
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1171 Session of
2019

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

SENATOR BAKER, JUDICIARY, IN SENATE, AS AMENDED,
NOVEMBER 18, 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) Void provisions.--A provision of an agreement, contract,
12 settlement or similar instrument that does any of the following
13 shall be void and unenforceable:

14 (1) prohibits or attempts to prohibit the disclosure of
15 the name of a person suspected of childhood sexual abuse to
16 law enforcement authorities;

17 (2) suppresses or attempts to suppress information

1 relevant to an investigation by law enforcement authorities
2 into a claim of childhood sexual abuse; or
3 (3) impairs or attempts to impair the ability of a
4 person to report a claim of childhood sexual abuse to law
5 enforcement authorities.

6 (b) Form.--A provision of an ANY agreement, contract, <--
7 settlement or similar instrument not subject to, SETTLING A <--
8 CLAIM OF CHILDHOOD SEXUAL ABUSE, SHALL BE PRESUMED TO SATISFY
9 THIS SECTION IF IT DOES NOT CONTAIN A PROVISION PROHIBITED BY
10 subsection (a) shall be presumed to be valid and enforceable AND <--
11 if it includes a notice printed in boldface, 12-point font or
12 larger, as follows or in a substantially similar form:

13 NOTICE TO ALL PARTIES

14 By signing this agreement, you do not surrender your right to
15 speak to law enforcement about the actions, underlying facts or
16 circumstances referenced in this agreement.

17 I (we) acknowledge receipt of the above notice.

18 (Signature).....(Date).....

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

22 "Childhood sexual abuse." The term shall have the same
23 meaning as "sexual abuse or exploitation" in 23 Pa.C.S. § 6303
24 (relating to definitions).

25 "Law enforcement authorities." The term shall have the same
26 meaning as "law enforcement official" in 23 Pa.C.S. § 6303.

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