
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 854 Session of
2005

INTRODUCED BY RUBLEY, NICKOL, ARGALL, BELARDI, CALTAGIRONE,
CLYMER, CRAHALLA, FRANKEL, GEIST, GEORGE, GOODMAN, HENNESSEY,
HERSHEY, M. KELLER, MANN, R. MILLER, MUSTIO, NAILOR, ROSS,
SCHRODER, E. Z. TAYLOR, TIGUE, TRUE, WALKO, WANSACZ, WATSON
AND BOYD, MARCH 14, 2005

REFERRED TO COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY
PREPAREDNESS, MARCH 14, 2005

AN ACT

1 Prohibiting the release of certain records by government
2 agencies; and imposing penalties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Terrorism
7 Infrastructure Disclosure Protection Act.

8 Section 2. Definitions.

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

12 "Agency." Any house, office, department, board or commission
13 of the executive or legislative departments of the Commonwealth,
14 any political subdivision of this Commonwealth, the Pennsylvania
15 Turnpike Commission, the State System of Higher Education or any
16 State or municipal authority or similar organization created by

1 or pursuant to a statute which declares in substance that such
2 organization performs or has for its purpose the performance of
3 an essential governmental function.

4 "Dangerous to human life or property." A violent act or an
5 act which is intended to or likely to cause death, serious
6 bodily injury or mass destruction.

7 "Mass destruction." An act which is intended to or likely to
8 destroy or cause serious damage to transportation-related
9 infrastructure or facilities, energy-related infrastructure or
10 facilities, public or private buildings, places of public
11 accommodation or public works under circumstances evincing
12 depraved indifference to human life or property.

13 "Public utility." An entity owned by a person, municipality
14 or municipal authority which provides, distributes, purifies,
15 generates or refines water, electricity, natural gas or home
16 heating oil or which removes, purifies or stores wastewater or
17 storm water.

18 "Record." A document maintained by an agency in any form.
19 The term includes all of the following:

20 (1) A vulnerability assessment which is submitted to the
21 Environmental Protection Agency or any other Federal, State
22 or local agency.

23 (2) An emergency response plan which is submitted to the
24 Department of Environmental Protection, the Pennsylvania
25 Public Utility Commission or any other Federal, State or
26 local agency.

27 (3) A plan, map or other drawing which shows the
28 location of community drinking water wells and surface water
29 intakes.

30 (4) A security plan, security procedure or risk

1 assessment prepared specifically for the purpose of
2 preventing or for protection against sabotage or criminal or
3 terrorist acts and which depend, whether in whole or in part,
4 upon a lack of general public knowledge of its details for
5 their effectiveness.

6 (5) A document, including financial statements, which
7 relates to the existence, nature, location or function of a
8 security device designed to protect against sabotage or
9 criminal or terrorist acts and which devices depend, whether
10 in whole or in part, upon a lack of general public knowledge
11 of its details for their effectiveness.

12 (6) A document, including any blueprint, map, schematic
13 drawing, photograph or other material, which relates to the
14 location or structural design of critical systems such as
15 structural support, communications, electrical systems,
16 ventilation, distribution, wastewater treatment or storage
17 which if made public could compromise security against
18 sabotage or criminal or terrorist acts.

19 "Terrorist act." Any act or acts constituting a violent
20 offense intended to:

21 (1) intimidate or coerce a civilian population;

22 (2) influence the policy of a government by intimidation
23 or coercion; or

24 (3) affect the conduct of a government.

25 "Violent offense." An offense under 18 Pa.C.S. Part II
26 (relating to definition of specific offenses), including an
27 attempt, conspiracy or solicitation to commit any such offense,
28 which is punishable by imprisonment of more than one year and
29 involves an act dangerous to human life or property.

30 Section 3. Prohibition.

1 An agency shall not release, publish or otherwise disclose a
2 record which would do any of the following:

3 (1) Endanger public safety or property.

4 (2) Endanger a person's security or property.

5 (3) Disclose or compromise the protection of a public
6 utility.

7 Section 4. Penalties.

8 A public official or public employee who violates this act
9 with the intent and purpose of violating this act commits a
10 misdemeanor of the second degree subject to prosecution by the
11 Attorney General and shall, upon conviction, be sentenced to pay
12 a fine of not more than \$5,000 plus costs of prosecution and to
13 a term of imprisonment not to exceed two years.

14 Section 5. Repeal.

15 All acts and parts of acts are repealed insofar as they are
16 inconsistent with this act.

17 Section 6. Effective date.

18 This act shall take effect in 60 days.