

August 31, 2011

## ***MUNICIPAL LAW ALERT AMENDMENT TO SUNSHINE LAW VIOLATIONS***

Act 56 of 2011 (SB 101) amends the Sunshine Law by revising the penalty provisions for public officials that participate in meetings that violate the Sunshine Law. Under the Sunshine Law an official must have the intent and purpose to violate the Sunshine Law to be subject to the penalty provisions. Act 56, which goes into effect on September 5, 2011, revises the penalty for violations by establishing separate penalty provisions for first time offenses and subsequent offenses and setting a range for fines. The existing law limits the penalty for any violator to not exceed a \$100 fine plus prosecution costs. Under Act 56, the penalty for a first time offense will continue to include the cost of prosecution but allow for a fine of not less than \$100 but not more than \$1,000. The penalty imposed for subsequent offenses shall be the cost of prosecution and a fine of not less than \$500 but not more than \$2,000. Further, Act 56 prohibits the agency from paying the penalty imposed on the agency's official. A full copy of Act 56 is enclosed.

Robert T. McClintock  
Voice (610) 430-8000  
Fax (610) 692-6210  
[rmclintock@lambmcerlane.com](mailto:rmclintock@lambmcerlane.com)

This alert is also available on the firm's webpage [www.lambmcerlane.com](http://www.lambmcerlane.com).

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 101 Session of 2011

INTRODUCED BY SMUCKER, VOGEL, ROBBINS, YAW, BROWNE, EICHELBERGER, FOLMER, ORIE, PILEGGI, SCARNATI, RAFFERTY, BRUBAKER, ALLOWAY, COSTA, WAUGH, BAKER, STACK, PICCOLA, MENSCH, FARNESE, PIPPY AND FERLO, JANUARY 19, 2011

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 24, 2011

AN ACT

1 Amending Title 65 (Public Officers) of the Pennsylvania  
2 Consolidated Statutes, further providing for a penalty.

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

5 Section 1. Section 714 of Title 65 of the Pennsylvania  
6 Consolidated Statutes is amended to read:

7 § 714. Penalty.

8 (A) FINES AND COSTS.--Any member of any agency who ←  
9 participates in a meeting with the intent and purpose by that  
10 member of violating this chapter commits a summary offense and  
11 shall, upon conviction, be sentenced to pay [a fine not ←  
12 exceeding ~~†\$100†~~ ~~\$1,000~~ plus costs of prosecution.] for a first ←  
13 offense and a fine not exceeding \$2,000 plus costs of  
14 prosecution for a second or subsequent offense.: ←

15 (1) FOR A FIRST OFFENSE, THE COSTS OF PROSECUTION PLUS A  
16 FINE OF AT LEAST \$100 AND, IN THE DISCRETION OF THE

1 SENTENCING AUTHORITY, OF NOT MORE THAN \$1,000.

2 (2) FOR A SECOND OR SUBSEQUENT OFFENSE, THE COSTS OF  
3 PROSECUTION PLUS A FINE OF AT LEAST \$500 AND, IN THE  
4 DISCRETION OF THE SENTENCING AUTHORITY, OF NOT MORE THAN  
5 \$2,000.

6 (B) PAYMENT.--An agency shall not make a payment on behalf  
7 of or reimburse a member of an agency for a fine or cost  
8 resulting from the member's violation of this section.

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