

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 1615 Session of  
2015

---

INTRODUCED BY GIBBONS AND DAVIS, OCTOBER 8, 2015

---

REFERRED TO COMMITTEE ON STATE GOVERNMENT, OCTOBER 8, 2015

---

AN ACT

1 Prohibiting certain conduct in public office; and prescribing  
2 penalties.

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

5 Section 1. Short title.

6 This act shall be known and may be cited as the Abuse of  
7 Public Office Prohibition and Penalty Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall  
10 have the meanings given to them in this section unless the  
11 context clearly indicates otherwise:

12 "Elected official." An individual elected by the public to  
13 serve a term in an elective office. The term shall include an  
14 individual appointed to fill an unexpired term in an elective  
15 office.

16 "Elective office." A position in a governmental body to  
17 which an individual is required under the Constitution of  
18 Pennsylvania or by law to be elected by the public.

1 "Governmental body." A department, authority, commission,  
2 committee, council, board, bureau, division, service, office,  
3 administration, legislative body or other establishment in the  
4 executive, legislative or judicial branch of the Commonwealth or  
5 a political subdivision of the Commonwealth.

6 "Public contractor." A party to a contract with a  
7 governmental body or an employee of a party to a contract with a  
8 governmental body.

9 "Public employee." An individual employed by a governmental  
10 body. An individual elected to a governmental body shall not be  
11 deemed to be an employee of that governmental body.

12 "Public officer." An individual appointed by an elected  
13 official or a governmental body to serve in a governmental body.  
14 Section 3. Abuse of office.

15 (a) Prohibition.--It shall be unlawful for an elected  
16 official or a public officer, or a public employee acting at the  
17 request of an elected official or public officer, to  
18 intentionally do any of the following:

19 (1) Compel a public employee to perform an activity  
20 knowing that the activity is not related to the performance  
21 of the duties of the office held by the elected official or  
22 public officer.

23 (2) Compel a public contractor to provide a good or  
24 service for the private pecuniary benefit of the elected  
25 official, public officer or another person. This paragraph  
26 shall not apply to an attempt to negotiate or enforce the  
27 terms of a private or public contract.

28 (b) Penalty.--

29 (1) Except as provided under paragraph (2), an  
30 individual found to have committed an offense under

1 subsection (a) shall be guilty of a misdemeanor of the second  
2 degree.

3 (2) If the aggregate value of the activities, goods or  
4 services performed or provided in violation of subsection (a)  
5 exceeds \$2,000, an offense under this section shall be graded  
6 a felony of the third degree.

7 Section 4. Penalty for false reports.

8 An individual who makes a fictitious report or gives false  
9 information relating to an offense under this act shall be  
10 guilty of a misdemeanor of the second degree.

11 Section 5. Effective date.

12 This act shall take effect in 60 days.