

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 104 Session of
2011

INTRODUCED BY GERGELY, ELLIS, BARRAR, BOYD, BRENNAN, BUXTON,
CALTAGIRONE, D. COSTA, CUTLER, DEASY, DePASQUALE, FREEMAN,
GEORGE, HORNAMAN, KORTZ, MATZIE, SANTARSIERO, SCHRODER,
VULAKOVICH, WAGNER, GIBBONS, PICKETT, CARROLL, GILLEN,
MARSHALL, JOSEPHS, RAVENSTAHL, DeLUCA, K. SMITH, FARRY, MOUL,
PEIFER, BRADFORD, EVERETT AND YOUNGBLOOD, JANUARY 19, 2011

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
FEBRUARY 8, 2011

AN ACT

1 Amending the act of December 12, 1986 (P.L.1559, No.169),
2 entitled "An act providing protection for employees who
3 report a violation or suspected violation of State, local or
4 Federal law; providing protection for employees who
5 participate in hearings, investigations, legislative
6 inquiries or court actions; and prescribing remedies and
7 penalties," further providing for the definition of "public
8 body" and for penalties.

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

11 Section 1. The definition of "public body" in section 2 of
12 the act of December 12, 1986 (P.L.1559, No.169), known as the
13 Whistleblower Law, is amended to read:

14 Section 2. Definitions.

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

18 * * *

"Public body." All of the following:

(1) A State officer, agency, department, division, bureau, board, commission, council, authority or other body in the executive branch of State government.

(1.1) The General Assembly and its agencies.

(2) A county, city, township, regional governing body, council, school district, special district or municipal corporation, or a board, department, commission, council or agency.

(3) Any other body which is created by Commonwealth or political subdivision authority or which is funded in any amount by or through Commonwealth or political subdivision authority or a member or employee of that body.

* * *

Section 2. Section 6 of the act is amended to read:

Section 6. Penalties.

A person who, under color of an employer's authority, violates this act shall be liable for a civil fine of not more than [\$500] \$10,000. Additionally, except where the person holds an elected public office, if the court specifically finds that the person, while in the employment of the Commonwealth or a political subdivision, committed a violation of this act with the intent to discourage the disclosure of criminal activity, the court may order the person's suspension from public service for not more than six months. A civil fine which is ordered under this section shall be paid to the State Treasurer for deposit into the General Fund.

Section 3. The amendment of sections 2 and 6 of the act shall apply to a person who alleges a violation of the act OR WHO VIOLATES THE ACT on or after the effective date of this



1 section.

2 Section 4. This act shall take effect in 60 days.