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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 399 Session of  
2021

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INTRODUCED BY BAKER, ARGALL, MARTIN, PHILLIPS-HILL, REGAN,  
DISANTO, FONTANA, BARTOLOTTA, LANGERHOLC, SANTARSIERO,  
SCAVELLO, J. WARD, SCHWANK, STEFANO, GORDNER, K. WARD,  
PITTMAN, AUMENT AND MASTRIANO, MARCH 10, 2021

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REFERRED TO STATE GOVERNMENT, MARCH 10, 2021

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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, for restricted  
4 activities and for 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.

18 (iii) A check.

1           (iv) A prepaid debit or credit card.

2           (v) A gift card or certificate.

3           (vi) Virtual currency.

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 "Virtual currency." A digital representation of value that:  
14 (1) is used as a medium of exchange, unit of account or  
15 store of value; and  
16 (2) is not legal tender, whether or not denominated in  
17 legal tender.

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

20 § 1103. Restricted activities.

21 \* \* \*

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

24 (1) A lobbyist or principal.

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

27 § 1109. Penalties.

28 \* \* \*

29 (a.1) Cash gifts.--The following shall apply:

30 (1) A person who intentionally violates the provisions

1 of section 1103(k) involving:

2 (i) An amount of less than \$250 commits a  
3 misdemeanor and shall, upon conviction, be sentenced to  
4 pay a fine of not more than \$1,000 plus costs and, if  
5 payment of the fine and costs is not timely made, to  
6 imprisonment for not more than two years.

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

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

13 \* \* \*

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