

No. 1988-187

AN ACT

HB 1879

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, prohibiting certain activities by athlete agents.

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

Section 1. Title 18 of the Pennsylvania Consolidated Statutes is amended by adding a section to read:

§ 7107. *Unlawful actions by athlete agents.*

(a) *Offense defined.*—*An athlete agent shall not do any of the following:*

(1) *Enter into an oral or written agent contract or professional sport services contract with a student athlete before the student athlete's eligibility for collegiate athletics expires.*

(2) *Give, offer or promise anything of value to a student athlete, to his parent or guardian or to any member of the student athlete's immediate family before the student athlete's eligibility for collegiate athletics expires.*

(3) *Enter into an oral or written agreement whereby the athlete agent gives, offers or promises anything of value to an employee of an institution of higher education in return for the referral of a student athlete by that employee.*

(b) *Penalty.*—*An athlete agent who violates subsection (a) commits a misdemeanor of the first degree and shall, upon conviction, be sentenced to pay a fine of not more than \$10,000 or an amount equal to three times the amount given, offered or promised as an inducement as described in subsection (a)(2) or three times the value of the agreement entered into as described in subsection (a)(3), whichever is greater, or imprisonment for not more than one year, or both.*

(c) *Definitions.*—*As used in this section, the following words and phrases shall have the meanings given to them in this subsection:*

"Agent contract." Any contract or agreement pursuant to which a person authorizes or empowers an athlete agent to negotiate or solicit on behalf of the person with one or more professional sport teams for the employment of the person by a professional sport team or to negotiate or solicit on behalf of the person for the employment of the person as a professional athlete.

"Athlete agent." A person who, directly or indirectly, recruits or solicits a person to enter into an agent contract or professional sport services contract, or who procures, offers, promises or attempts to obtain employment for a person with a professional sport team or as a professional athlete.

"Institution of higher education." A public or private college or university, including a community college.

“Person.” *An individual, sole proprietorship, partnership, association, corporation or other legal entity.*

“Professional sport services contract.” *A contract or agreement pursuant to which a person is employed or agrees to render services as a player on a professional sport team or as a professional athlete.*

“Student athlete.” *A student enrolled in an institution of higher education who, while a student at the institution in which enrolled, is eligible to participate in any intercollegiate sporting event or contest in a particular sport and may have athletic eligibility remaining in that particular sport.*

“Value.” *Anything of value shall be any payment, loan, gift, good, service, expense of any kind or the promise of any of these for the future, regardless of the monetary worth of any of these items.*

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

APPROVED—The 21st day of December, A. D. 1988.

ROBERT P. CASEY