



PNA LEGAL UPDATE

LEGAL AND LEGISLATIVE ISSUES AFFECTING THE NEWS INDUSTRY

A supplement to Headlines & Deadlines

Editorial Round Up

[PennLive/The Patriot-News \(Harrisburg\) \(guest editorial\)](#)

Does PA really need new laws on drones?

[TribLive \(Pittsburgh\)](#)

PA house clocker-watchers: Nix this rule

[Philly.com \(guest editorial by Rep. Vitali\)](#)

State House rules violate public's right to view legislation

[The Washington Post](#)

When 'there is serious reason to doubt' rumors and allegations, is it libelous to publish them

Legislative Update

The House and Senate will return to session next week. Senator Greenleaf (R-Montgomery/Berks) released a co-sponsorship [memo](#) indicating his intent to re-introduce SB 976, a bill that would govern use of police body cameras and access to the resulting records. PNA opposed SB 976 last session because of restrictions on public access to body camera footage, and we will work with legislators to address our concerns.

Legal Issues from Around the Commonwealth

City council reverses video ban at public meetings

Shamokin Mayor William Millbrand apologized to several residents this week after banning them from videotaping a city council meeting last week. The mayor cited the Sunshine Act as a basis for the ban, but reversed course after speaking with the city's lawyer. Read more from [The News-Item \(Shamokin\)](#).

High school disciplines student for posting video online

A student at Upper Perkiomen High School made a mash-up video about homicidal students and posted it to Instagram. As a result of the video's content, the superintendent canceled school in the entire district the day after the video was posted, and the school district planned to expel the student. His parents sued on First Amendment grounds to prevent expulsion, but the court denied the parents' request for a preliminary injunction. [Read more](#)

RTKL illustrates pensions received by state-employees convicted of crimes

Lancaster Online explores pensions received by former public employees convicted of crimes. The RTKL enabled access to pension information, while court records illustrate criminal

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Legal Hotline

Do you have a question for the Legal Hotline?

Contact 717-703-3080



LEGAL QUESTION?
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717-703-3080

The Legal Hotline is not meant to be legal advice.

Legal Update PDF

Visit the PNA website for a [printable PDF](#) of this week's Legal Update.

convictions. When compared, the public records show which convicted criminals are receiving public pension funds and how much. Read more from [LNP \(Lancaster\)](#)

Trade secrets, self driving cars and the RTKL

The Incline (Pittsburgh) explores how the RTKL would apply to data about self driving vehicles collected by PennDOT. [Read more](#)

Beyond PA

Third Circuit will post video of select oral argument sessions

The Third Circuit Court of Appeals has amended its Internal Operating Procedures to allow the court to post argument sessions online. All judges involved in the argument must agree to posting, and the court has not indicated when videos will be posted after argument takes place. The Third Circuit joins the Ninth Circuit as the only two federal appeals courts to post arguments online.

[Read more](#)

From the Hotline

Q: The democratic members of our school board regularly hold private "caucus" meetings before each school board meeting to discuss agenda items. These members constitute a quorum (6 out of 9 board members), and they rely on section 712 (permitting caucus meetings) of the Sunshine Act as an exception to the public meeting rule. Is that OK?

A: No. The Sunshine Act contains a "caucus" exception, but this exception only applies to caucuses of the General Assembly.

The Sunshine Act defines "caucus" in section 703 as:

A gathering of members of a political party or coalition which is held for purposes of planning political strategy and holding discussions designed to prepare the members for taking official action in the General Assembly.

By definition, under the Sunshine Act, a "caucus" is only a body of the General Assembly.

Furthermore, section 712 outlines how the Sunshine Act applies to the General Assembly. This provision makes the law inapplicable to caucuses or ethics committees created by the House or Senate. Section 712 states:

Notwithstanding any other provision, for the purpose of this chapter, meetings of the General Assembly which are covered are as follows: all meetings of committees where bills are considered, all hearings where testimony is taken and all sessions of the Senate and the House of Representatives. Not included in the intent of this chapter are caucuses or meetings of any ethics committee created pursuant to the Rules of the Senate or the House of Representatives.

The Sunshine Act does not discuss caucuses outside of sections 703 and 712, both of which limit caucuses to the General Assembly. In the absence of a specific exemption to the law, the general rule of the Sunshine Act applies and requires a public meeting any time a quorum of an agency deliberates agency business.

You can read the Sunshine Act here

[-http://panewsmedia.org/legal/openmeetings/sunshineact](http://panewsmedia.org/legal/openmeetings/sunshineact)

As always, this is not intended to, nor should it be construed as, legal advice. Please call the PNA Legal Hotline at (717) 703-3080 with questions.

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