
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 975 Session of
2019

INTRODUCED BY OBERLANDER, TOEPEL, LEWIS, KEEFER, MILLARD,
SCHLOSSBERG, QUINN, JAMES, DIAMOND, BERNSTINE, SAYLOR,
ZIMMERMAN, MACKENZIE, OTTEN, ISAACSON, BENNINGHOFF, MARSHALL,
MASSER, WEBSTER AND GILLEN, MARCH 26, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 26, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in matters affecting
3 government units, providing for reimbursement.

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

6 Section 1. Chapter 85 of Title 42 of the Pennsylvania
7 Consolidated Statutes is amended by adding a subchapter to read:

8 SUBCHAPTER D

9 REIMBURSEMENT

10 Sec.

11 8571. Definitions.

12 8572. Liability for reimbursement for claim of major sexual
13 misconduct.

14 § 8571. Definitions.

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

1 "Claim of major sexual misconduct." Conduct prohibited as an
2 offense listed in section 5552(b.1) or (c)(3) (relating to other
3 offenses).

4 "Government agency." The Commonwealth or a political
5 subdivision of the Commonwealth.

6 "Public official." As defined in 65 Pa.C.S. § 1102 (relating
7 to definitions).
8 § 8572. Liability for reimbursement for claim of major sexual
9 misconduct.

10 (a) Costs to satisfy judgment or obtain release.--A public
11 official shall be liable for and shall reimburse a government
12 agency for the amount of any public money paid by the government
13 agency to:

14 (1) satisfy a judgment for a claim of major sexual
15 misconduct by the public official; or

16 (2) obtain a release for a claim of major sexual
17 misconduct by the public official, but a government agency
18 may not make a payment under this paragraph unless the
19 government agency first obtains the public official's
20 agreement to reimburse the government agency for the payment.

21 (b) Costs for outside counsel.--A public official subject to
22 reimburse a government agency under subsection (a) shall be
23 liable for and shall reimburse any public money paid by the
24 government agency to cover the costs incurred by the government
25 agency for outside counsel to defend the public official in
26 connection with the claim of major sexual misconduct.

27 (c) Method of reimbursement.--A court may order the public
28 official to make reimbursement under this section in a lump sum,
29 by monthly installments or according to another schedule as the
30 court may determine appropriate.

1 (d) Status of reimbursement.--A reimbursement of public
2 money ordered by a court under this section shall be a judgment
3 in favor of the government agency upon the public official or
4 property of the public official ordered to make the
5 reimbursement. For a judgment owing to the Commonwealth, the
6 Attorney General shall be responsible for enforcing the judgment
7 in a court of competent jurisdiction.

8 (e) Deposit of reimbursed or recovered money.--Money
9 reimbursed or recovered under this section shall be deposited
10 into the fund from which the government agency made payment
11 regarding the claim of major sexual misconduct.

12 Section 2. This act shall take effect in 60 days.