

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2393 Session of
2010

INTRODUCED BY GIBBONS, MATZIE, MARSHALL, BRADFORD, BRIGGS,
CALTAGIRONE, CONKLIN, D. COSTA, DALEY, DEASY, DePASQUALE,
DERMODY, GOODMAN, HARHAI, HORNAMAN, HOUGHTON, KESSLER,
MAHONEY, MIRABITO, MOUL, MURPHY, READSHAW, ROCK, SANTARSIERO,
M. SMITH, R. TAYLOR AND VULAKOVICH, APRIL 7, 2010

REFERRED TO COMMITTEE ON STATE GOVERNMENT, APRIL 7, 2010

AN ACT

1 Providing for abuse of office, for false reports and for
2 penalties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Abuse of
7 Public Office Prohibition and Penalty Act.

8 Section 2. Definitions.

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

12 "Elected official." An individual elected by the public to
13 serve a term in an elective office. The term shall include an
14 individual appointed to fill an unexpired term in an elective
15 office.

16 "Elective office." A position in a governmental body to

1 which an individual is required under the Constitution of
2 Pennsylvania or by law to be elected by the public.

3 "Governmental body." A department, authority, commission,
4 committee, council, board, bureau, division, service, office,
5 administration, legislative body or other establishment in the
6 executive, legislative or judicial branch of the Commonwealth or
7 a political subdivision of the Commonwealth.

8 "Public contractor." A party to a contract with a
9 governmental body or an employee of a party to a contract with a
10 governmental body.

11 "Public employee." An individual employed by a governmental
12 body. An individual elected to a governmental body shall not be
13 deemed to be an employee of that governmental body.

14 "Public officer." An individual appointed by an elected
15 official or a governmental body to serve in a governmental body.

16 Section 3. Abuse of office.

17 (a) Prohibition.--It shall be unlawful for an elected
18 official, public officer, or public employee acting at the
19 request of an elected official or public officer, to
20 intentionally do any of the following:

21 (1) Compel a public employee to perform an activity
22 knowing that the activity is not related to the performance
23 of the duties of the office held by the elected official or
24 public officer.

25 (2) Compel a public contractor to provide a good or
26 service for the private pecuniary benefit of the elected
27 official, public officer or another person. This paragraph
28 shall not apply to an attempt to negotiate or enforce the
29 terms of a private or public contract.

30 (b) Penalty.--

1 (1) Except as provided under paragraph (2), an
2 individual found to have committed an offense under
3 subsection (a) shall be guilty of a misdemeanor of the second
4 degree.

5 (2) If the aggregate value of the activities, goods or
6 services performed or provided in violation of subsection (a)
7 exceeds \$2,000, an offense under this section shall be graded
8 a felony of the third degree.

9 (c) False reports.--An individual who makes a fictitious
10 report or gives false information relating to an offense under
11 this section shall be guilty of a misdemeanor of the second
12 degree.

13 Section 10. Effective date.

14 This act shall take effect in 60 days.