

THE GENERAL ASSEMBLY OF PENNSYLVANIA

**HOUSE BILL**  
**No. 2104** Session of  
1981

INTRODUCED BY PITTS, E. Z. TAYLOR, E. H. SMITH, VROON AND  
MORRIS, DECEMBER 7, 1981

REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 7, 1981

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for criminal history  
3 record information.

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

6 Section 1. The definition of "intelligence information" in  
7 section 9102, section 9106, subsections (a) and (b) of section  
8 9121, subsection (a) of section 9123 and sections 9131, 9161 and  
9 9181 of Title 18, act of November 25, 1970 (P.L.707, No.230),  
10 known as the Pennsylvania Consolidated Statutes, are amended to  
11 read:

12 § 9102. Definitions.

13 The following words and phrases when used in this chapter  
14 shall have the meanings given to them in this section unless the  
15 context clearly indicates otherwise:

16 \* \* \*

17 "Intelligence information." Information concerning the  
18 habits, practices, characteristics, [history,] possessions,

1 associations or financial status of any individual.

2 \* \* \*

3 § 9106. Prohibited information.

4 [Intelligence information, investigative information and  
5 treatment information shall not be collected in the central  
6 repository nor in any automated or electronic criminal justice  
7 information system. This prohibition shall not preclude the  
8 collection in the central repository or in any automated or  
9 electronic criminal justice information system of names, words,  
10 numbers, phrases or other similar index keys to serve as indices  
11 to investigative reports.] Intelligence information,  
12 investigative information and treatment information shall not be  
13 collected in the central repository. Intelligence information  
14 and investigative information may be collected by criminal  
15 justice agencies in any automated or computerized electronic  
16 system which does not include information indicating the  
17 identity of any individual. Criminal justice agencies collecting  
18 intelligence or investigative information within such a system  
19 shall be required to maintain identifying indexes outside of  
20 such a system, which indexes shall only be available to criminal  
21 justice agencies. Nothing in this section shall prevent the  
22 storage of identifying information within an automated or  
23 computerized electronic system for the purpose of identifying  
24 individuals for whom an arrest warrant or bench warrant has been  
25 issued and is yet unserved.

26 § 9121. General regulations.

27 (a) Dissemination to criminal justice agencies.--Criminal  
28 history record information maintained by any criminal justice  
29 agency shall be disseminated without charge to any criminal  
30 justice agency or [a] to any noncriminal justice agency that is

1 providing a service for which a criminal justice agency is  
2 responsible.

3 (b) Dissemination to noncriminal justice agencies and  
4 individuals.--Criminal history record information shall [only]  
5 be disseminated by a [law enforcement agency] State or local  
6 police department to any individual or noncriminal justice  
7 agency [other than a criminal justice agency] only upon request:

8 (1) A fee may be charged by a [law enforcement agency]  
9 State or local police department for each request for [the]  
10 criminal history record information by an individual or  
11 noncriminal justice agency [other than a criminal justice  
12 agency].

13 (2) Before a [law enforcement agency] State or local  
14 police department disseminates criminal history record  
15 information to an individual or noncriminal justice agency  
16 [other than a criminal justice agency], it shall extract from  
17 the record all notations of arrests, indictments or other  
18 information relating to the initiation of criminal  
19 proceedings where: [there is a disposition of acquittal,  
20 charges are dismissed or withdrawn, a nolle prosequi is  
21 entered, the proceedings are indefinitely postponed or the  
22 individual is otherwise not found guilty of committing an  
23 alleged criminal act where three years have elapsed from the  
24 time of arrest and no proceedings are pending seeking  
25 conviction or where the conviction has occurred.]

26 (i) three years have elapsed from the date of  
27 arrest;

28 (ii) no conviction has occurred; and

29 (iii) no proceedings are pending seeking a  
30 conviction.

1       \* \* \*

2   § 9123. Juvenile records.

3       (a) Expungement of juvenile records.--Notwithstanding the  
4 provisions of section 9105 (relating to other criminal justice  
5 information) and except upon cause shown, expungement of records  
6 of juvenile delinquency cases wherever kept or retained shall  
7 occur after ten days notice to the district attorney, whenever  
8 the court upon its motion or upon the motion of a child or the  
9 parents or guardian finds:

10           (1) a complaint is filed which is not substantiated or  
11 the petition which is filed as a result of a complaint is  
12 dismissed by the court other than as a result of [an informal  
13 adjustment] a consent decree;

14           (2) five years have elapsed since the final discharge of  
15 the person from commitment, placement, probation or any other  
16 disposition and referral and since such final discharge, the  
17 person has not been convicted of a felony, misdemeanor or  
18 adjudicated delinquent and no proceeding is pending seeking  
19 such conviction or adjudication; or

20           (3) the individual is 21 years of age or older and a  
21 court orders the expungement.

22       \* \* \*

23   § 9131. Security requirements for repositories.

24       Every criminal justice agency collecting, storing or  
25 disseminating criminal history record information shall ensure  
26 the confidentiality and security of criminal history record  
27 information by providing that wherever such information is  
28 maintained, a criminal justice agency must:

29           (1) Institute procedures to reasonably protect any  
30 repository from theft, fire, sabotage, flood, wind or other

1 natural or man-made disasters.

2 (2) Select, supervise and train all personnel authorized  
3 to have access to criminal history record information.

4 (3) Ensure that, where computerized data processing is  
5 employed, the equipment utilized for maintaining criminal  
6 history record information is solely dedicated to purposes  
7 related to the administration of criminal justice, or, if the  
8 equipment is not used solely for the administration of  
9 criminal justice, the criminal justice agency shall be  
10 accorded equal management participation in computer  
11 operations used to maintain the criminal history record  
12 information.

13 [(4) Provide that criminal history record information  
14 maintained in a repository is disseminated upon proper  
15 validation only to those individuals and agencies authorized  
16 to receive the information by the provisions of this  
17 chapter.]

18 § 9161. Duties of the Attorney General.

19 The Attorney General shall have the power and authority to:

20 (1) Establish rules and regulations for criminal history  
21 record information with respect to security, completeness,  
22 accuracy, individual access and review, quality control and  
23 audits of repositories.

24 (2) Establish a [uniform] schedule of reasonable fees  
25 for the costs of reproducing criminal history record  
26 information for individual access and review [and] for  
27 research or statistical purposes and for access by  
28 noncriminal justice agencies and individuals.

29 (3) Make investigations concerning all matters touching  
30 the administration and enforcement of this chapter and the

1 rules and regulations promulgated thereunder.

2 (4) Institute civil [and criminal] proceedings for  
3 violations of this chapter and the rules and regulations  
4 adopted thereunder.

5 (5) Conduct annual audits of the central repository and  
6 of a representative sample of all repositories within the  
7 Commonwealth, collecting, compiling, maintaining and  
8 disseminating criminal history record information.

9 (6) Appoint such employees and agents as it may deem  
10 necessary.

11 § 9181. General administrative sanctions.

12 Any person, including any agency or organization, who  
13 violates the provisions of this chapter or any regulations or  
14 rules promulgated under it may:

15 (1) Be denied access to specified criminal history  
16 record information for such period of time as the Attorney  
17 General deems appropriate.

18 (2) Be subject to civil [or criminal] penalties or other  
19 remedies as provided for in this chapter.

20 (3) In the case of an employee of any agency who  
21 violates any provision of this chapter, be administratively  
22 disciplined by discharge, suspension, reduction in grade,  
23 transfer or other formal disciplinary action as the agency  
24 deems appropriate.

25 Section 2. This act shall take effect immediately.