

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 419 Session of  
1997

INTRODUCED BY BRIGHTBILL, PICCOLA, AFFLERBACH, LEMMOND AND  
RHOADES, FEBRUARY 10, 1997

REFERRED TO JUDICIARY, FEBRUARY 10, 1997

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, providing for improper use of criminal  
3 investigative material.

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

6 Section 1. Section 4501 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a definition to read:

8 § 4501. Definitions.

9 Subject to additional definitions contained in subsequent  
10 provisions of this article which are applicable to specific  
11 chapters or other provisions of this article, the following  
12 words and phrases, when used in this article shall have, unless  
13 the context clearly indicates otherwise, the meanings given to  
14 them in this section:

15 \* \* \*

16 "Criminal matter." The investigation of a crime and the  
17 criminal procedure in prosecuting a defendant. A criminal matter  
18 ends when any of the following occur:

1       (1) Sentence is imposed.

2       (2) The defendant is acquitted.

3       (3) The trial is otherwise finally resolved. This  
4       paragraph includes dismissal of charges, acceptance of a plea  
5       bargain or the declaration of a mistrial in a situation which  
6       would give rise to double jeopardy.

7       \* \* \*

8       Section 2. Title 18 is amended by adding a section to read:

9       § 4704. Improper use of criminal investigative material.

10      (a) Offense.--

11           (1) A public servant commits an offense if all of the  
12      following apply:

13                   (i) The public servant learns of criminal  
14                   investigative material in the course of performing  
15                   official duties.

16                   (ii) During a criminal matter, the public servant  
17                   intentionally receives or agrees to receive anything of  
18                   value in return for providing information about the  
19                   criminal matter. This subparagraph does not apply to any  
20                   of the following:

21                           (A) Compensation of a public servant in return  
22                           for discharging the functions of the public servant's  
23                           office.

24                           (B) Compensation of an informant by a law  
25                           enforcement officer or a prosecuting attorney.

26                           (C) Information provided by a juror after a  
27                           verdict is rendered.

28           (2) A person commits an offense if, during a criminal  
29      matter, the person intentionally gives or agrees to give  
30      anything of value to a public servant in return for receiving

1 information about the criminal matter. This paragraph does  
2 not apply to the compensation of a public servant for  
3 discharging the functions of the public servant's office.

4 (3) As used in this subsection, the term "information"  
5 includes a character depiction.

6 (b) Grading.--An offense under this section is a misdemeanor  
7 of the first degree.

8 Section 3. This act shall take effect in 60 days.