUANT TO SECTION 8624 (RELATING TO COMPLAINTS RELATING TO  
29 COMMONWEALTH AND POLITICAL SUBDIVISION FUNDS), THE COURT IN  
30 ITS DISCRETION MAY AWARD THE DISTRICT ATTORNEY A PORTION OF



1 THE ATTORNEY GENERAL'S FIXED 33% OF THE RECOVERY, TAKING INTO  
2 ACCOUNT THE DISTRICT ATTORNEY'S COOPERATION AND CONTRIBUTION  
3 TO INVESTIGATING AND CONDUCTING THE ACTION.

4 (E) DECLINE TO PROCEED.--IF THE PROSECUTING AUTHORITY  
5 DECLINES TO PROCEED WITH AN ACTION, THE QUI TAM PLAINTIFF SHALL,  
6 SUBJECT TO SUBSECTIONS (H) AND (I), RECEIVE AN AMOUNT WHICH THE  
7 COURT DECIDES IS REASONABLE FOR COLLECTING THE CIVIL PENALTY AND  
8 DAMAGES ON BEHALF OF THE COMMONWEALTH OR POLITICAL SUBDIVISION.  
9 THE AMOUNT AWARDED BY THE COURT SHALL BE NOT LESS THAN 30% NOR  
10 MORE THAN 50% OF THE FULL PROCEEDS OF THE ACTION OR SETTLEMENT  
11 AND SHALL BE PAID OUT OF THE PROCEEDS.

12 (F) ATTORNEY FEES AND EXPENSES.--IF THE PROSECUTING  
13 AUTHORITY DOES NOT PROCEED WITH THE ACTION AND THE PERSON  
14 BRINGING THE ACTION CONDUCTS THE ACTION, THE COURT MAY AWARD TO  
15 THE DEFENDANT ITS REASONABLE ATTORNEY FEES AND EXPENSES IF THE  
16 DEFENDANT PREVAILS IN THE ACTION AND THE COURT FINDS THAT THE  
17 CLAIM OF THE PERSON BRINGING THE ACTION WAS CLEARLY FRIVOLOUS,  
18 CLEARLY VEXATIOUS OR BROUGHT PRIMARILY FOR PURPOSES OF  
19 HARASSMENT.

20 (G) ALLOCATION OF PROCEEDS FOR COSTS OF ANNUAL AUDIT.--THE  
21 CONTROLLER, BOARD OF AUDITORS OR OTHER GOVERNMENT AUDITOR  
22 PERFORMING THE ANNUAL AUDIT OF RECOVERIES AS PROVIDED UNDER  
23 SUBSECTION (L) SHALL RECEIVE A FIXED 1% OF THE PROCEEDS OF THE  
24 ACTION OR SETTLEMENT OF THE CLAIM, WHICH FUNDS SHALL BE USED TO  
25 DEFRAY THE COSTS OF THE ANNUAL AUDIT.

26 (H) PRESENT OR FORMER EMPLOYEE.--IF A QUI TAM ACTION IS  
27 BROUGHT BY A PRESENT OR FORMER EMPLOYEE OF THE COMMONWEALTH OR  
28 POLITICAL SUBDIVISION, THE QUI TAM PLAINTIFF SHALL NOT BE  
29 ENTITLED TO ANY MINIMUM GUARANTEED RECOVERY FROM THE PROCEEDS.  
30 IF THE PROSECUTING AUTHORITY AND THE QUI TAM PLAINTIFF CANNOT

1 REACH AN AGREEMENT CONCERNING THE PERCENTAGE OF PROCEEDS TO BE  
2 DISTRIBUTED TO THE QUI TAM PLAINTIFF, THE DETERMINATION SHALL BE  
3 MADE BY THE COURT. THE COURT MAY AWARD THE QUI TAM PLAINTIFF  
4 THOSE SUMS FROM THE PROCEEDS AS IT CONSIDERS APPROPRIATE, BUT IN  
5 NO CASE MORE THAN 33% OF THE PROCEEDS IF THE PROSECUTING  
6 AUTHORITY GOES FORTH WITH THE ACTION OR 50% IF IT DECLINES TO GO  
7 FORTH, TAKING INTO ACCOUNT THE SIGNIFICANCE OF THE INFORMATION,  
8 THE ROLE OF THE QUI TAM PLAINTIFF IN ADVANCING THE CASE TO  
9 LITIGATION AND THE SCOPE OF AND RESPONSE TO THE QUI TAM  
10 PLAINTIFF'S ATTEMPTS TO REPORT AND GAIN RECOVERY OF THE FALSELY  
11 CLAIMED FUNDS THROUGH OFFICIAL CHANNELS.

12 (I) FRAUDULENT ACTIVITY.--WHETHER OR NOT THE PROSECUTING  
13 AUTHORITY PROCEEDS WITH THE ACTION, IF THE COURT FINDS THAT THE  
14 ACTION WAS BROUGHT BY A PERSON WHO PLANNED AND INITIATED THE  
15 VIOLATION OF SECTION 8611 (RELATING TO OFFENSES DEFINED) UPON  
16 WHICH THE ACTION WAS BROUGHT, THE COURT MAY, TO THE EXTENT THE  
17 COURT CONSIDERS APPROPRIATE, REDUCE THE SHARE OF THE PROCEEDS OF  
18 THE ACTION WHICH THE PERSON WOULD OTHERWISE RECEIVE UNDER  
19 SUBSECTIONS (D) AND (E), TAKING INTO ACCOUNT THE ROLE OF THAT  
20 PERSON IN ADVANCING THE CASE TO LITIGATION AND ANY RELEVANT  
21 CIRCUMSTANCES PERTAINING TO THE VIOLATION. IF THE PERSON  
22 BRINGING THE ACTION IS CONVICTED OF CRIMINAL CONDUCT ARISING  
23 FROM HIS OR HER ROLE IN THE VIOLATION OF SECTION 8611, THAT  
24 PERSON SHALL BE DISMISSED FROM THE CIVIL ACTION AND SHALL NOT  
25 RECEIVE ANY SHARE OF THE PROCEEDS OF THE ACTION. SUCH DISMISSAL  
26 SHALL NOT PREJUDICE THE RIGHT OF THE PROSECUTING AUTHORITY TO  
27 CONTINUE THE ACTION.

28 (J) USE OF RECOVERIES.--

29 (1) PROCEEDS RECOVERED UNDER THIS CHAPTER BY THE  
30 PROSECUTING AUTHORITY OR AWARDED TO THE GOVERNMENT AUDITOR

1 PURSUANT TO SUBSECTION (G) SHALL BE PLACED IN THE GENERAL  
2 FUND OF THE COMMONWEALTH, THE OPERATING FUND OF THE COUNTY OF  
3 THE DISTRICT ATTORNEY OR THE OPERATING FUND OF THE COUNTY OF  
4 THE GOVERNMENT AUDITOR, AS APPROPRIATE.

5 (2) NOTWITHSTANDING ANY OTHER PROVISION OF LAW TO THE  
6 CONTRARY, THE COMMONWEALTH, COUNTY OF THE DISTRICT ATTORNEY  
7 OR THE COUNTY OF THE GOVERNMENT AUDITOR, AS APPROPRIATE,  
8 SHALL IMMEDIATELY MAKE SUCH FUNDS AVAILABLE FOR EXPENDITURE,  
9 WITHOUT RESTRICTION, BY THE PROSECUTING AUTHORITY OR  
10 GOVERNMENT AUDITOR FOR THE PURPOSES SPECIFIED ELSEWHERE IN  
11 THIS CHAPTER. THE ENTITY HAVING BUDGETARY CONTROL OVER SUCH  
12 FUNDS MAY NOT ANTICIPATE FUTURE RECOVERIES IN THE ADOPTION OR  
13 APPROVAL OF THE BUDGET FOR THE PROSECUTING AUTHORITY.

14 (K) ANNUAL AUDIT OF RECOVERIES.--IT SHALL BE THE  
15 RESPONSIBILITY OF THE COMMONWEALTH, THE COUNTY OF THE DISTRICT  
16 ATTORNEY, OR BOTH, AS APPROPRIATE, TO PROVIDE, THROUGH THE  
17 CONTROLLER, BOARD OF AUDITORS OR OTHER APPROPRIATE AUDITOR, AN  
18 ANNUAL AUDIT OF ALL RECOVERIES UNDER THIS CHAPTER. THE AUDIT  
19 SHALL BE MADE PUBLIC, SUBJECT TO THE RIGHT OF THE PROSECUTING  
20 AUTHORITY TO REDACT PORTIONS OF THE AUDIT WHICH IT REASONABLY  
21 BELIEVES WILL COMPROMISE INVESTIGATIONS OR CRIMINAL PROCEEDINGS,  
22 AND SHALL BE SUBMITTED TO THE ATTORNEY GENERAL'S OFFICE BY  
23 SEPTEMBER 30 OF EACH YEAR.

24 (L) ANNUAL REPORT.--THE ATTORNEY GENERAL SHALL ANNUALLY  
25 SUBMIT A REPORT TO THE APPROPRIATIONS COMMITTEE AND THE  
26 JUDICIARY COMMITTEE OF THE SENATE AND THE APPROPRIATIONS  
27 COMMITTEE AND JUDICIARY COMMITTEE OF THE HOUSE OF  
28 REPRESENTATIVES, SPECIFYING THE RECOVERIES OBTAINED UNDER THIS  
29 CHAPTER. THE REPORT SHALL GIVE AN ACCOUNTING OF ALL MONEYS  
30 RECOVERED THROUGH THE SALE OF ANY PROPERTY SEIZED IN

1 SATISFACTION OF ANY JUDGMENT ARISING FROM AN ACTION UNDER THIS  
2 CHAPTER.

3 (M) RECOVERIES AND APPROPRIATIONS.--RECOVERIES OR FUTURE  
4 RECOVERIES UNDER THIS CHAPTER SHALL BE IN ADDITION TO ANY  
5 APPROPRIATION MADE TO THE OFFICE OF THE PROSECUTING AUTHORITY.

6 § 8636. REVERSION TO GENERAL FUND.

7 (A) GENERAL RULE.--THE PORTION OF THE PROCEEDS NOT  
8 DISTRIBUTED UNDER SECTION 8635 (RELATING TO PROCEEDS) SHALL  
9 REVERT TO THE GENERAL FUND WHEN THE UNDERLYING FALSE CLAIMS  
10 INVOLVED COMMONWEALTH FUNDS EXCLUSIVELY AND TO THE POLITICAL  
11 SUBDIVISION WHEN THE UNDERLYING FALSE CLAIMS INVOLVED POLITICAL  
12 SUBDIVISION FUNDS EXCLUSIVELY. WHEN PETITIONED TO DO SO, THE  
13 COURT SHALL MAKE AN APPORTIONMENT OF THE RECOVERED PROCEEDS  
14 BETWEEN THE COMMONWEALTH AND POLITICAL SUBDIVISION BASED ON  
15 THEIR RELATIVE SHARE OF THE FUNDS FALSELY CLAIMED.

16 (B) REIMBURSEMENT.--WHEN AN INSURER, GUARANTOR OR SURETY HAS  
17 SUFFERED A LOSS ON AN UNDERLYING FALSE CLAIM THROUGH EITHER:

18 (1) REIMBURSING THE COMMONWEALTH OR POLITICAL  
19 SUBDIVISION; OR

20 (2) DIRECTLY PAYING A CLAIMANT;

21 THE INSURER, GUARANTOR OR SURETY SHALL BE REIMBURSED FOR ITS  
22 LOSSES TO THE EXTENT THAT PROCEEDS REVERTING TO THE GENERAL FUND  
23 OR TO THE POLITICAL SUBDIVISION UNDER THIS SECTION EXCEED ANY  
24 UNINSURED LOSS TO THE COMMONWEALTH OR THE POLITICAL SUBDIVISION.

25 § 8637. EXPENSES.

26 IF THE COMMONWEALTH, POLITICAL SUBDIVISION OR QUI TAM  
27 PLAINTIFF PREVAILS IN OR SETTLES ANY ACTION UNDER THIS CHAPTER,  
28 THE QUI TAM PLAINTIFF SHALL RECEIVE AN AMOUNT FOR ALL REASONABLE  
29 EXPENSES INCURRED IN THE PROSECUTION OF THE CLAIM, INCLUDING  
30 EXPERT WITNESS FEES PLUS REASONABLE LITIGATION COSTS AND

1 ATTORNEY FEES; ALL EXPENSES, COSTS AND ATTORNEY FEES SHALL BE  
2 AWARDED AGAINST THE DEFENDANT, AND UNDER NO CIRCUMSTANCES SHALL  
3 THEY BE THE RESPONSIBILITY OF THE PROSECUTING AUTHORITY.

4 SUBCHAPTER D  
5 MISCELLANEOUS PROVISIONS

6 SEC.

7 8651. RULES OF CIVIL PROCEDURE.

8 8652. STAY OF DISCOVERY.

9 8653. CONTROL OVER PROSECUTION.

10 8654. EMPLOYEE PROTECTION.

11 8655. LIMITATIONS.

12 8656. REMEDIES.

13 8657. ENFORCEMENT.

14 8658. CIVIL INVESTIGATIVE DEMAND.

15 8659. IMMUNITY.

16 8660. REGULATIONS.

17 § 8651. RULES OF CIVIL PROCEDURE.

18 EXCEPT WHERE THIS CHAPTER PROVIDES OTHERWISE, ACTIONS UNDER  
19 THIS CHAPTER SHALL BE GOVERNED BY THE PENNSYLVANIA RULES OF  
20 CIVIL PROCEDURE.

21 § 8652. STAY OF DISCOVERY.

22 (A) GENERAL RULE.--THE COURT MAY STAY DISCOVERY FOR A PERIOD  
23 OF NOT MORE THAN 90 DAYS IF THE PROSECUTING AUTHORITY OR THE  
24 GENERAL COUNSEL SHOWS THAT DISCOVERY WOULD INTERFERE WITH AN  
25 INVESTIGATION OR A PROSECUTION OF A CRIMINAL OR CIVIL MATTER  
26 ARISING OUT OF THE SAME OR SIMILAR FACTS, REGARDLESS OF WHETHER  
27 THE PROSECUTING AUTHORITY PROCEEDS WITH THE ACTION. SUCH A  
28 SHOWING SHALL BE CONDUCTED IN CAMERA. THE COURT MAY EXTEND THE  
29 90-DAY PERIOD UPON A FURTHER SHOWING IN CAMERA THAT THE  
30 PROSECUTING AUTHORITY OR THE GENERAL COUNSEL HAS PURSUED THE

1 CRIMINAL OR CIVIL INVESTIGATION OR PROCEEDINGS WITH REASONABLE  
2 DILIGENCE AND THAT ANY PROPOSED DISCOVERY IN THE ACTION UNDER  
3 THIS CHAPTER WOULD INTERFERE WITH THE ONGOING CRIMINAL OR CIVIL  
4 INVESTIGATION OR PROCEEDINGS.

5 (B) CRIMINAL ACTION.--WHEN A CRIMINAL ACTION HAS COMMENCED  
6 BASED UPON THE SAME OR SIMILAR FACTS UNDERLYING THE PENDING  
7 ACTION UNDER THIS CHAPTER, DISCOVERY BY THE DEFENDANT IN THE  
8 PENDING ACTION UNDER THIS CHAPTER SHALL BE CONFINED TO THAT  
9 AVAILABLE TO A CRIMINAL DEFENDANT UNDER THE RULES OF CRIMINAL  
10 PROCEDURE AND THE CONSTITUTIONS OF THE UNITED STATES AND OF THE  
11 COMMONWEALTH OF PENNSYLVANIA. THE DEFENDANT IN THE PENDING  
12 ACTION UNDER THIS CHAPTER MAY PETITION THE COURT FOR A STAY OF  
13 PROCEEDINGS PENDING THE CONCLUSION OF THE CRIMINAL ACTION.

14 § 8653. CONTROL OVER PROSECUTION.

15 WHEN THE PROSECUTING AUTHORITY HAS INTERVENED IN AN ACTION  
16 BROUGHT UNDER SECTION 8621 (RELATING TO GENERAL PROVISIONS), THE  
17 PROSECUTING AUTHORITY SHALL HAVE FULL AUTHORITY AS TO THE MANNER  
18 IN WHICH THE PROSECUTION IS CONDUCTED.

19 § 8654. EMPLOYEE PROTECTION.

20 (A) DISCLOSING INFORMATION.--NO EMPLOYER SHALL SOLICIT,  
21 ATTEMPT OR CONSPIRE TO PREVENT, MAKE, ADOPT OR ENFORCE ANY RULE,  
22 REGULATION OR POLICY PREVENTING AN EMPLOYEE FROM DISCLOSING  
23 INFORMATION TO A FEDERAL, STATE OR LOCAL LAW ENFORCEMENT AGENCY  
24 OR FROM ACTING IN FURTHERANCE OF THE INVESTIGATION OF,  
25 INITIATION OF, TESTIMONY IN OR ASSISTANCE IN FILING AN ACTION  
26 UNDER THIS CHAPTER.

27 (B) DISCRIMINATION.--NO EMPLOYER SHALL DISCHARGE, DEMOTE,  
28 SUSPEND, THREATEN, HARASS, DENY PROMOTION TO OR IN ANY OTHER  
29 MANNER DISCRIMINATE, OR SOLICIT, ATTEMPT OR CONSPIRE TO  
30 DISCRIMINATE AGAINST AN EMPLOYEE IN THE TERMS OF AND CONDITIONS

1 OF EMPLOYMENT BECAUSE OF LAWFUL ACTS DONE BY THE EMPLOYEE ON  
2 BEHALF OF THE EMPLOYEE OR OTHERS IN DISCLOSING INFORMATION TO A  
3 FEDERAL, STATE OR LOCAL GOVERNMENT OR LAW ENFORCEMENT AGENCY OR  
4 IN FURTHERING FALSE CLAIMS ACTION, INCLUDING INVESTIGATION FOR,  
5 INITIATION OF, TESTIMONY FOR OR ASSISTANCE IN AN ACTION FILED OR  
6 TO BE FILED UNDER THIS CHAPTER.

7 (C) GOOD FAITH REPORTING TO EMPLOYER.--NO EMPLOYER MAY  
8 DISCHARGE, THREATEN OR OTHERWISE DISCRIMINATE OR RETALIATE  
9 AGAINST AN EMPLOYEE REGARDING THE EMPLOYEE'S COMPENSATION,  
10 TERMS, CONDITIONS, LOCATION OR PRIVILEGES OF EMPLOYMENT BECAUSE  
11 THE EMPLOYEE MADE OR IS ABOUT TO MAKE A GOOD FAITH REPORT TO THE  
12 EMPLOYER REGARDING A FALSE CLAIM UNDER THIS CHAPTER, REGARDLESS  
13 OF WHETHER THE REPORT IS MADE OR TO BE MADE ORALLY OR IN  
14 WRITING.

15 (D) PENALTY.--

16 (1) AN EMPLOYER WHO VIOLATES SUBSECTION (A), (B) OR (C)  
17 SHALL BE LIABLE FOR ALL RELIEF NECESSARY TO MAKE THE EMPLOYEE  
18 WHOLE, INCLUDING REINSTATEMENT WITH THE SAME SENIORITY STATUS  
19 THAT THE EMPLOYEE WOULD HAVE HAD BUT FOR THE DISCRIMINATION,  
20 THREE TIMES THE AMOUNT OF BACK PAY, PREVAILING INTEREST ON  
21 THE BACK PAY, COMPENSATION FOR ANY SPECIAL DAMAGE SUSTAINED  
22 AS A RESULT OF THE DISCRIMINATION AND, WHERE APPROPRIATE,  
23 PUNITIVE DAMAGES. EXCEPT IN CASES ALLEGING INTENTIONAL  
24 MISCONDUCT, PUNITIVE DAMAGES AGAINST A PERSON SHALL NOT  
25 EXCEED 200% OF THE COMPENSATORY DAMAGES AWARDED. IN ADDITION,  
26 THE EMPLOYER SHALL BE REQUIRED TO PAY ALL LITIGATION COSTS  
27 AND ATTORNEY FEES.

28 (2) AN EMPLOYEE MAY BRING AN ACTION IN THE COMMONWEALTH  
29 COURT FOR THE RELIEF PROVIDED IN THIS SUBSECTION.

30 § 8655. LIMITATIONS.

1 (A) TIME OF FILING.--AN ACTION UNDER THIS CHAPTER MAY NOT BE  
2 FILED MORE THAN SIX YEARS AFTER THE DATE ON WHICH THE VIOLATION  
3 OF THIS CHAPTER IS COMPLETED OR MORE THAN THREE YEARS AFTER THE  
4 DATE OF DISCOVERY BY THE PROSECUTING AUTHORITY, BUT IN ANY EVENT  
5 NO MORE THAN TEN YEARS AFTER THE DATE ON WHICH THE VIOLATION OF  
6 SECTION 8611 (RELATING TO OFFENSES DEFINED) IS COMPLETED.

7 (B) PRIOR ACTS.--AN ACTION UNDER THIS CHAPTER MAY BE BROUGHT  
8 REGARDING FALSE CLAIMS MADE PRIOR TO THE EFFECTIVE DATE OF THIS  
9 CHAPTER IF THE LIMITATIONS PERIOD SET FORTH IN SUBSECTION (A)  
10 HAS NOT ELAPSED.

11 (C) PROOF.--IN ANY ACTION BROUGHT UNDER THIS CHAPTER, THE  
12 COMMONWEALTH, THE POLITICAL SUBDIVISION OR THE QUI TAM PLAINTIFF  
13 SHALL BE REQUIRED TO PROVE ALL ESSENTIAL ELEMENTS OF THE CAUSE  
14 OF ACTION, INCLUDING DAMAGES, BY A PREPONDERANCE OF THE  
15 EVIDENCE.

16 (D) ESTOPPEL.--NOTWITHSTANDING ANY OTHER PROVISION OF LAW, A  
17 GUILTY VERDICT, GUILTY PLEA OR NOLO CONTENDERE PLEA RENDERED IN  
18 A CRIMINAL PROCEEDING WHICH ALLEGED A SCHEME TO OBTAIN FUNDS  
19 FRAUDULENTLY FROM THE COMMONWEALTH OR A POLITICAL SUBDIVISION  
20 SHALL ESTOP THE DEFENDANT FROM DENYING THE ESSENTIAL ELEMENTS OF  
21 THE OFFENSE IN ANY ACTION WHICH INVOLVES THE SAME TRANSACTION AS  
22 IN THE CRIMINAL PROCEEDING AND WHICH IS BROUGHT UNDER THIS  
23 CHAPTER.

24 § 8656. REMEDIES.

25 (A) CIVIL REMEDIES.--THE COMMONWEALTH COURT SHALL HAVE THE  
26 JURISDICTION TO ISSUE ANY ORDER TO PREVENT AND RESTRAIN  
27 VIOLATIONS OF THIS SUBCHAPTER.

28 (B) REMEDIES CUMULATIVE.--

29 (1) THE PROVISIONS OF THIS CHAPTER ARE NOT EXCLUSIVE AND  
30 SHALL BE IN ADDITION TO ANY OTHER REMEDIES PROVIDED FOR IN



1 ANY OTHER LAW OR AVAILABLE UNDER COMMON LAW.

2 (2) ELECTION BY THE PROSECUTING AUTHORITY OR A QUI TAM  
3 PLAINTIFF TO BRING AN ACTION UNDER THIS CHAPTER SHALL NEITHER  
4 PRECLUDE THE COMMONWEALTH OR POLITICAL SUBDIVISION FROM  
5 BRINGING ANY OTHER APPROPRIATE ACTION NOR MOOT ANY SUCH  
6 ACTION FILED PRIOR TO COMMENCEMENT OF AN ACTION UNDER THIS  
7 CHAPTER.

8 (3) ELECTION BY THE PROSECUTING AUTHORITY OR A QUI TAM  
9 PLAINTIFF TO BRING AN ACTION UNDER THIS CHAPTER SHALL NOT  
10 PRECLUDE THE COMMONWEALTH OR PROSECUTING AUTHORITY FROM  
11 BRINGING CRIMINAL CHARGES AGAINST THE DEFENDANT, NOR SHALL IT  
12 MOOT ANY PENDING CRIMINAL CHARGES.

13 (4) JUDGMENT FOR A DEFENDANT IN ANY ACTION BROUGHT UNDER  
14 THIS CHAPTER SHALL HAVE NO RES JUDICATA EFFECT IN ANY OTHER  
15 ACTION BROUGHT BY THE COMMONWEALTH OR POLITICAL SUBDIVISION.

16 § 8657. ENFORCEMENT.

17 (A) PROSECUTING AUTHORITY.--THE PROSECUTING AUTHORITY SHALL  
18 HAVE THE POWER AND DUTY TO ENFORCE THIS CHAPTER, INCLUDING THE  
19 AUTHORITY TO ISSUE CIVIL INVESTIGATIVE DEMANDS PURSUANT TO THIS  
20 CHAPTER, TO INSTITUTE PROCEEDINGS UNDER THIS CHAPTER AND TO TAKE  
21 SUCH ACTIONS AS MAY BE NECESSARY TO ASCERTAIN AND INVESTIGATE  
22 ALLEGED VIOLATIONS OF THIS CHAPTER. THE PROSECUTING AUTHORITY  
23 MAY DELEGATE ITS POWERS TO INVESTIGATE AND PROSECUTE ACTIONS  
24 UNDER THIS CHAPTER TO APPROPRIATE DEPUTY ATTORNEYS GENERAL OR  
25 DEPUTY OR ASSISTANT DISTRICT ATTORNEYS.

26 (B) CONSTRUCTION.--NOTHING CONTAINED IN THIS CHAPTER SHALL  
27 BE CONSTRUED TO LIMIT THE REGULATORY OR INVESTIGATIVE AUTHORITY  
28 OF ANY DEPARTMENT OR AGENCY OF THE COMMONWEALTH OR POLITICAL  
29 SUBDIVISION WHOSE FUNCTIONS MIGHT RELATE TO PERSONS, ENTERPRISES  
30 OR MATTERS FALLING WITHIN THE SCOPE OF THIS CHAPTER.

1 § 8658. CIVIL INVESTIGATIVE DEMAND.

2 (A) GENERAL RULE.--WHENEVER THE PROSECUTING AUTHORITY HAS  
3 REASON TO BELIEVE THAT ANY PERSON MAY BE IN POSSESSION, CUSTODY  
4 OR CONTROL OF ANY DOCUMENTARY MATERIAL OR INFORMATION RELEVANT  
5 TO A FALSE CLAIM INVESTIGATION, THE PROSECUTING AUTHORITY MAY  
6 ISSUE IN WRITING AND CAUSE TO BE SERVED UPON THE PERSON A CIVIL  
7 INVESTIGATIVE DEMAND REQUIRING SUCH PERSON TO:

8 (1) PRODUCE SUCH DOCUMENTARY MATERIAL FOR INSPECTION AND  
9 COPYING;

10 (2) ANSWER IN WRITTEN INTERROGATORIES WITH RESPECT TO  
11 SUCH DOCUMENTARY MATERIAL OR INFORMATION;

12 (3) GIVE ORAL TESTIMONY CONCERNING SUCH DOCUMENTARY  
13 MATERIAL OR INFORMATION; OR

14 (4) FURNISH ANY COMBINATION OF SUCH MATERIAL, ANSWERS  
15 AND TESTIMONY.

16 (B) CONTENT.--EACH DEMAND UNDER THIS SECTION SHALL:

17 (1) STATE THE NATURE OF THE CONDUCT CONSTITUTING THE  
18 ALLEGED FALSE CLAIM VIOLATION WHICH IS UNDER INVESTIGATION  
19 AND THE PROVISION OF LAW APPLICABLE THERETO.

20 (2) IF THE DEMAND IS FOR THE PRODUCTION OF DOCUMENTARY  
21 MATERIAL:

22 (I) DESCRIBE THE CLASS OR CLASSES OF DOCUMENTARY  
23 MATERIAL TO BE PRODUCED THEREUNDER WITH SUCH DEFINITENESS  
24 AND CERTAINTY AS TO PERMIT THE MATERIAL TO BE FAIRLY  
25 IDENTIFIED;

26 (II) STATE THAT THE DEMAND IS RETURNABLE FORTHWITH  
27 OR PRESCRIBE A RETURN DATE WHICH WILL PROVIDE A  
28 REASONABLE PERIOD OF TIME WITHIN WHICH THE MATERIAL SO  
29 DEMANDED MAY BE ASSEMBLED AND MADE AVAILABLE FOR  
30 INSPECTION AND COPYING OR REPRODUCTION; AND

(III) IDENTIFY AN INVESTIGATOR TO WHOM THE MATERIAL  
SHALL BE MADE AVAILABLE.

(3) IF THE DEMAND IS FOR WRITTEN INTERROGATORIES:

(I) SET FORTH WITH SPECIFICITY THE WRITTEN  
INTERROGATORIES TO BE ANSWERED;

(II) PRESCRIBE DATES AT WHICH TIME ANSWERS TO  
WRITTEN INTERROGATORIES SHALL BE SUBMITTED; AND

(III) IDENTIFY THE INVESTIGATOR TO WHOM SUCH ANSWERS  
SHALL BE SUBMITTED.

(4) IF SUCH DEMAND IS FOR THE GIVING OF ORAL TESTIMONY:

(I) PRESCRIBE A DATE, TIME AND PLACE AT WHICH ORAL  
TESTIMONY SHOULD BE COMMENCED;

(II) IDENTIFY THE INVESTIGATOR WHO SHALL CONDUCT THE  
EXAMINATION AND THE PERSON TO WHOM THE TRANSCRIPT OF SUCH  
INVESTIGATION SHALL BE SUBMITTED;

(III) SPECIFY THAT SUCH ATTENDANCE AND TESTIMONY ARE  
NECESSARY TO THE CONDUCT OF THE INVESTIGATION; AND

(IV) DESCRIBE THE GENERAL PURPOSE FOR WHICH THE  
DEMAND IS BEING ISSUED AND THE GENERAL NATURE OF THE  
TESTIMONY, INCLUDING THE PRIMARY AREAS OF INQUIRY, WHICH  
WILL BE TAKEN PURSUANT TO THE DEMAND.

(5) CONTAIN THE FOLLOWING STATEMENT PRINTED  
CONSPICUOUSLY AT THE TOP OF THE DEMAND:

YOU HAVE THE RIGHT TO SEEK THE ASSISTANCE OF ANY  
ATTORNEY, AND HE MAY REPRESENT YOU IN ALL PHASES OF  
THE FALSE CLAIM INVESTIGATION OF WHICH THIS CIVIL  
INVESTIGATIVE DEMAND IS A PART.

(C) LIMITATION.--NO DEMAND UNDER THIS SECTION SHALL:

(1) CONTAIN ANY REQUIREMENT WHICH WOULD BE HELD TO BE  
UNREASONABLE IF CONTAINED IN A SUBPOENA DUCES TECUM ISSUED BY

1 ANY COURT IN CONNECTION WITH A GRAND JURY INVESTIGATION OF  
2 THE ALLEGED VIOLATION; OR

3 (2) REQUIRE THE PRODUCTION OF ANY DOCUMENTARY EVIDENCE  
4 WHICH WOULD BE PRIVILEGED FROM DISCLOSURE IF DEMANDED BY A  
5 SUBPOENA DUCES TECUM ISSUED BY ANY COURT IN CONNECTION WITH A  
6 GRAND JURY INVESTIGATION OF THE ALLEGED VIOLATION.

7 (D) SERVICE.--SERVICE OF ANY DEMAND OR ANY PETITION FILED  
8 UNDER THIS SECTION SHALL BE MADE IN THE MANNER PRESCRIBED BY THE  
9 PENNSYLVANIA RULES OF CIVIL PROCEDURE FOR SERVICE OF WRITS AND  
10 COMPLAINTS UNLESS OTHERWISE AGREED TO BY THE PROSECUTING  
11 AUTHORITY AND THE PERSON.

12 (E) RETURN.--A VERIFIED RETURN BY THE INDIVIDUAL SERVING ANY  
13 DEMAND OR PETITION UNDER THIS SECTION SETTING FORTH THE MANNER  
14 OF SERVICE SHALL BE PRIMA FACIE PROOF OF SUCH SERVICE. IN THE  
15 CASE OF SERVICE BY REGISTERED OR CERTIFIED MAIL, THE RETURN  
16 SHALL BE ACCOMPANIED BY THE RETURN POST OFFICE RECEIPT OF  
17 DELIVERY OF THE DEMAND.

18 (F) PROCEDURE.--

19 (1) A PERSON UPON WHOM A DEMAND ISSUED UNDER THIS  
20 SECTION HAS BEEN DULY SERVED SHALL MAKE THE DEMANDED MATERIAL  
21 AVAILABLE FOR INSPECTION AND COPYING OR REPRODUCTION TO AN  
22 INVESTIGATOR DESIGNATED IN THE DEMAND AT THE PRINCIPAL PLACE  
23 OF BUSINESS OF THE PERSON OR AT SUCH OTHER PLACE AS THE  
24 INVESTIGATOR AND THE PERSON THEREAFTER MAY AGREE OR AS THE  
25 COURT MAY DIRECT PURSUANT TO THIS SECTION ON THE RETURN DATE  
26 SPECIFIED IN THE DEMAND. THE PERSON MAY, UPON AGREEMENT OF  
27 THE INVESTIGATOR, SUBSTITUTE COPIES OF ALL OR ANY PART OF THE  
28 DEMANDED MATERIAL FOR THE ORIGINALS OF THE DEMANDED MATERIAL.

29 (2) THE INVESTIGATOR TO WHOM ANY DOCUMENTARY MATERIAL IS  
30 SO DELIVERED SHALL TAKE PHYSICAL POSSESSION OF THE MATERIAL

1 AND SHALL BE RESPONSIBLE FOR THE USE MADE OF THE MATERIAL AND  
2 FOR ITS RETURN PURSUANT TO THIS SECTION. THE INVESTIGATOR MAY  
3 CAUSE THE PREPARATION OF THE COPIES OF THE DOCUMENTARY  
4 MATERIAL AS MAY BE REQUIRED FOR OFFICIAL USE. WHILE IN THE  
5 POSSESSION OF THE INVESTIGATOR, NO MATERIAL SO PRODUCED SHALL  
6 BE AVAILABLE FOR EXAMINATION BY ANY INDIVIDUAL OTHER THAN THE  
7 PROSECUTING AUTHORITY OR ANY INVESTIGATOR WITHOUT THE CONSENT  
8 OF THE PERSON WHO PRODUCED THE MATERIAL. UNDER SUCH  
9 REASONABLE TERMS AND CONDITIONS AS THE PROSECUTING AUTHORITY  
10 SHALL PRESCRIBE, DOCUMENTARY MATERIAL WHILE IN THE POSSESSION  
11 OF THE INVESTIGATOR SHALL BE AVAILABLE FOR EXAMINATION BY THE  
12 PERSON WHO PRODUCED THE MATERIAL OR ANY DULY AUTHORIZED  
13 REPRESENTATIVES OF THAT PERSON.

14 (3) THE PRODUCTION OF DOCUMENTARY MATERIAL IN RESPONSE  
15 TO A CIVIL INVESTIGATIVE DEMAND SERVED UNDER THIS SECTION  
16 SHALL BE MADE UNDER A SWORN CERTIFICATE, IN SUCH FORM AS THE  
17 DEMAND DESIGNATES, BY:

18 (I) IN THE CASE OF A NATURAL PERSON, THE PERSON TO  
19 WHOM THE DEMAND IS DIRECTED; OR

20 (II) IN THE CASE OF A PERSON OTHER THAN A NATURAL  
21 PERSON, A PERSON HAVING KNOWLEDGE OF THE FACTS AND  
22 CIRCUMSTANCES RELATING TO SUCH PRODUCTION AND AUTHORIZED  
23 TO ACT ON BEHALF OF SUCH PERSON.

24 THE CERTIFICATE SHALL STATE THAT ALL OF THE DOCUMENTARY  
25 MATERIAL REQUIRED BY THE DEMAND AND IN THE POSSESSION,  
26 CUSTODY OR CONTROL OF THE PERSON TO WHOM THE DEMAND IS  
27 DIRECTED HAS BEEN PRODUCED AND MADE AVAILABLE TO THE  
28 INVESTIGATOR IDENTIFIED IN THE DEMAND.

29 (4) EACH INTERROGATORY IN A CIVIL DEMAND SERVED UNDER  
30 THIS SECTION SHALL BE ANSWERED SEPARATELY AND FULLY IN

1 WRITING UNDER OATH AND SHALL BE SUBMITTED UNDER A SWORN  
2 CERTIFICATE, IN SUCH FORM AS THE DEMAND DESIGNATES, BY:

3 (I) IN THE CASE OF A NATURAL PERSON, THE PERSON TO  
4 WHOM THE DEMAND IS DIRECTED; OR

5 (II) IN THE CASE OF A PERSON OTHER THAN A NATURAL  
6 PERSON, A PERSON OR PERSONS RESPONSIBLE FOR ANSWERING  
7 EACH INTERROGATORY.

8 (5) IF ANY INTERROGATORY IS OBJECTED TO, THE REASONS FOR  
9 THE OBJECTION SHALL BE STATED IN THE CERTIFICATE INSTEAD OF  
10 AN ANSWER. THE CERTIFICATE SHALL STATE THAT ALL INFORMATION  
11 REQUIRED BY THE DEMAND AND IN THE POSSESSION, CUSTODY,  
12 CONTROL OR KNOWLEDGE OF THE PERSON TO WHOM THE DEMAND IS  
13 DIRECTED HAS BEEN SUBMITTED. TO THE EXTENT THAT ANY  
14 INFORMATION IS NOT FURNISHED, THE INFORMATION SHALL BE  
15 IDENTIFIED AND REASONS SET FORTH WITH PARTICULARITY REGARDING  
16 THE REASONS WHY THE INFORMATION WAS NOT FURNISHED.

17 (6) (I) THE EXAMINATION OF ANY PERSON PURSUANT TO A  
18 CIVIL INVESTIGATIVE DEMAND FOR ORAL TESTIMONY SERVED  
19 UNDER THIS SECTION SHALL BE DEEMED AN "OFFICIAL  
20 PROCEEDING" WITHIN THE MEANING OF 18 PA.C.S. § 4902(A)  
21 (RELATING TO PERJURY). THE EXAMINATION SHALL BE TAKEN  
22 BEFORE AN OFFICER AUTHORIZED TO ADMINISTER OATHS AND  
23 AFFIRMATIONS BY THE LAWS OF THIS COMMONWEALTH. THE  
24 OFFICER BEFORE WHOM THE TESTIMONY IS TO BE TAKEN SHALL  
25 PUT THE WITNESS ON OATH OR AFFIRMATION AND SHALL,  
26 PERSONALLY OR BY SOMEONE ACTING UNDER THE DIRECTION OF  
27 THE OFFICER AND IN THE OFFICER'S PRESENCE, RECORD THE  
28 TESTIMONY OF THE WITNESS. THE TESTIMONY SHALL BE TAKEN  
29 ACCURATELY AND SHALL BE TRANSCRIBED. WHEN THE TESTIMONY  
30 IS FULLY TRANSCRIBED, A COPY OF THE TRANSCRIPT SHALL BE

PROMPTLY FORWARDED TO THE DESIGNATED PERSON. THIS  
SUBSECTION SHALL NOT PRECLUDE THE TAKING OF TESTIMONY BY  
ANY MEANS AUTHORIZED BY, AND IN A MANNER CONSISTENT WITH,  
THE PENNSYLVANIA RULES OF CIVIL PROCEDURE.

(II) THE INVESTIGATOR CONDUCTING THE EXAMINATION  
SHALL EXCLUDE FROM THE PLACE WHERE THE EXAMINATION IS  
HELD ALL PERSONS EXCEPT THE PERSON GIVING THE TESTIMONY,  
THE ATTORNEY FOR AND ANY OTHER REPRESENTATIVE OF THE  
PERSON GIVING THE TESTIMONY, THE PROSECUTING AUTHORITY,  
ANY PERSON WHO MAY BE AGREED UPON BY THE PROSECUTING  
AUTHORITY AND THE PERSON GIVING THE TESTIMONY, AND ANY  
STENOGRAPHER TAKING SUCH TESTIMONY.

(III) THE ORAL TESTIMONY OF ANY PERSON TAKEN  
PURSUANT TO A CIVIL INVESTIGATIVE DEMAND SERVED UNDER  
THIS SECTION SHALL BE TAKEN IN THE COUNTY WHERE THE  
OFFICE OF THE INVESTIGATOR CONDUCTING THE EXAMINATION IS  
SITUATED, OR IN SUCH OTHER PLACE AS MAY BE AGREED UPON BY  
THE INVESTIGATOR AND SUCH PERSON.

(IV) WHEN THE TESTIMONY IS FULLY TRANSCRIBED, THE  
INVESTIGATOR SHALL AFFORD THE WITNESS, WHO MAY BE  
ACCOMPANIED BY COUNSEL, A REASONABLE OPPORTUNITY TO  
EXAMINE AND READ THE TRANSCRIPT, UNLESS SUCH EXAMINATION  
AND READING ARE WAIVED BY THE WITNESS. ANY CHANGES IN  
FORM OR SUBSTANCE WHICH THE WITNESS DESIRES TO MAKE SHALL  
BE ENTERED AND IDENTIFIED UPON THE TRANSCRIPT BY THE  
OFFICER OR THE INVESTIGATOR, WITH A STATEMENT OF THE  
REASONS GIVEN BY THE WITNESS FOR MAKING SUCH CHANGES. THE  
TRANSCRIPT SHALL THEN BE SIGNED BY THE WITNESS, UNLESS  
THE WITNESS IN WRITING WAIVES THE SIGNING, IS ILL, CANNOT  
BE FOUND OR REFUSES TO SIGN. IF THE TRANSCRIPT IS NOT

1 SIGNED BY THE WITNESS WITHIN 30 DAYS AFTER BEING AFFORDED  
2 A REASONABLE OPPORTUNITY TO EXAMINE IT, THE OFFICER OR  
3 THE INVESTIGATOR SHALL SIGN IT AND STATE ON THE RECORD  
4 THE FACT OF THE WAIVER, ILLNESS, ABSENCE OF THE WITNESS  
5 OR THE REFUSAL TO SIGN, TOGETHER WITH THE REASONS, IF  
6 ANY, GIVEN THEREFOR.

7 (V) UPON PAYMENT OF REASONABLE CHARGES THEREFOR, THE  
8 INVESTIGATOR SHALL FURNISH A COPY OF THE TRANSCRIPT TO  
9 THE WITNESS ONLY, EXCEPT THAT THE PROSECUTING AUTHORITY  
10 MAY, FOR GOOD CAUSE, LIMIT SUCH WITNESS TO INSPECTION OF  
11 THE OFFICIAL TRANSCRIPT OF THE WITNESS' TESTIMONY.

12 (VI) ANY PERSON COMPELLED TO APPEAR FOR ORAL  
13 TESTIMONY UNDER A CIVIL INVESTIGATIVE DEMAND MAY BE  
14 ACCOMPANIED, REPRESENTED AND ADVISED BY COUNSEL. COUNSEL  
15 MAY ADVISE THE PERSON, IN CONFIDENCE, WITH RESPECT TO ANY  
16 QUESTION ASKED OF THAT PERSON. THE PERSON OR COUNSEL MAY  
17 OBJECT ON THE RECORD TO ANY QUESTION, IN WHOLE OR IN  
18 PART, AND SHALL BRIEFLY STATE FOR THE RECORD THE REASON  
19 FOR THE OBJECTION. AN OBJECTION MAY BE MADE, RECEIVED AND  
20 ENTERED UPON THE RECORD WHEN IT IS CLAIMED THAT SUCH  
21 PERSON IS ENTITLED TO REFUSE TO ANSWER THE QUESTION ON  
22 THE GROUNDS OF ANY CONSTITUTIONAL OR OTHER LEGAL RIGHT OR  
23 PRIVILEGE, INCLUDING THE PRIVILEGE AGAINST SELF-  
24 INCRIMINATION. THE PERSON MAY NOT OTHERWISE OBJECT TO OR  
25 REFUSE TO ANSWER ANY QUESTION, AND MAY NOT DIRECTLY OR  
26 THROUGH COUNSEL OTHERWISE INTERRUPT THE ORAL EXAMINATION.  
27 IF THE PERSON REFUSES TO ANSWER ANY QUESTION, A PETITION  
28 MAY BE FILED IN THE COMMONWEALTH COURT UNDER SUBSECTION  
29 (G) FOR AN ORDER COMPELLING THE PERSON TO ANSWER THE  
30 QUESTION.



(7) UPON COMPLETION OF:

(I) THE FALSE CLAIMS INVESTIGATION FOR WHICH ANY  
DOCUMENTARY MATERIAL WAS PRODUCED UNDER THIS SECTION; AND

(II) ANY CASE OR PROCEEDING ARISING FROM SUCH  
INVESTIGATION;

THE INVESTIGATOR SHALL RETURN TO THE PERSON WHO PRODUCED THE  
MATERIAL ALL OF THE MATERIAL OTHER THAN COPIES OF THE  
MATERIAL MADE PURSUANT TO THIS SECTION WHICH HAVE NOT PASSED  
INTO THE CONTROL OF ANY COURT OR GRAND JURY THROUGH  
INTRODUCTION INTO THE RECORD OF SUCH CASE OR PROCEEDING.

(8) WHEN DOCUMENTARY MATERIAL HAS BEEN PRODUCED BY A  
PERSON UNDER THIS SECTION FOR USE IN A FALSE CLAIMS  
INVESTIGATION AND NO CASE OR PROCEEDING ARISING FROM THE  
INVESTIGATION HAS BEEN INSTITUTED WITHIN A REASONABLE TIME  
AFTER COMPLETION OF THE EXAMINATION AND ANALYSIS OF ALL  
EVIDENCE ASSEMBLED IN THE COURSE OF THE INVESTIGATION, THE  
PERSON SHALL BE ENTITLED, UPON WRITTEN DEMAND MADE UPON THE  
PROSECUTING AUTHORITY, TO THE RETURN OF ALL DOCUMENTARY  
MATERIAL, OTHER THAN COPIES OF THE MATERIAL MADE PURSUANT TO  
THIS SECTION, SO PRODUCED BY THAT PERSON.

(G) FAILURE TO COMPLY.--WHENEVER A PERSON FAILS TO COMPLY  
WITH A CIVIL INVESTIGATIVE DEMAND THAT IS SERVED UPON HIM UNDER  
THIS SECTION OR WHENEVER SATISFACTORY COPYING OR REPRODUCTION OF  
ANY OF THE MATERIAL CANNOT BE DONE AND THE PERSON REFUSES TO  
SURRENDER THE MATERIAL, THE PROSECUTING AUTHORITY MAY FILE IN  
THE COMMONWEALTH COURT AND SERVE UPON THE PERSON A PETITION FOR  
AN ORDER OF THE COURT FOR THE ENFORCEMENT OF THIS SECTION.

(H) PETITION FOR RELIEF.--

(1) WITHIN 20 DAYS AFTER THE SERVICE OF ANY DEMAND UNDER  
THIS SECTION UPON ANY PERSON OR AT ANY TIME BEFORE THE RETURN

1 DATE SPECIFIED IN THE DEMAND, WHICHEVER PERIOD IS SHORTER,  
2 THE PERSON MAY FILE IN THE COMMONWEALTH COURT AND SERVE UPON  
3 THE PROSECUTING AUTHORITY A PETITION FOR AN ORDER OF THE  
4 COURT MODIFYING OR SETTING ASIDE THIS DEMAND. THE TIME  
5 ALLOWED FOR COMPLIANCE WITH THE DEMAND, IN WHOLE OR IN PART,  
6 AS DEEMED PROPER AND ORDERED BY THE COURT SHALL NOT RUN  
7 DURING THE PENDENCY OF THE PETITION IN THE COURT. THE  
8 PETITION SHALL SPECIFY EACH GROUND UPON WHICH THE PETITIONER  
9 RELIES IN SEEKING THE RELIEF AND MAY BE BASED ON ANY FAILURE  
10 OF THE DEMAND TO COMPLY WITH THE PROVISIONS OF THIS SECTION  
11 OR ON ANY CONSTITUTIONAL OR OTHER LEGAL RIGHT OR PRIVILEGE OF  
12 THE PERSON.

13 (2) AT ANY TIME DURING WHICH THE PROSECUTING AUTHORITY  
14 IS IN CUSTODY OR CONTROL OF DOCUMENTARY MATERIAL DELIVERED BY  
15 A PERSON IN COMPLIANCE WITH A DEMAND UNDER THIS SECTION, THE  
16 PERSON MAY FILE IN THE COMMONWEALTH COURT AND SERVE UPON THE  
17 PROSECUTING AUTHORITY A PETITION FOR AN ORDER OF THE COURT  
18 REQUIRING THE PERFORMANCE OF ANY DUTY IMPOSED BY THIS  
19 SECTION.

20 (3) WHENEVER A PETITION IS FILED IN THE COMMONWEALTH  
21 COURT, THE COURT SHALL HAVE JURISDICTION TO HEAR AND  
22 DETERMINE THE MATTER SO PRESENTED AND, AFTER A HEARING AT  
23 WHICH ALL PARTIES ARE REPRESENTED, TO ENTER SUCH ORDER OR  
24 ORDERS AS MAY BE REQUIRED TO CARRY INTO EFFECT THE PROVISIONS  
25 OF THIS SECTION.

26 (I) DEFINITION.--AS USED IN THIS SECTION, THE TERM  
27 "DOCUMENTARY MATERIAL" INCLUDES, BUT IS NOT LIMITED TO, ANY  
28 BOOK, PAPER, RECORD, RECORDING, TAPE, REPORT, MEMORANDUM, DATA,  
29 WRITTEN OR ELECTRONIC COMMUNICATION OR OTHER DOCUMENT RELATING  
30 TO THE BUSINESS AFFAIRS OF ANY PERSON, ENTERPRISE OR MATTER

1 FALLING WITHIN THE PURVIEW OF THIS CHAPTER.

2 § 8659. IMMUNITY.

3 WHENEVER ANY INDIVIDUAL REFUSES ON THE BASIS OF HIS PRIVILEGE  
4 AGAINST SELF-INCRIMINATION TO COMPLY WITH A CIVIL INVESTIGATIVE  
5 DEMAND ISSUED PURSUANT TO THIS CHAPTER OR TO TESTIFY OR PRODUCE  
6 OTHER INFORMATION IN A PROCEEDING UNDER THIS CHAPTER, THE  
7 PROSECUTING AUTHORITY MAY INVOKE THE PROVISIONS OF SECTION 5947  
8 (RELATING TO IMMUNITY OF WITNESSES).

9 § 8660. REGULATIONS.

10 (A) GENERAL RULE.--THE ATTORNEY GENERAL SHALL HAVE THE POWER  
11 AND AUTHORITY TO PROMULGATE RULES AND REGULATIONS WHICH MAY BE  
12 NECESSARY TO CARRY OUT THE PURPOSES SET FORTH IN THIS CHAPTER.

13 (B) GUIDELINES.--IN ORDER TO FACILITATE THE SPEEDY  
14 IMPLEMENTATION OF THIS CHAPTER, THE ATTORNEY GENERAL SHALL HAVE  
15 THE POWER AND AUTHORITY TO PROMULGATE, ADOPT AND USE GUIDELINES  
16 WHICH SHALL BE PUBLISHED IN THE PENNSYLVANIA BULLETIN. THE  
17 GUIDELINES SHALL NOT BE SUBJECT TO REVIEW PURSUANT TO SECTION  
18 205 OF THE ACT OF JULY 31, 1968 (P.L.769, NO.240), REFERRED TO  
19 AS THE COMMONWEALTH DOCUMENTS LAW, SECTIONS 204(B) AND 301(10)  
20 OF THE ACT OF OCTOBER 15, 1980 (P.L.950, NO.164), KNOWN AS THE  
21 COMMONWEALTH ATTORNEYS ACT, THE ACT OF JUNE 25, 1982 (P.L.633,  
22 NO.181), KNOWN AS THE REGULATORY REVIEW ACT, AND SHALL BE  
23 EFFECTIVE FOR A PERIOD OF NOT MORE THAN TWO YEARS FROM THE  
24 EFFECTIVE DATE OF THIS CHAPTER. AFTER THE EXPIRATION OF THE TWO-  
25 YEAR PERIOD, THE GUIDELINES SHALL EXPIRE AND BE REPLACED BY  
26 REGULATIONS WHICH SHALL BE PROMULGATED, ADOPTED AND PUBLISHED AS  
27 PROVIDED BY LAW.

28 SECTION 2. SECTIONS 9795.1(A)(1), 9795.2(B), 9798(A) AND (E)  
29 AND 9799.7 OF TITLE 42 ARE AMENDED TO READ:

30 § 9795.1. Registration.

1 (a) Ten-year registration.--The following individuals shall  
2 be required to register with the Pennsylvania State Police for a  
3 period of ten years:

4 (1) Individuals convicted of any of the following  
5 offenses:

6 18 Pa.C.S. § 2901 (relating to kidnapping) where the  
7 victim is a minor.

8 18 Pa.C.S. § 3124.2 (relating to institutional sexual  
9 assault).

10 18 Pa.C.S. § 3126 (relating to indecent assault)  
11 where the offense is a misdemeanor of the first degree.

12 18 Pa.C.S. § 4302 (relating to incest) where the  
13 victim is 12 years of age or older but under 18 years of  
14 age.

15 18 Pa.C.S. § 5902(b) (relating to prostitution and  
16 related offenses) where the actor promotes the  
17 prostitution of a minor.

18 18 Pa.C.S. § 5903(a)(3), (4), (5) or (6) (relating to  
19 obscene and other sexual materials and performances)  
20 where the victim is a minor.

21 18 Pa.C.S. § 6312 (relating to sexual abuse of  
22 children).

23 18 Pa.C.S. § 6318 (relating to unlawful contact with  
24 minor).

25 18 Pa.C.S. § 6320 (relating to sexual exploitation of  
26 children).

27 \* \* \*

28 § 9795.2. REGISTRATION PROCEDURES AND APPLICABILITY.

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29 \* \* \*

30 (B) INDIVIDUALS CONVICTED OR SENTENCED BY A COURT IN

JURISDICTIONS OUTSIDE THIS COMMONWEALTH.--

(1) THE REGISTRATION REQUIREMENTS OF THIS SUBCHAPTER SHALL APPLY TO INDIVIDUALS CONVICTED OF OR SENTENCED BY A COURT FOR AN EQUIVALENT OFFENSE LISTED IN SECTION 9795.1 WHERE THE CONVICTION OR COURT SENTENCE OCCURRED IN ANOTHER STATE, TERRITORY, FEDERAL COURT, THE COMMONWEALTH OF PUERTO RICO, THE UNITED STATES VIRGIN ISLANDS OR THE DISTRICT OF COLUMBIA OR WHERE THE INDIVIDUAL WAS SENTENCED BY COURT MARTIAL, OR WHERE THE INDIVIDUAL WAS REQUIRED TO REGISTER UNDER A SEXUAL OFFENDER STATUTE IN THE JURISDICTION WHERE THE INDIVIDUAL WAS CONVICTED OR SENTENCED BY A COURT, AND THE INDIVIDUAL:

(I) RESIDES IN THIS COMMONWEALTH; OR

(II) IS EMPLOYED OR IS A STUDENT IN THIS

COMMONWEALTH.

(2) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER THIS SUBSECTION SHALL REGISTER WITHIN TEN DAYS OF HIS ARRIVAL IN THIS COMMONWEALTH.

(3) AN INDIVIDUAL SUBJECT TO REGISTRATION UNDER THIS SUBSECTION WHO IS [PAROLED] TRANSFERRED TO THE COMMONWEALTH PURSUANT TO THE [INTERSTATE COMPACT FOR THE SUPERVISION OF PAROLEES AND PROBATIONERS] INTERSTATE COMPACT FOR ADULT OFFENDER SUPERVISION SHALL, IN ADDITION TO THE REQUIREMENTS OF THIS SUBCHAPTER, BE SUBJECT TO THE REQUIREMENTS OF SECTION 33 OF THE ACT OF AUGUST 6, 1941 (P.L.861, NO.323), REFERRED TO AS THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE LAW.

\* \* \*

§ 9798. OTHER NOTIFICATION.

(A) NOTICE BY MUNICIPALITY'S CHIEF LAW ENFORCEMENT OFFICER.--NOTWITHSTANDING ANY OF THE PROVISIONS OF 18 PA.C.S.

CH. 91 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION), THE  
CHIEF LAW ENFORCEMENT OFFICER OF THE FULL-TIME OR PART-TIME  
POLICE DEPARTMENT OF THE MUNICIPALITY WHERE A SEXUALLY VIOLENT  
PREDATOR LIVES SHALL BE RESPONSIBLE FOR PROVIDING WRITTEN NOTICE  
AS REQUIRED UNDER THIS SECTION.

(1) THE NOTICE SHALL CONTAIN:

(I) THE NAME OF THE CONVICTED SEXUALLY VIOLENT  
PREDATOR.

(II) THE ADDRESS OR ADDRESSES AT WHICH HE RESIDES.

(III) THE OFFENSE FOR WHICH HE WAS CONVICTED OR  
SENTENCED BY A COURT.

(IV) A STATEMENT THAT HE HAS BEEN DETERMINED BY  
COURT ORDER TO BE A SEXUALLY VIOLENT PREDATOR, WHICH  
DETERMINATION HAS OR HAS NOT BEEN TERMINATED AS OF A DATE  
CERTAIN.

(V) A PHOTOGRAPH OF THE SEXUALLY VIOLENT PREDATOR,  
IF AVAILABLE.

(2) THE NOTICE SHALL NOT INCLUDE ANY INFORMATION THAT  
MIGHT REVEAL THE VICTIM'S NAME, IDENTITY AND RESIDENCE.

\* \* \*

(E) INTERSTATE [PAROLEES] TRANSFERS.--THE DUTIES OF POLICE  
DEPARTMENTS UNDER THIS SECTION SHALL ALSO APPLY TO INDIVIDUALS  
WHO ARE [PAROLED] TRANSFERRED TO THIS COMMONWEALTH PURSUANT TO  
SECTION 33 OF THE ACT OF AUGUST 6, 1941 (P.L.861, NO.323),  
REFERRED TO AS THE PENNSYLVANIA BOARD OF PROBATION AND PAROLE  
LAW.

§ 9799.7. EXEMPTION FROM NOTIFICATION FOR CERTAIN LICENSEES AND  
THEIR EMPLOYEES.

NOTHING IN THIS SUBCHAPTER SHALL BE CONSTRUED AS IMPOSING A  
DUTY UPON A PERSON LICENSED UNDER THE ACT OF FEBRUARY 19, 1980

1 (P.L.15, NO.9), KNOWN AS THE REAL ESTATE LICENSING AND  
2 REGISTRATION ACT, OR AN EMPLOYEE THEREOF TO DISCLOSE ANY  
3 INFORMATION REGARDING:

4 (1) A SEXUALLY VIOLENT PREDATOR; OR

5 (2) AN INDIVIDUAL WHO IS [PAROLED] TRANSFERRED TO THIS  
6 COMMONWEALTH PURSUANT TO THE [INTERSTATE COMPACT FOR THE  
7 SUPERVISION OF PAROLEES AND PROBATIONERS] INTERSTATE COMPACT  
8 FOR ADULT OFFENDER SUPERVISION.

9 SECTION 3. THE PROVISIONS OF 42 PA.C.S. CH. 86 ARE <—  
10 SEVERABLE. IF ANY PROVISION OF 42 PA.C.S. CH. 86 OR ITS  
11 APPLICATION TO ANY PERSON OR CIRCUMSTANCE IS HELD INVALID, THE  
12 INVALIDITY SHALL NOT AFFECT OTHER PROVISIONS OR APPLICATIONS OF  
13 42 PA.C.S. CH. 86 WHICH CAN BE GIVEN EFFECT WITHOUT THE INVALID  
14 PROVISION OR APPLICATION.

15 Section ~~2~~ 4. This act shall take effect in 60 days. <—