

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1376 Session of
1977

INTRODUCED BY PITTS, MORRIS, YOHN, FRYER, PANCOAST, WAGNER,
CIMINI, WENGER, PICCOLA AND BITTINGER, JUNE 21, 1977

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 21, 1977

AN ACT

1 Amending the act of December 6, 1972 (P.L.1464, No.333),
2 entitled "An act relating to the care, guidance, control,
3 trial, placement and commitment of delinquent and deprived
4 children," providing for the disclosure of certain records.

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

7 Section 1. Section 38, act of December 6, 1972 (P.L.1464,
8 No.333), known as the "Juvenile Act," is amended to read:

9 Section 38. Law Enforcement Records.--(a) Law enforcement
10 records and files concerning a child shall be kept separate from
11 the records and files of arrests of adults. Unless a charge of
12 delinquency is transferred for criminal prosecution under
13 section 28, the interest of national security requires, or the
14 court otherwise orders in the interest of the child, the records
15 and files shall not be open to public inspection or their
16 contents disclosed to the public except as provided in
17 subsection (b); but inspection of the records and files is
18 permitted by:

19 (1) The court having the child before it in any proceeding;

(2) Counsel for a party to the proceeding;

(3) The officers of institutions or agencies to whom the child is committed;

(4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties; and

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

(b) (1) The contents of law enforcement records and files concerning a child shall not be disclosed to the public except if the child is fourteen or more years of age at the time of the alleged conduct and if:

(i) the child has been adjudicated delinquent by a court as a result of an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm; or

(ii) a petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm and the child previously has been adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.

(2) If the child's conduct meets the requirements for disclosure as set forth in paragraph (1), then the court or law enforcement agency, as the case may be, shall disclose the name of the child and the nature of the conduct in question.

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