
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3040 Session of
1994

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STERN, BATTISTO, LEH, REINARD, HENNESSEY, RUBLEY, SAURMAN,
MELIO, MERRY AND EGOLF, SEPTEMBER 27, 1994

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 27, 1994

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for
3 dangerous juvenile offenders, law enforcement records,
4 juvenile history record information and adjudications
5 involving certain children.

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

8 Section 1. The definition of "dangerous juvenile offender"
9 in section 6302 of Title 42 of the Pennsylvania Consolidated
10 Statutes is repealed.

11 Section 2. Sections 6308, 6309 and 6341(a) of Title 42 are
12 amended to read:

13 § 6308. Law enforcement records.

14 (a) General rule.--[Except as provided in section 6309
15 (relating to juvenile history record information), the law] Law
16 enforcement records and files concerning a child shall be kept
17 separate from the records and files of arrests of adults. Unless

1 a charge of delinquency is transferred for criminal prosecution
2 under section 6355 (relating to transfer to criminal
3 proceedings), the interest of national security requires, or the
4 court otherwise orders in the interest of the child, the records
5 and files shall not be open to public inspection or their
6 contents disclosed to the public except as provided in
7 subsection (b); but inspection of the records and files is
8 permitted by:

9 (1) The court having the child before it in any
10 proceeding.

11 (2) Counsel for a party to the proceeding.

12 (3) The officers of institutions or agencies to whom the
13 child is committed.

14 (4) Law enforcement officers of other jurisdictions when
15 necessary for the discharge of their official duties.

16 (5) A court in which the child is convicted of a
17 criminal offense for the purpose of a presentence report or
18 other dispositional proceeding, or by officials of penal
19 institutions and other penal facilities to which he is
20 committed, or by a parole board in considering his parole or
21 discharge or in exercising supervision over him.

22 (b) Public availability.--

23 (1) The contents of law enforcement records and files
24 concerning a child shall not be disclosed to the public
25 except if the child is 14 or more years of age at the time of
26 the alleged conduct and if any of the following apply:

27 (i) The child has been adjudicated delinquent by a
28 court as a result of an act or acts which include the
29 elements of rape, kidnapping, murder, robbery, arson,
30 burglary, violation of section 13(a)(30) of the act of

1 April 14, 1972 (P.L.233, No.64), known as The Controlled
2 Substance, Drug, Device and Cosmetic Act, or other act
3 involving the use of or threat of serious bodily harm.

4 (ii) A petition alleging delinquency has been filed
5 by a law enforcement agency alleging that the child has
6 committed an act or acts which include the elements of
7 rape, kidnapping, murder, robbery, arson, burglary,
8 violation of section 13(a)(30) of The Controlled
9 Substance, Drug, Device and Cosmetic Act, or other act
10 involving the use of or threat of serious bodily harm and
11 the child previously has been adjudicated delinquent by a
12 court as a result of an act or acts which included the
13 elements of one of such crimes.

14 [(iii) The child is a dangerous juvenile offender.]

15 (2) If the conduct of the child meets the requirements
16 for disclosure as set forth in paragraph (1), then the court
17 or law enforcement agency, as the case may be, shall disclose
18 the name, age and address of the child, the offenses charged
19 and the disposition of the case. The master or judge who
20 adjudicates a child delinquent shall specify the particular
21 offenses and counts thereof which the child is found to have
22 committed and such information shall be inserted on any law
23 enforcement records or files disclosed to the public as
24 provided for in this section.

25 (c) Fingerprints and photographs.--

26 (1) Law enforcement officers shall have the authority to
27 take or cause to be taken the fingerprints or photographs, or
28 both, of any child who is alleged to have committed [a
29 delinquent act that, but for the application of this chapter,
30 would constitute a felony or a violation of 18 Pa.C.S. Ch. 61

1 Subch. A (relating to uniform firearms act).] an act
2 designated as a misdemeanor or felony under the laws of this
3 Commonwealth, or of another state if the act occurred in that
4 state, or under Federal law.

5 (2) Fingerprint and photographic records may be
6 disseminated to law enforcement officers of other
7 jurisdictions, the Pennsylvania State Police and the Federal
8 Bureau of Investigation [if a child has, on the basis of a
9 felony or a violation of 18 Pa.C.S. Ch. 61 Subch. A, been
10 adjudicated delinquent or found guilty in a criminal
11 proceeding.] and may be used for investigative purposes.

12 (3) Fingerprints and photographic records of children
13 shall be kept separately from adults and shall be immediately
14 destroyed by all persons and agencies having these records if
15 the child is not adjudicated delinquent or not found guilty
16 in a criminal proceeding for reason of the alleged acts.

17 [§ 6309. Juvenile history record information.

18 (a) Applicability of Criminal History Record Information
19 Act.--Except for 18 Pa.C.S. §§ 9105 (relating to other criminal
20 justice information), 9112(a) and (b) (relating to mandatory
21 fingerprinting) and 9113 (relating to disposition reporting by
22 criminal justice agencies), the remaining provisions of 18
23 Pa.C.S. Ch. 91 (relating to criminal history record information)
24 shall apply to all dangerous juvenile offenders whose
25 fingerprints and photographs are taken pursuant to section
26 6308(c) (relating to law enforcement records) and to any
27 juvenile justice agency which collects, maintains, disseminates
28 or receives juvenile history record information.

29 (b) Central repository.--The Pennsylvania State Police shall
30 establish a Statewide central repository of fingerprints,

1 photographs and juvenile history record information of dangerous
2 juvenile offenders whose fingerprints and photographs are taken
3 pursuant to section 6308(c). This repository may be combined
4 with a repository of similar information on adult offenders, as
5 provided in 18 Pa.C.S. Ch. 91.

6 (c) Fingerprints and photographs.--The court of proper
7 jurisdiction shall ensure that the fingerprints and photographs
8 of a dangerous juvenile offender whose fingerprints and
9 photographs which have been taken by an arresting authority
10 pursuant to section 6308(c) are forwarded to the central
11 repository within 48 hours after a dangerous juvenile offender
12 has been adjudicated delinquent.

13 (d) Disposition reporting.--The division or judge of the
14 court assigned to conduct juvenile hearings shall collect and
15 submit juvenile history record information to the central
16 repository within 90 days of an adjudication of delinquency. The
17 division or judge of the court assigned to conduct juvenile
18 hearings shall continually update juvenile history record
19 information as required by the Juvenile Court Judges'
20 Commission.

21 (e) Definitions.--As used in this section the following
22 words and phrases shall have the meanings given to them in this
23 subsection:

24 "Criminal history record information." In addition to the
25 meaning in 18 Pa.C.S. § 9102 (relating to definitions), the term
26 includes the meaning of juvenile history record information as
27 defined in this subsection.

28 "Juvenile history record information." Information collected
29 pursuant to this section concerning dangerous juvenile offenders
30 whose fingerprints and photographs are taken pursuant to section

1 6308(c) and arising from the filing of a petition of
2 delinquency, consisting of identifiable descriptions, dates and
3 notations of arrests, indictments, information or other
4 delinquency charges and any adjudication of delinquency,
5 informal adjustment, consent decree or preadjudication
6 disposition other than dismissal arising therefrom. Juvenile
7 history record information shall not include intelligence
8 information, investigative information, treatment information,
9 including medical and psychiatric information, caution indicator
10 information, modus operandi information, wanted persons
11 information, stolen property information, missing persons
12 information, employment history information, personal history
13 information or presentence investigation information.]

14 § 6341. Adjudication.

15 (a) General rule.--After hearing the evidence on the
16 petition the court shall make and file its findings as to
17 whether the child is a dependent child, or if the petition
18 alleges that the child is delinquent, whether the acts ascribed
19 to the child were committed by him. If the court finds that the
20 child is not a dependent child or that the allegations of
21 delinquency have not been established it shall dismiss the
22 petition and order the child discharged from any detention or
23 other restriction theretofore ordered in the proceeding. For
24 cases involving allegations of delinquency where fingerprints or
25 photographs, or both, have been taken by a law enforcement
26 agency and where the court determines that acts ascribed to the
27 child were not committed by him, the court shall direct that
28 those records be immediately destroyed by law enforcement
29 agencies.

30 * * *

1 Section 3. This act shall take effect in 60 days.