

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1171 Session of 2019

INTRODUCED BY TOOHL, MURT, STEPHENS, JAMES, NEILSON, DONATUCCI, PICKETT, MILLARD, LAWRENCE AND T. DAVIS, APRIL 9, 2019

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, APRIL 16, 2019

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in particular rights and
3 immunities, providing for contracts or agreements for
4 nondisclosure of certain conduct.

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

7 Section 1. Title 42 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 § 8316.2. Contracts or agreements for nondisclosure of certain
10 conduct.

11 ~~(a) Prohibition. No person may enter into, revise or amend <--~~
12 ~~any agreement, contract, settlement or similar instrument that~~
13 ~~includes a provision that:~~

14 ~~(A) VOID PROVISIONS.--A PROVISION OF AN AGREEMENT, CONTRACT, <--~~
15 ~~SETTLEMENT OR SIMILAR INSTRUMENT THAT DOES ANY OF THE FOLLOWING~~
16 ~~SHALL BE VOID AND UNENFORCEABLE:~~

17 (1) prohibits or attempts to prohibit the disclosure of
18 the name of a person suspected of childhood sexual abuse to

1 law enforcement authorities;

2 (2) suppresses or attempts to suppress information
3 relevant to an investigation by law enforcement authorities
4 into a claim of childhood sexual abuse; or

5 (3) impairs or attempts to impair the ability of a
6 person to report a claim of childhood sexual abuse to law
7 enforcement authorities.

8 ~~(b) Void provisions. A provision of any agreement,~~ <--
9 ~~contract, settlement or similar instrument that is contrary to~~
10 ~~this section shall be void and unenforceable.~~

11 (B) FORM.--A PROVISION OF AN AGREEMENT, CONTRACT, SETTLEMENT <--
12 OR SIMILAR INSTRUMENT NOT SUBJECT TO SUBSECTION (A) SHALL BE
13 PRESUMED TO BE VALID AND ENFORCEABLE IF IT INCLUDES A NOTICE
14 PRINTED IN BOLDFACE, 12-POINT FONT OR LARGER, AS FOLLOWS OR IN A
15 SUBSTANTIALLY SIMILAR FORM:

16 NOTICE TO ALL PARTIES

17 BY SIGNING THIS AGREEMENT, YOU DO NOT SURRENDER YOUR RIGHT TO
18 SPEAK TO LAW ENFORCEMENT ABOUT THE ACTIONS, UNDERLYING FACTS OR
19 CIRCUMSTANCES REFERENCED IN THIS AGREEMENT.

20 I (WE) ACKNOWLEDGE RECEIPT OF THE ABOVE NOTICE.

21 (SIGNATURE).....(DATE).....

22 (c) Definitions.--As used in this section, the following
23 words and phrases shall have the meanings given to them in this
24 subsection unless the context clearly indicates otherwise:

25 ~~"Childhood sexual abuse." Conduct that is subject to 23~~ <--
26 ~~Pa.C.S. Ch. 63 (relating to child protective services) and is~~
27 ~~directed toward or against a child or student, regardless of the~~
28 ~~age of the child or student.~~

29 ~~"Law enforcement authorities." An individual or entity~~
30 ~~charged with the enforcement of Federal, State or local laws.~~

1 "CHILDHOOD SEXUAL ABUSE." THE TERM SHALL HAVE THE SAME <--
2 MEANING AS "SEXUAL ABUSE OR EXPLOITATION" IN 23 PA.C.S. § 6303
3 (RELATING TO DEFINITIONS).

4 "LAW ENFORCEMENT AUTHORITIES." THE TERM SHALL HAVE THE SAME
5 MEANING AS "LAW ENFORCEMENT OFFICIAL" IN 23 PA.C.S. § 6303.

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