

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 161 Session of
1997

INTRODUCED BY B. SMITH, CLARK, GEIST, COWELL, BARD, GANNON, COY,
SAYLOR, PETTIT, BELARDI, MASLAND, HALUSKA, SEMMEL, NAILOR,
FEESE, EGOLF, GORDNER, READSHAW, PHILLIPS, DeLUCA, FICHTER,
TIGUE, SCHULER, MAITLAND, TRELLO, BOSCOLA, WOGAN, SHANER,
STABACK, KENNEY, SAINATO, RUBLEY, STURLA, WOJNAROSKI,
DEMPSEY, FAIRCHILD, BAKER, BROWNE, MILLER, CLYMER, MELIO,
SCHRODER, DiGIROLAMO, SATHER, ZUG, HESS, OLASZ, DALEY,
McCALL, ITKIN, SCRIMENTI, STERN, TRUE, E. Z. TAYLOR, FARGO,
HERMAN, L. I. COHEN, J. TAYLOR, JAMES, LUCYK, WILT AND
CASORIO, JANUARY 29, 1997

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 29, 1997

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 54 (Names) of the
2 Pennsylvania Consolidated Statutes, requiring the
3 Pennsylvania State Police to receive notification when the
4 court orders a change of name for a person with a criminal
5 record; and regulating change of name after conviction of a
6 felony.

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

9 Section 1. Title 18 of the Pennsylvania Consolidated
10 Statutes is amended by adding a section to read:
11 § 9115. Change of name of person with a criminal history.
12 (a) General rule.--Whenever the court of common pleas of any
13 county receives a petition for a change of name under 54 Pa.C.S.
14 (relating to names), the court shall request the Pennsylvania
15 State Police to conduct a criminal history investigation to
16 establish whether or not the petitioner has been convicted of a

1 felony, misdemeanor or a summary offense which upon second
2 conviction would be graded a misdemeanor. The court shall
3 provide, with the request, a set of the petitioner's
4 fingerprints. The court may charge the petitioner for the costs
5 of this investigation, including fingerprinting, but shall
6 reimburse the Pennsylvania State Police for such costs. The
7 Pennsylvania State Police shall make a report of its
8 investigation to the court within ten days of the request for
9 same.

10 (b) Transmittal of information.--To ensure the continued
11 accuracy of criminal history records, the court shall report to
12 the Pennsylvania State Police the change of name that it grants
13 by order to any person who was the subject of an investigation
14 under subsection (a).

15 (c) Exception.--The procedure in this section shall not
16 apply to proceedings involving:

17 (1) An election to resume a prior surname pursuant to 54
18 Pa.C.S. § 704 (relating to divorced person may resume prior
19 name).

20 (2) Name changes involving minor children in adoption
21 proceedings pursuant to 23 Pa.C.S. § 2904 (relating to name
22 of adoptee).

23 Section 2. Sections 701 and 702 of Title 54 are amended to
24 read:

25 § 701. Court approval required for change of name.

26 (a) General rule.--It shall be unlawful for any person to
27 assume a name different from the name by which such person is
28 and has been known, unless such change in name is made pursuant
29 to proceedings in court as provided by this chapter.

30 (b) Informal change of name.--Notwithstanding subsection

1 (a), a person may at any time adopt and use any name if such
2 name is used consistently, nonfraudulently and exclusively. The
3 adoption of such name shall not however be in contravention of
4 the prohibitions contained in section 702(b) (relating to change
5 by order of court).

6 § 702. Change by order of court.

7 (a) General Rule.--The court of common pleas of any county
8 may by order change the name of any person resident in the
9 county.

10 (b) Convicted felons.--

11 (1) The court may order a change of name for a person
12 convicted of a felony, subject to provisions of paragraph
13 (2), if:

14 (i) at least two calendar years have elapsed from
15 the date of completion of a person's sentence and that
16 person is not subject to the probation or parole
17 jurisdiction of any court, county probation agency or the
18 Pennsylvania Board of Probation and Parole; or

19 (ii) the person has been pardoned.

20 (2) The court may not order a change of name for a
21 person convicted of murder, voluntary manslaughter, rape,
22 involuntary deviate sexual intercourse, statutory sexual
23 assault, sexual assault, aggravated indecent assault, robbery
24 as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to
25 robbery), aggravated assault as defined in 18 Pa.C.S. §
26 2702(a)(1) or (2) (relating to aggravated assault), arson as
27 defined in 18 Pa.C.S. § 3301(a) (relating to arson and
28 related offenses), kidnapping, or robbery of a motor vehicle,
29 or criminal attempt, criminal conspiracy or criminal
30 solicitation to commit any of the offenses listed above, or

1 an equivalent crime under the laws of this Commonwealth in
2 effect at the time of the commission of that offense, or an
3 equivalent crime in another jurisdiction.

4 (3) The court shall notify the Office of Attorney
5 General, the Pennsylvania State Police and the office of the
6 district attorney of the county in which the person resides
7 when a change of name for a person convicted of a felony has
8 been ordered. The Pennsylvania State Police, upon receipt of
9 this notice, shall include the change of name information in
10 the central repository as provided for in 18 Pa.C.S. Ch. 91
11 (relating to criminal history record information).

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