

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1047 Session of
2006

INTRODUCED BY KASUNIC, D. WHITE, FONTANA, KITCHEN, O'PAKE,
LAVALLE, COSTA, WAUGH, MUSTO, STOUT, C. WILLIAMS, BOSCOLA,
TARTAGLIONE, WENGER, ERICKSON, ORIE, PIPPY, GREENLEAF AND
RHOADES, JANUARY 3, 2006

REFERRED TO JUDICIARY, JANUARY 3, 2006

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for fees for
3 background checks.

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

6 Section 1. Section 9121 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 9121. General regulations.

9 (a) Dissemination to criminal justice agencies.--Criminal
10 history record information maintained by any criminal justice
11 agency shall be disseminated without charge to any criminal
12 justice agency or to any noncriminal justice agency that is
13 providing a service for which a criminal justice agency is
14 responsible.

15 (b) Dissemination to noncriminal justice agencies and
16 individuals.--Criminal history record information shall be
17 disseminated by a State or local police department to any

1 individual or noncriminal justice agency only upon request.

2 Except as provided in subsection (b.1):

3 (1) A fee may be charged by a State or local police
4 department for each request for criminal history record
5 information by an individual or noncriminal justice agency,
6 except that no fee shall be charged to an individual who
7 makes the request in order to apply to become a volunteer
8 firefighter as defined in section 2 of the act of June 11,
9 1968 (P.L.149, No.84), known as the Volunteer Firefighters'
10 Relief Association Act, or a volunteer with an affiliate of
11 Big Brothers of America or Big Sisters of America or with a
12 rape crisis center or domestic violence program.

13 (2) Before a State or local police department
14 disseminates criminal history record information to an
15 individual or noncriminal justice agency, it shall extract
16 from the record all notations of arrests, indictments or
17 other information relating to the initiation of criminal
18 proceedings where:

19 (i) three years have elapsed from the date of
20 arrest;

21 (ii) no conviction has occurred; and

22 (iii) no proceedings are pending seeking a
23 conviction.

24 (b.1) Exception.--Subsection (b)(1) and (2) shall not apply
25 if the request is made by a county children and youth agency or
26 the Department of Public Welfare in the performance of duties
27 relating to children and youth under the act of June 24, 1937
28 (P.L.2017, No.396), known as the County Institution District
29 Law, section 2168 of the act of August 9, 1955 (P.L.323,
30 No.130), known as The County Code, the act of June 13, 1967

1 (P.L.31, No.21), known as the Public Welfare Code, 23 Pa.C.S.
2 Ch. 63 (relating to child protective services) or 42 Pa.C.S. Ch.
3 63 (relating to juvenile matters).

4 (c) Data required to be kept.--Any criminal justice agency
5 which disseminates criminal history record information must
6 indicate to the recipient that the information disseminated is
7 only that information contained in its own file, the date of the
8 last entry, and that a summary of the Statewide criminal history
9 record information may be obtained from the central repository.

10 (d) Extracting from the record.--When criminal history
11 record information is maintained by a criminal justice agency in
12 records containing investigative information, intelligence
13 information, treatment information or other nonpublic
14 information, the agency may extract and disseminate only the
15 criminal history record information if the dissemination is to
16 be made to a noncriminal justice agency or individual.

17 (e) Dissemination procedures.--Criminal justice agencies may
18 establish reasonable procedures for the dissemination of
19 criminal history record information.

20 (f) Notations on record.--Repositories must enter as a
21 permanent part of an individual's criminal history record
22 information file, a listing of all persons and agencies to whom
23 they have disseminated that particular criminal history record
24 information and the date and purpose for which the information
25 was disseminated. Such listing shall be maintained separate from
26 the record itself.

27 Section 2. This act shall take effect immediately.