

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 776 Session of
1997

INTRODUCED BY GREENLEAF, FUMO, KUKOVICH, AFFLERBACH, COSTA AND
THOMPSON, APRIL 1, 1997

REFERRED TO JUDICIARY, APRIL 1, 1997

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, prohibiting concealment
3 of public hazards.

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 § 7104. Concealment of public hazards prohibited.

9 (a) Court orders.--Except pursuant to this section, no court
10 shall enter an order or judgment which has the purpose or effect
11 of concealing a public hazard or any information concerning a
12 public hazard, nor shall the court enter an order or judgment
13 which has the purpose or effect of concealing any information
14 which may be useful to members of the public in protecting
15 themselves from injury which may result from the public hazard.

16 (b) Agreements and contracts.--Any portion of an agreement
17 or contract which has the purpose or effect of concealing a
18 public hazard, any information concerning a public hazard or any

information which may be useful to the public in protecting themselves from injury which may result from the public hazard is void, is contrary to public policy and may not be enforced.

(c) Trade secrets.--Trade secrets which are not pertinent to public hazards shall be protected by agreement or order.

(d) Persons affected.--

(1) Any substantially affected person, including, but not limited to, representatives of news media, has standing to contest an order, judgment, agreement or contract that violates this section by a motion in the court that entered the order or judgment.

(2) Upon motion and good cause shown by a party attempting to prevent disclosure of information or materials which have not previously been disclosed, including, but not limited to, alleged trade secrets, the court shall examine the disputed information or materials in camera. If the court finds that the information or materials or portions thereof consist of information concerning a public hazard or information which may be useful to members of the public in protecting themselves from injury which may result from a public hazard, the court shall allow disclosure of only that portion of the information or materials necessary or useful to the public regarding the public hazard.

(e) Definition.--As used in this section, the term "public hazard" means an instrumentality, including, but not limited to, any device, instrument, person, procedure, product or a condition of a device, instrument, person, procedure or product that has caused or is likely to cause injury.

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