

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 824 Session of 2015

INTRODUCED BY PETRI, KORTZ AND FARRY, MARCH 24, 2015

AS REPORTED FROM COMMITTEE ON VETERANS AFFAIRS AND EMERGENCY PREPAREDNESS, HOUSE OF REPRESENTATIVES, AS AMENDED, MAY 13, 2015

AN ACT

1 Amending Title 2 (Administrative Law and Procedure) of the <--
2 Pennsylvania Consolidated Statutes, 35 (HEALTH AND SAFETY) OF <--
3 THE PENNSYLVANIA CONSOLIDATED STATUTES, IN MISCELLANEOUS
4 PROVISIONS, providing for confidentiality of personal
5 information of public safety officials.

6 The General Assembly of the Commonwealth of Pennsylvania
7 hereby enacts as follows:

8 Section 1. Title 2 of the Pennsylvania Consolidated Statutes <--
9 is amended by adding a chapter to read:

CHAPTER 2

PUBLIC SAFETY OFFICIALS

12 Sec.

13 201. Definitions.

14 202. Confidentiality request.

15 § 201. Definitions.

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

19 "Commonwealth agency." As defined in 71 Pa.C.S. § 4102

1 ~~(relating to definitions).~~

2 ~~"Public safety official." An individual referred to in 18-~~  
3 ~~Pa.C.S. § 2702(c) (relating to aggravated assault), except~~  
4 ~~paragraphs (22), (26), (27), (28), (29), (30), (31), (32), (33)-~~  
5 ~~and (36). The term includes any person who is determined to be a~~  
6 ~~law enforcement officer for purposes of the act of February 14,~~  
7 ~~2008 (P.L.6, No.3), known as the Right to Know Law.~~

8 ~~§ 202. Confidentiality request.~~

9 ~~(a) Written request.~~

10 ~~(1) Notwithstanding any other provision of law, upon~~  
11 ~~receiving a written request from a public safety official, a~~  
12 ~~political subdivision or a Commonwealth agency may not~~  
13 ~~disclose the home address, personal telephone number or e-~~  
14 ~~mail address of the public safety official or his or her~~  
15 ~~spouse, child or parent.~~

16 ~~(2) A written request under paragraph (1) must be signed~~  
17 ~~by the public safety official and must include the name and~~  
18 ~~address of the public safety official and the name of any~~  
19 ~~spouse, child or parent for whom confidentiality is~~  
20 ~~requested.~~

21 ~~(b) Penalty.~~

22 ~~(1) Except as provided under paragraph (2), a person who~~  
23 ~~knowingly discloses information protected from disclosure~~  
24 ~~under subsection (a) commits a summary offense.~~

25 ~~(2) A person who commits a second or subsequent~~  
26 ~~violation of this section, or a first offense if the intent~~  
27 ~~of the person was to cause substantial harm or serious~~  
28 ~~inconvenience, constitutes a misdemeanor of the third degree.~~

29 ~~(c) Rules and regulations. The Attorney General shall~~  
30 ~~promulgate rules and regulations necessary to carry out this~~

1 section.

2 SECTION 1. TITLE 35 OF THE PENNSYLVANIA CONSOLIDATED  
3 STATUTES IS AMENDED BY ADDING A SECTION TO READ:

<--

4 § 7714. CONFIDENTIALITY REQUEST.

5 (A) WRITTEN REQUEST.--

6 (1) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, UPON  
7 RECEIVING A WRITTEN REQUEST FROM A PUBLIC SAFETY OFFICIAL, A  
8 POLITICAL SUBDIVISION OR A COMMONWEALTH AGENCY MAY NOT  
9 DISCLOSE THE HOME ADDRESS, PERSONAL TELEPHONE NUMBER OR E-  
10 MAIL ADDRESS OF THE PUBLIC SAFETY OFFICIAL OR HIS OR HER  
11 SPOUSE, CHILD OR PARENT.

12 (2) A WRITTEN REQUEST UNDER PARAGRAPH (1) MUST BE SIGNED  
13 BY THE PUBLIC SAFETY OFFICIAL AND MUST INCLUDE THE NAME AND  
14 ADDRESS OF THE PUBLIC SAFETY OFFICIAL AND THE NAME OF ANY  
15 SPOUSE, CHILD OR PARENT FOR WHOM CONFIDENTIALITY IS  
16 REQUESTED.

17 (B) PENALTY.--

18 (1) EXCEPT AS PROVIDED UNDER PARAGRAPH (2), A PERSON WHO  
19 KNOWINGLY DISCLOSES INFORMATION PROTECTED FROM DISCLOSURE  
20 UNDER SUBSECTION (A) COMMITS A SUMMARY OFFENSE.

21 (2) A PERSON WHO COMMITS A SECOND OR SUBSEQUENT  
22 VIOLATION OF THIS SECTION, OR A FIRST OFFENSE IF THE PERSON  
23 KNOWINGLY AND WILLFULLY CAUSES SUBSTANTIAL HARM OR UNDUE  
24 INFLUENCE OR INTIMIDATION, CONSTITUTES A MISDEMEANOR OF THE  
25 THIRD DEGREE.

26 (C) RULES AND REGULATIONS.--THE ATTORNEY GENERAL SHALL  
27 PROMULGATE RULES AND REGULATIONS NECESSARY TO CARRY OUT THIS  
28 SECTION.

29 (D) DEFINITIONS.--THE FOLLOWING WORDS AND PHRASES WHEN USED  
30 IN THIS SECTION SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS

1 SUBSECTION UNLESS THE CONTEXT CLEARLY INDICATES OTHERWISE:

2 "COMMONWEALTH AGENCY." AS DEFINED IN 71 PA.C.S. § 4102

3 (RELATING TO DEFINITIONS).

4 "PUBLIC SAFETY OFFICIAL." AN INDIVIDUAL REFERRED TO IN 18

5 PA.C.S. § 2702(C) (RELATING TO AGGRAVATED ASSAULT), EXCEPT

6 PARAGRAPHS (22), (26), (27), (28), (29), (30), (31), (32), (33)

7 AND (36). THE TERM INCLUDES ANY PERSON WHO IS DETERMINED TO BE A

8 LAW ENFORCEMENT OFFICER FOR PURPOSES OF THE ACT OF FEBRUARY 14,

9 2008 (P.L.6, NO.3), KNOWN AS THE RIGHT-TO-KNOW LAW.

10 Section 2. This act shall take effect in 90 days.