

JARET GIBBONS, MEMBER
10TH LEGISLATIVE DISTRICT

117A EAST WING
P.O. BOX 202010
HARRISBURG, PENNSYLVANIA 17120-2010
(717) 705-2060
FAX: (717) 780-4766

309 5TH STREET
ELLWOOD CITY, PENNSYLVANIA 16117
(724) 752-1133
FAX: (724) 752-3784

E-MAIL: jgibbons@pahouse.net



House of Representatives
COMMONWEALTH OF PENNSYLVANIA
HARRISBURG

MEMORANDUM

TO: MEMBERS OF THE HOUSE OF REPRESENTATIVES

FROM: Representative Jaret Gibbons

SUBJECT: ABUSE OF OFFICE OR EMPLOYMENT; Request for Sponsorship

DATE: January 20, 2011

When the House convenes, I will reintroduce a legislative proposal, HB2393, which I initially introduced in 2010. This proposal is entitled the "Abuse of Public Office Prohibition and Penalty Act" and is intended to fix a flaw in current law.

Currently, Title 18's Abuse of Office prohibition is concerned with official oppression, speculating or wagering on official action or information, and liability for reimbursement of costs for outside counsel. There is no specific prohibition in Title 18 that makes abuse of office a criminal offense.

Under my proposal, abuse of office would be a criminal offense if an elected official, public officer or public employee would (1) intentionally compel a public employee to perform an activity knowing that the activity is not related to the performance of the duties of the office held by the elected official or public officer and (2) intentionally compel a public contractor to provide a good or service for the private pecuniary benefit of the elected official, public officer or another person. A violation would constitute a misdemeanor of the second degree. However, if the aggregate value of the activities, goods or services performed would exceed \$2,000, a violation would be a third degree felony. A person who falsely reports an alleged violation would also be subject to criminal prosecution.

If you would like to join me as a sponsor of this legislation, please advise Susan Finger in my office at 705-2060 (in-house 6626) or email sfinger@pahouse.net . Thank you.