
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

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INTRODUCED BY KRUPA, MAJOR, KLUNK, SCHEUREN, DIAMOND, FEE,
GAYDOS, GILLEN, HAMM, M. JONES, T. JONES, JOZWIAK,
M. MACKENZIE, R. MACKENZIE, MARCELL, OBERLANDER, OWLETT,
ROAE, SCHMITT, SMITH, STEHR, STENDER, ZIMMERMAN, BENHAM AND
ISAACSON, JANUARY 9, 2024

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 9, 2024

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, in matters affecting
3 government units, providing for reimbursement for claims of
4 sexual harassment.

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

7 Section 1. Chapter 85 of Title 42 of the Pennsylvania
8 Consolidated Statutes is amended by adding a subchapter to read:

9 SUBCHAPTER D

10 REIMBURSEMENT FOR CLAIMS OF SEXUAL HARASSMENT

11 Sec.

12 8571. Definitions.

13 8572. Determination of reimbursement for claim of sexual
14 harassment.

15 8573. Liability for reimbursement for claim of sexual
16 harassment.

17 8574. Notice of liability for reimbursement.

1 § 8571. Definitions.

2 The following words and phrases when used in this subchapter
3 shall have the meanings given to them in this section unless the
4 context clearly indicates otherwise:

5 "Public employee." As defined in 65 Pa.C.S. § 1102 (relating
6 to definitions).

7 "Public money." Commonwealth money, including any of the
8 following:

9 (1) Money deposited in the State Treasury.

10 (2) Money used for a risk management program funded or
11 administered by the Commonwealth.

12 (3) Money collected or received by a political
13 subdivision.

14 (4) Money appropriated for use by public schools or
15 institutions of the State System of Higher Education.

16 (5) Money used for any other payment that is the
17 liability of the taxpayers of this Commonwealth.

18 "Public official." As defined in 65 Pa.C.S. § 1102.

19 "Sexual harassment." An unwelcome sexual advance, unwelcome
20 request for a sexual favor or other unwelcome verbal or physical
21 conduct of a sexual nature.

22 § 8572. Determination of reimbursement for claim of sexual
23 harassment.

24 (a) Review.--Notwithstanding any other provision of law,
25 within 30 days of a claim of sexual harassment being settled or
26 otherwise adjudicated which results in the payment of public
27 money, the individual or authority investigating the claim on
28 behalf of a government agency shall conduct a review and provide
29 a report to the Attorney General with factual determinations and
30 an assessment of the allegations. Except for the victim's

1 identification, the report shall be a public record as defined
2 in section 102 of the act of February 14, 2008 (P.L.6, No.3),
3 known as the Right-to-Know Law. The Attorney General shall
4 review and evaluate the report and determine whether the
5 perpetrator of sexual harassment should pay a portion or all of
6 the claim paid to the victim. If the payment of public money
7 under this subsection is due to the perpetrator of sexual
8 harassment being convicted of or entering a plea of guilty or
9 nolo contendere for a criminal offense or due to an award or
10 settlement in a civil proceeding, the Attorney General shall
11 determine that the perpetrator should pay all of the claim paid
12 to the victim.

13 (b) Consideration.--In determining the amount that the
14 perpetrator of sexual harassment should pay under subsection
15 (a), the Attorney General shall consider all of the following
16 factors:

17 (1) Whether the perpetrator was engaged in the
18 performance of the duties of the individual's office or
19 employment with a government agency at the time the sexual
20 harassment occurred.

21 (2) The severity of the sexual harassment.

22 (3) The amount of public money expended.

23 (4) Any pending legal matters relating to the claim.

24 (c) Public reports.--Within 30 days of receiving the report
25 under subsection (a), the Attorney General shall provide a
26 public report describing the factual determinations and an
27 assessment of the allegations in the claim and issue a statement
28 as to whether the Commonwealth should seek reimbursement for the
29 amount of public money paid to the victim. Except for the
30 identity of the victim, the information in the report shall be

1 publicly accessible.

2 (d) Notice.--If a claim under subsection (a) involves sexual
3 harassment in violation of Federal or State law, the individual
4 or authority investigating the claim shall notify the
5 perpetrator of sexual harassment of the following:

6 (1) The possibility that the perpetrator may be required
7 to reimburse the Commonwealth for an award or settlement in
8 connection with the claim.

9 (2) The perpetrator's right to intervene in related
10 mediation, hearing or civil actions.

11 § 8573. Liability for reimbursement for claim of sexual
12 harassment.

13 (a) Costs to satisfy judgment or obtain release.--A public
14 employee or public official shall be liable for and shall
15 reimburse a government agency for the amount of public money
16 paid by the government agency to:

17 (1) satisfy a judgment for a claim of sexual harassment
18 by the public employee or public official; or

19 (2) obtain a release for a claim of sexual harassment by
20 the public employee or public official.

21 (b) Costs for outside legal counsel.--A public employee or
22 public official subject to subsection (a) shall be liable for
23 and shall reimburse the public money paid by the government
24 agency to cover the costs incurred by the government agency for
25 outside legal counsel to defend the public employee or public
26 official in connection with the claim of sexual harassment.

27 (c) Civil action.--The Attorney General shall initiate a
28 civil action to enforce the Commonwealth's right to
29 reimbursement under this section, including reasonable attorney
30 fees incurred under subsection (b), and to indemnity relating to

1 a public employee or public official subject to subsection (a).

2 (d) Status of reimbursement.--A reimbursement of public
3 money ordered by a court under this section shall be a judgment
4 in favor of the government agency upon the public employee or
5 public official or property of the public employee or public
6 official ordered to make the reimbursement. For a judgment owed
7 to the Commonwealth, the Attorney General shall have the duty to
8 enforce the judgment in a court of competent jurisdiction.

9 (e) Method of reimbursement.--A court may order a public
10 employee or public official to make a reimbursement under this
11 section in a lump sum, by monthly installments or according to
12 another schedule as the court may determine appropriate. The
13 court may order that money from the salary or pension or
14 retirement plan of the public employee or public official be
15 withdrawn to make a reimbursement under this section if the
16 public employee or public official fails to make timely payments
17 as specified in an order under this subsection. If the public
18 employee or public official fails to repay the judgment amount
19 specified in an order under this subsection, the State Treasurer
20 shall deduct an amount from the salary or pension or retirement
21 plan of the public employee or public official that ensures a
22 reasonable living standard for the public employee or public
23 official in accordance with Federal and State law. If the public
24 employee or public official has multiple pension or retirement
25 plans, the State Treasurer shall deduct an amount from each plan
26 proportionately.

27 (f) Deposits of reimbursed or recovered money.--Money
28 reimbursed or recovered under this section shall be deposited
29 into the fund from which the government agency made the payment
30 of public money regarding the claim of sexual harassment.

1 § 8574. Notice of liability for reimbursement.

2 Upon the effective date of this section and each year
3 thereafter, a government agency shall provide notice of the
4 liability under sections 8572 (relating to determination of
5 reimbursement for claim of sexual harassment) and 8573 (relating
6 to liability for reimbursement for claim of sexual harassment)
7 to each employee of the government agency. The government agency
8 shall transmit the initial notice to the Legislative Reference
9 Bureau for publication in the next available issue of the
10 Pennsylvania Bulletin.

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