
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 388 Session of
2017

INTRODUCED BY BAKER, GREENLEAF, McGARRIGLE, EICHELBERGER, REGAN,
VOGEL, YUDICHAK, GORDNER, BREWSTER, AUMENT, BARTOLOTTA,
SCHWANK, RESCHENTHALER, LANGERHOLC, WHITE, DISANTO, WARD,
HUGHES, RAFFERTY, KILLION, STEFANO AND COSTA,
FEBRUARY 16, 2017

REFERRED TO STATE GOVERNMENT, FEBRUARY 16, 2017

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania
2 Consolidated Statutes, in ethics standards and financial
3 disclosure, further providing for definitions and for
4 restricted activities; and prescribing penalties.

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

7 Section 1. Section 1102 of Title 65 of the Pennsylvania
8 Consolidated Statutes is amended by adding definitions to read:

9 § 1102. Definitions.

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

13 * * *

14 "Cash gift."

15 (1) Any of the following:

16 (i) United States or foreign currency.

17 (ii) A money order.

1 (iii) A check.

2 (iv) A prepaid debit or credit card.

3 (v) A gift card or certificate.

4 (2) The term does not include:

5 (i) An expenditure or other transaction subject to
6 reporting under Article XVI of the act of June 3, 1937
7 (P.L.1333, No.320), known as the Pennsylvania Election
8 Code.

9 (ii) A commercial loan made in the ordinary course
10 of business.

11 (iii) A transaction involving reasonable
12 consideration of equal or greater value.

13 (iv) A cash gift from a parent, sibling, spouse,
14 child, stepchild, stepparent, stepsibling, grandparent,
15 grandchild, parent-in-law, sibling-in-law or other close
16 relative when the circumstances make it clear that the
17 motivation for the action was a personal or family
18 relationship.

19 (v) A cash gift available to the public or offered
20 to members of a group or class in which membership is not
21 related to being a public official or public employee.

22 (vi) An award or prize given to competitors in any
23 contest or event open to the public, including random
24 drawings.

25 "Commercial loan made in the ordinary course of business." A
26 loan from a bank or other financial institution on terms
27 generally available to the public.

28 * * *

29 "Lobbyist." An individual, association, corporation,
30 partnership, business trust or other entity that is registered

1 as a lobbyist under Chapter 13A (relating to lobbying
2 disclosure).

3 * * *

4 "Official action." An administrative action or legislative
5 action, as those terms are defined in section 13A03 (relating to
6 definitions).

7 * * *

8 "Principal." An individual, association, corporation,
9 partnership, business trust or other entity that is registered
10 as a principal under Chapter 13A (relating to lobbying
11 disclosure).

12 * * *

13 Section 2. Sections 1103 and 1109 of Title 65 are amended by
14 adding subsections to read:

15 § 1103. Restricted activities.

16 * * *

17 (k) Cash gifts.--No public official or public employee may
18 accept or solicit a cash gift from any of the following:

19 (1) A lobbyist or principal.

20 (2) A person that is seeking official action from the
21 public official or public employee.

22 § 1109. Penalties.

23 * * *

24 (a.1) Cash gifts.--

25 (1) A person who intentionally violates the provisions
26 of section 1103(k) involving:

27 (i) An amount of less than \$250 commits a
28 misdemeanor and shall, upon conviction, be sentenced to
29 pay a fine of not more than \$1,000 plus costs and, if
30 payment of the fine and costs is not timely made, to

1 imprisonment for not more than two years.

2 (ii) An amount of \$250 or more commits a felony and
3 shall, upon conviction, be sentenced to pay a fine of not
4 more than \$10,000 plus costs or to imprisonment for not
5 more than five years, or both.

6 (2) Each fine and penalty imposed under this section
7 shall be paid into the General Fund.

8 * * *

9 Section 3. This act shall take effect in 60 days.