

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 824 Session of 2015

INTRODUCED BY PETRI, KORTZ, FARRY, SANTARSIERO, MICCARELLI, DAVIS AND BRIGGS, MARCH 24, 2015

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, DECEMBER 17, 2015

AN ACT

1 Amending Title 35 (Health and Safety) of the Pennsylvania
2 Consolidated Statutes, in miscellaneous provisions, providing
3 for confidentiality of personal information of public safety
4 officials.

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

7 Section 1. Title 35 of the Pennsylvania Consolidated
8 Statutes is amended by adding a section to read:

9 ~~§ 7714. Confidentiality request.~~

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10 ~~(a) Written request.~~

11 ~~(1) Notwithstanding any other provision of law, upon~~
12 ~~receiving a written request from a public safety official, a~~
13 ~~political subdivision or a Commonwealth agency may not~~
14 ~~disclose the home address, personal telephone number or e-~~
15 ~~mail address of the public safety official or his or her~~
16 ~~spouse, child or parent.~~

17 ~~(2) A written request under paragraph (1) must be signed~~
18 ~~by the public safety official and must include the name and~~

~~address of the public safety official and the name of any spouse, child or parent for whom confidentiality is requested.~~

~~(b) Penalty.~~

~~(1) Except as provided under paragraph (2), a person who knowingly discloses information protected from disclosure under subsection (a) commits a summary offense.~~

~~(2) A person who commits a second or subsequent violation of this section, or a first offense if the person knowingly and willfully causes substantial harm or undue influence or intimidation, constitutes a misdemeanor of the third degree.~~

~~(c) Rules and regulations. The Attorney General shall promulgate rules and regulations necessary to carry out this section.~~

§ 7715. CONFIDENTIALITY OF PERSONAL INFORMATION FOR PUBLIC SAFETY OFFICIALS.

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(A) GENERAL RULE.--

(1) NO PERSON SHALL PUBLICLY POST, PUBLICLY DISPLAY OR PROVIDE TO A THIRD PARTY THE HOME ADDRESS OR TELEPHONE NUMBER OF ANY PUBLIC SAFETY OFFICIAL OR OF ANY PUBLIC SAFETY OFFICIAL'S SPOUSE OR CHILD KNOWING THAT THE PERSON IS A PUBLIC SAFETY OFFICIAL AND THAT A THIRD PARTY IS ONLY SEEKING INFORMATION BECAUSE OF THE PUBLIC SAFETY OFFICIAL'S OCCUPATION AND INTENDS TO HARM OR THREATEN TO HARM THE PUBLIC SAFETY OFFICIAL OR THE PUBLIC SAFETY OFFICIAL'S SPOUSE OR CHILD.

(2) NO PERSON, BUSINESS OR ASSOCIATION SHALL SOLICIT, SELL OR TRADE ON THE INTERNET THE HOME ADDRESS OR TELEPHONE NUMBER OF A PUBLIC SAFETY OFFICIAL WITH THE INTENT TO CAUSE

1 HARM TO THE PUBLIC SAFETY OFFICIAL OR TO ANY PERSON RESIDING  
2 AT THE PUBLIC SAFETY OFFICIAL'S HOME ADDRESS.

3 (B) PENALTY.--

4 (1) A VIOLATION OF SUBSECTION (A) IS A MISDEMEANOR OF  
5 THE THIRD DEGREE, IF THERE IS NO BODILY INJURY OF THE PUBLIC  
6 SAFETY OFFICIAL OR HIS SPOUSE OR CHILD.

7 (2) A VIOLATION OF SUBSECTION (A) THAT LEADS TO THE  
8 BODILY INJURY OF THE PUBLIC SAFETY OFFICIAL OR HIS SPOUSE OR  
9 CHILD IS A MISDEMEANOR OF THE FIRST DEGREE.

10 (C) RIGHT TO ACTION.--

11 (1) NOTWITHSTANDING ANY OTHER LAW, A PUBLIC SAFETY  
12 OFFICIAL WHOSE HOME ADDRESS OR TELEPHONE NUMBER IS SOLICITED,  
13 SOLD OR TRADED IN VIOLATION OF THIS SECTION MAY BRING AN  
14 ACTION IN A COURT OF COMPETENT JURISDICTION.

15 (2) IF A JURY OR COURT FINDS THAT A VIOLATION HAS  
16 OCCURRED, DAMAGES SHALL BE AWARDED TO THE PUBLIC SAFETY  
17 OFFICIAL IN AN AMOUNT UP TO A MAXIMUM OF THREE TIMES THE  
18 ACTUAL DAMAGES, BUT IN NO CASE LESS THAN TWO THOUSAND DOLLARS  
19 (\$2,000).

20 (d) Definitions.--The following words and phrases when used  
21 in this section shall have the meanings given to them in this  
22 subsection unless the context clearly indicates otherwise:

23 "Commonwealth agency." As defined in 71 Pa.C.S. § 4102  
24 (relating to definitions).

25 "Public safety official." An individual referred to in 18  
26 Pa.C.S. § 2702(c) (relating to aggravated assault), except  
27 paragraphs (22), (26), ~~(27)~~, ~~(28)~~, ~~(29)~~, ~~(30)~~, ~~(31)~~, ~~(32)~~, (33) <--  
28 and (36). The term includes any person who is determined to be a  
29 law enforcement officer for purposes of the act of February 14,  
30 2008 (P.L.6, No.3), known as the Right-to-Know Law. THE TERM <--

1 EXCLUDES AN INDIVIDUAL WHO IS A CANDIDATE FOR OR HOLDS AN  
2 ELECTIVE OFFICE.

3 "PUBLICLY DISPLAY" AND "PUBLICLY POST." TO INTENTIONALLY <--  
4 COMMUNICATE OR OTHERWISE MAKE AVAILABLE TO THE GENERAL PUBLIC,  
5 INCLUDING ON THE INTERNET.

6 Section 2. This act shall take effect in 90 days.