

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 641 Session of
1997

INTRODUCED BY GREENLEAF, O'PAKE, HECKLER, LEMMOND, COSTA,
SALVATORE, RHOADES AND HART, MARCH 7, 1997

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,
DECEMBER 10, 1997

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for law
3 enforcement records concerning juveniles; AND PROVIDING FOR
4 POSTCONVICTION RELIEF. <—

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

7 Section 1. Section 6308(c)(1) of Title 42 of the
8 Pennsylvania Consolidated Statutes is amended to read:

9 § 6308. Law enforcement records.

10 * * *

11 (c) Fingerprints and photographs.--

12 (1) Law enforcement officers shall have the authority to
13 take or cause to be taken the fingerprints or photographs, or
14 both, of any child who is alleged to have committed an act
15 designated as a misdemeanor or felony under the laws of this
16 Commonwealth or of another state if the act occurred in that
17 state or under Federal law. If a child is found to be a

delinquent child pursuant to section 6341 (relating to
adjudication) on the basis of an act designated as a
misdemeanor or felony, or the child's case is transferred for
criminal prosecution pursuant to section 6355 (relating to
transfer to criminal proceedings), the law enforcement agency
that alleged the child to be a delinquent child shall take or
cause to be taken the fingerprints and photographs of the
child, if not previously taken pursuant to this case, and
ensure that these records are forwarded to the central
repository pursuant to section 6309(c) (relating to juvenile
history record information). If a child was alleged to be
delinquent by other than a law enforcement agency, the court
shall direct the juvenile probation department to ensure that
the delinquent child's fingerprints and photographs are taken
by a law enforcement agency.

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SECTION 2. SECTION 9543 OF TITLE 42 IS AMENDED BY ADDING A
SUBSECTION TO READ:

§ 9543. ELIGIBILITY FOR RELIEF.

* * *

(C) EXTRADITION.--IF THE PETITIONER'S CONVICTION AND
SENTENCE RESULTED FROM A TRIAL CONDUCTED IN HIS ABSENCE, AND IF
THE PETITIONER HAS FLED TO A FOREIGN COUNTRY THAT REFUSES TO
EXTRADITE HIM BECAUSE A TRIAL IN ABSENTIA WAS EMPLOYED, THE
PETITIONER SHALL BE ENTITLED TO THE GRANT OF A NEW TRIAL,
NOTWITHSTANDING ANY OTHER PROVISION OF THIS SUBCHAPTER.

Section ~~2~~ 3. This act shall take effect in 60 days.