

AMENDMENTS TO HOUSE BILL NO. 1419

Sponsor: REPRESENTATIVE J. HARRIS

Printer's No. 3166

1 Amend Bill, page 1, line 12, by striking out "TITLE" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 12, by inserting after "OFFENSES)"

5 and 42 (Judiciary and Judicial Procedure)

6 Amend Bill, page 1, line 19, by striking out the period after

7 "LIABILITY" and inserting

8 ; and, in juvenile matters, further providing for inspection of

9 court files and records and for law enforcement records.

10 Amend Bill, page 24, by inserting between lines 1 and 2

11 Section 3. Sections 6307(b) and 6308(b) of Title 42 are
12 amended to read:

13 § 6307. Inspection of court files and records.

14 * * *

15 (b) Public availability.--

16 [(1) The contents of court records and files concerning
17 a child shall not be disclosed to the public unless any of
18 the following apply:

19 (i) The child has been adjudicated delinquent by a
20 court as a result of an act or acts committed:

21 (A) when the child was 14 years of age or older
22 and the conduct would be considered a felony if
23 committed by an adult; or

24 (B) when the child was 12 or 13 years of age and
25 the conduct would have constituted one or more of the
26 following offenses if committed by an adult:

27 (I) Murder.

28 (II) Voluntary manslaughter.

29 (III) Aggravated assault as defined in 18
30 Pa.C.S. § 2702(a)(1) or (2) (relating to
31 aggravated assault).

32 (IV) Arson as defined in 18 Pa.C.S. §
33 3301(a)(1) (relating to arson and related

1 offenses).

2 (V) Involuntary deviate sexual intercourse.

3 (VI) Kidnapping.

4 (VII) Rape.

5 (VIII) Robbery as defined in 18 Pa.C.S. §
6 3701(a)(1)(i), (ii) or (iii) (relating to
7 robbery).

8 (IX) Robbery of motor vehicle.

9 (X) Attempt or conspiracy to commit any of
10 the offenses in this subparagraph.

11 (ii) A petition alleging delinquency has been filed
12 alleging that the child has committed an act or acts
13 subject to a hearing pursuant to section 6336(e)
14 (relating to conduct of hearings) and the child
15 previously has been adjudicated delinquent by a court as
16 a result of an act or acts committed:

17 (A) when the child was 14 years of age or older
18 and the conduct would be considered a felony if
19 committed by an adult; or

20 (B) when the child was 12 or 13 years of age and
21 the conduct would have constituted one or more of the
22 following offenses if committed by an adult:

23 (I) Murder.

24 (II) Voluntary manslaughter.

25 (III) Aggravated assault as defined in 18
26 Pa.C.S. § 2702(a)(1) or (2).

27 (IV) Arson as defined in 18 Pa.C.S. §
28 3301(a)(1).

29 (V) Involuntary deviate sexual intercourse.

30 (VI) Kidnapping.

31 (VII) Rape.

32 (VIII) Robbery as defined in 18 Pa.C.S. §
33 3701(a)(1)(i), (ii) or (iii).

34 (IX) Robbery of motor vehicle.

35 (X) Attempt or conspiracy to commit any of
36 the offenses in this subparagraph.]

37 (1.1) The contents of court records and files concerning
38 a child shall not be disclosed to the public unless any of
39 the following apply:

40 (i) The child has been adjudicated delinquent by a
41 court as a result of an act or acts committed when the
42 child was 14 years of age or older and the conduct would
43 have constituted one or more of the following offenses if
44 committed by an adult:

45 (A) Murder.

46 (B) Voluntary manslaughter.

47 (C) Aggravated assault as defined in 18 Pa.C.S.
48 § 2702(a)(1) or (2) (relating to aggravated assault).

49 (D) Sexual Assault as defined in 18 Pa.C.S. §
50 3124.1 (relating to sexual assault).

51 (E) Aggravated indecent assault as defined in 18

1 Pa.C.S. § 3125 (relating to aggravated indecent
2 assault).

3 (F) Arson as defined in 18 Pa.C.S. § 3301(a)(1)
4 (relating to arson and related offenses).

5 (G) Burglary as a felony in the first degree as
6 defined in 18 Pa.C.S. § 3502(c)(1) (relating to
7 burglary).

8 (H) Involuntary deviate sexual intercourse.

9 (I) Kidnapping.

10 (J) Rape.

11 (K) Robbery as defined in 18 Pa.C.S. § 3701(a)
12 (1)(i), (ii) or (iii) (relating to robbery).

13 (L) Robbery of motor vehicle.

14 (M) Violation of 18 Pa.C.S. Ch. 61 (relating to
15 firearms and other dangerous articles).

16 (N) Attempt or conspiracy to commit any of the
17 offenses in this subparagraph.

18 (ii) A petition alleging delinquency has been filed
19 alleging that the child has committed an act or acts
20 subject to a hearing pursuant to section 6336(e)
21 (relating to conduct of hearings) and the child
22 previously has been adjudicated delinquent by a court as
23 a result of an act or acts committed when the child was
24 14 years of age or older and the conduct would have
25 constituted one or more of the following offenses if
26 committed by an adult:

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29 (C) Aggravated assault as defined in 18 Pa.C.S.
30 § 2702(a)(1) or (2).

31 (D) Sexual Assault as defined in 18 Pa.C.S. §
32 3124.1.

33 (E) Aggravated indecent assault as defined in 18
34 Pa.C.S. § 3125.

35 (F) Arson as defined in 18 Pa.C.S. § 3301(a)(1).

36 (G) Burglary as a felony in the first degree as
37 defined in 18 Pa.C.S. § 3502(c)(1).

38 (H) Involuntary deviate sexual intercourse.

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42 (1)(i), (ii) or (iii).

43 (L) Robbery of motor vehicle.

44 (M) Violation of 18 Pa.C.S. Ch. 61.

45 (N) Attempt or conspiracy to commit any of the
46 offenses in this subparagraph.

47 (2) If the conduct of the child meets the requirements
48 for disclosure as set forth in paragraph [(1)] (1.1), then
49 the court shall disclose the name, age and address of the
50 child, the offenses charged and the disposition of the case.
51 The judge who adjudicates a child delinquent shall specify

1 the particular offenses and counts thereof which the child is
2 found to have committed, and such information shall be
3 inserted on any court or law enforcement records or files
4 disclosed to the public as provided for in this section or in
5 section 6308(b)(2) (relating to law enforcement records).

6 * * *

7 § 6308. Law enforcement records.

8 * * *

9 (b) Public availability.--

10 [(1) The contents of law enforcement records and files
11 concerning a child shall not be disclosed to the public
12 unless any of the following apply:

13 (i) The child has been adjudicated delinquent by a
14 court as a result of an act or acts committed:

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19 the conduct would have constituted one or more of the
20 following offenses if committed by an adult:

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28 offenses).

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37 the offenses in this subparagraph.

38 (ii) A petition alleging delinquency has been filed
39 alleging that the child has committed an act or acts
40 subject to a hearing pursuant to section 6336(e)
41 (relating to conduct of hearings) and the child
42 previously has been adjudicated delinquent by a court as
43 a result of an act or acts committed:

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46 committed by an adult; or

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49 following offenses if committed by an adult:

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1 (III) Aggravated assault as defined in 18
2 Pa.C.S. § 2702(a)(1) or (2).
3 (IV) Arson as defined in 18 Pa.C.S. §
4 3301(a)(1).
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9 3701(a)(1)(i), (ii) or (iii).
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12 the offenses in this subparagraph.]

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26 3124.1 (relating to sexual assault).

27 (E) Aggravated indecent assault as defined in 18
28 Pa.C.S. § 3125 (relating to aggravated indecent
29 assault).

30 (F) Arson as defined in 18 Pa.C.S. § 3301(a)(1)
31 (relating to arson and related offenses).

32 (G) Burglary as a felony in the first degree as
33 defined in 18 Pa.C.S. § 3502(c)(1) (relating to
34 burglary).

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42 firearms and other dangerous articles).

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44 offenses in this subparagraph.

45 (ii) A petition alleging delinquency has been filed
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49 previously has been adjudicated delinquent by a court as
50 a result of an act or acts committed when the child was
51 14 years of age or older and the conduct would have

1 constituted one or more of the following offenses if
2 committed by an adult:

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6 § 2702(a)(1) or (2).

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18 (1)(i), (ii) or (iii).

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21 (N) Attempt or conspiracy to commit any of the
22 offenses in this subparagraph.

23 (2) If the conduct of the child meets the requirements
24 for disclosure as set forth in paragraph [(1)] (1.1), then
25 the law enforcement agency shall disclose the name, age and
26 address of the child, the offenses charged and the
27 disposition of the case.

28 * * *

29 Amend Bill, page 24, line 2, by striking out "3" and
30 inserting