

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1197 Session of
2007

INTRODUCED BY A. WILLIAMS, STACK, WASHINGTON, COSTA, LAVALLE,
KITCHEN, RAFFERTY, LOGAN, FONTANA, O'PAKE, TARTAGLIONE,
WOZNIAK AND C. WILLIAMS, DECEMBER 27, 2007

REFERRED TO JUDICIARY, DECEMBER 27, 2007

AN ACT

1 Prohibiting the establishment of an Internet website to publish
2 the names or identities of individuals who have cooperated in
3 a criminal investigation.

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

6 Section 1. Short title.

7 This act shall be known and may be cited as the Website
8 Witness Protection Act.

9 Section 2. Declaration of policy.

10 The General Assembly finds and declares as follows:

11 (1) The Internet is an increasingly valuable medium for
12 the collection and dissemination of information.

13 (2) There is increasing information posted on websites
14 concerning information on individuals who have provided
15 information in the investigation of criminal cases.

16 (3) The posting of such information has led to the
17 intimidation of witnesses, as well as bodily injury or death
18 to such individuals or their family members in retaliation

1 for the information that they have provided.

2 (4) Websites of this nature are causing concern in the
3 criminal justice system, where informants play an important
4 role in criminal investigations.

5 (5) The Commonwealth has a compelling interest in
6 protecting the names or identities of individuals who have
7 cooperated in any criminal investigation, especially those
8 who serve as witnesses in providing information on ongoing
9 criminal investigations. In doing so, the General Assembly
10 must enact a narrowly tailored remedy to avoid and eliminate
11 any interference with criminal investigations and
12 prosecutions.

13 Section 3. Definitions.

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

17 "Internet." The global information system that is logically
18 linked together by a globally unique address space based on the
19 Internet Protocol (IP), or its subsequent extensions, and that
20 is able to support communications using the transmission control
21 extensions, or other IP-compatible protocols, and that provides,
22 uses or makes accessible, either publicly or privately, high-
23 level services layered on the communications and related
24 infrastructure described in this act.

25 "Person." Any individual, partnership, corporation, limited
26 liability company or other organization, or any combination
27 thereof.

28 Section 4. Prohibition.

29 Any person who owns or operates an Internet website is
30 prohibited from publishing or permitting access for others to

1 electronically publish an individual's name or identity as it
2 relates to that individual serving as a witness to a criminal
3 investigation within this Commonwealth.

4 Section 5. Criminal enforcement.

5 (a) District attorneys.--The district attorneys of the
6 several counties shall have authority to investigate and to
7 institute criminal proceedings for any violation of this act.

8 (b) Attorney General.--In addition to the authority
9 conferred upon the Attorney General under the act of October 15,
10 1980 (P.L.950, No.164), known as the Commonwealth Attorneys Act,
11 the Attorney General shall have the authority to investigate and
12 institute criminal proceedings for any violation of this act. A
13 person charged with a violation of this act by the Attorney
14 General shall not have standing to challenge the authority of
15 the Attorney General to investigate or prosecute the case, and,
16 if any such challenge is made, the challenge shall be dismissed
17 and no relief shall be available in the courts of this
18 Commonwealth to the person making the challenge.

19 (c) Proceedings against persons outside Commonwealth.--In
20 addition to the powers conferred upon district attorneys and the
21 Attorney General in subsections (a) and (b), district attorneys
22 and the Attorney General shall have the authority to investigate
23 and initiate criminal proceedings against persons for violations
24 of this act in accordance with 18 Pa.C.S. § 102 (relating to
25 territorial applicability).

26 Section 6. Penalty.

27 Any person that violates the provisions of this act commits a
28 felony of the second degree and shall, upon conviction, be
29 sentenced to imprisonment of not less than one year nor more
30 than ten years or to pay a fine, notwithstanding 18 Pa.C.S. §

- 1 1101 (relating to fines), of not more than \$25,000.
- 2 Section 7. Effective date.
- 3 This act shall take effect in 60 days.