

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,
BOYD, HABAY AND KILLION, MARCH 14, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 16, 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. THE TERM SHALL INCLUDE, BUT NOT BE LIMITED TO, <—
18 ELECTRIC POWER GENERATION FACILITY.

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

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

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

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

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

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

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

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

22 (1) intimidate or coerce a civilian population;

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

25 (3) affect the conduct of a government.

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

1 Section 3. Prohibition.

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

4 (1) Endanger public safety or property.

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

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

8 Section 4. Penalties.

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

15 Section 5. Repeal.

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

18 Section 6. Effective date.

19 This act shall take effect in 60 days.