

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 103 Session of
1999

INTRODUCED BY JADLOWIEC, BAKER, SEYFERT, GEIST, HENNESSEY,
FARGO, HALUSKA, SATHER, BELFANTI, KENNEY, TRELLO, LYNCH,
CLARK, CALTAGIRONE, McNAUGHTON, BELARDI, ROSS, COLAFELLA,
SURRA AND CIVERA, JANUARY 25, 1999

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
MARCH 10, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing FOR HARASSMENT AND <—
3 STALKING AND for mandatory fingerprinting.

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

6 ~~Section 1. Section 9112 of Title 18 of the Pennsylvania~~ <—
7 ~~Consolidated Statutes is amended to read:~~

8 SECTION 1. SECTIONS 2709(C)(1) AND 9112 OF TITLE 18 OF THE <—
9 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 2709. HARASSMENT AND STALKING.

11 * * *

12 (C) GRADING.--

13 (1) AN OFFENSE UNDER SUBSECTION (A) SHALL BE GRADED AS
14 FOLLOWS:

15 (I) EXCEPT AS PROVIDED IN SUBPARAGRAPH (II), THE
16 OFFENSE SHALL CONSTITUTE A SUMMARY OFFENSE.

17 (II) AN OFFENSE UNDER SUBSECTION (A)(3) IF THE

1 DEFENDANT IS OR, DURING THE PAST FIVE YEARS, WAS ENGAGED
2 IN CIVIL LITIGATION WITH THE VICTIM SHALL CONSTITUTE A
3 FELONY OF THE THIRD DEGREE.

4 * * *

5 § 9112. Mandatory fingerprinting.

6 (a) General rule.--Fingerprints of all persons arrested for
7 a felony, misdemeanor or summary offense which becomes a
8 misdemeanor on a second arrest after conviction of that summary
9 offense, shall be taken by the arresting authority, and within
10 48 hours of the arrest, shall be forwarded to, and in a manner
11 and such a form as provided by, the central repository.

12 (b) Other cases.--

13 (1) Where private complaints for a felony or misdemeanor
14 result in a conviction, the court of proper jurisdiction
15 shall order the defendant to submit for fingerprinting by the
16 municipal police of the jurisdiction in which the offense was
17 allegedly committed or in the absence of a police department,
18 the State Police. Fingerprints so obtained shall, within 48
19 hours, be forwarded to the central repository in a manner and
20 in such form as may be provided by the central repository.

21 (2) Where defendants named in police complaints are
22 proceeded against by summons and the charges are still
23 pending or the defendants have been convicted, pled guilty or
24 nolo contendere, or entered into an Accelerated
25 Rehabilitative Disposition Program, or for offenses under
26 section 3929 (relating to retail theft), or for offenses
27 under section 5507 (relating to obstructing highways and
28 other public passages), the court of proper jurisdiction
29 shall order the defendant to submit within five days of such
30 order for fingerprinting by the municipal police of the

1 jurisdiction in which the offense allegedly was committed or,
2 in the absence of a police department, the State Police.

3 Fingerprints so obtained shall, within 48 hours, be forwarded
4 to the central repository in a manner and in such form as may
5 be provided by the central repository.

6 (c) Transmittal of information.--The central repository
7 shall transmit the criminal history record information to the
8 criminal justice agency which submitted a complete, accurate and
9 classifiable fingerprint card.

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