

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2651 Session of
2018

INTRODUCED BY BURNS, MURT, DALEY, YOUNGBLOOD, BARRAR, HARKINS,
J. McNEILL, CALTAGIRONE, CONKLIN, WATSON, READSHAW AND TAI,
SEPTEMBER 21, 2018

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 21, 2018

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for nondisclosure agreements.

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

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

8 § 8316.2. Nondisclosure agreements.

9 (a) Notice.--A settlement agreement containing a provision
10 that prevents the disclosure of the underlying facts and
11 circumstances to the action subject to the settlement agreement,
12 which is entered into on or after the effective date of this
13 section, shall contain a provision stating that nothing in the
14 agreement prevents the reporting of the underlying facts and
15 circumstances to the action to a law enforcement official.

16 (b) Agreement void.--A provision in a settlement agreement
17 that prevents the disclosure of the underlying facts and
18 circumstances to the action subject to the settlement agreement,

1 whether entered into prior to, on or after the effective date of
2 this section, shall not prevent the reporting of the underlying
3 facts and circumstances to the action to a law enforcement
4 official, nor be used to impair or attempt to impair the ability
5 of any person to discuss the underlying facts and circumstances
6 with a law enforcement official, regardless of who initiated the
7 contact. A provision in a settlement agreement contrary to this
8 subsection shall be void and unenforceable.

9 (c) Form.--The notice described in subsection (a) shall be
10 printed in boldface, 12-point font or larger, as follows or in a
11 substantially similar form:

12 NOTICE TO ALL PARTIES

13 By signing this agreement, you do not surrender your right to
14 speak to law enforcement about the actions, underlying facts or
15 circumstances referenced in this agreement.

16 I (we) acknowledge receipt of the above notice.

17 (Signature).....(Date).....

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