

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1491 Session of
1998

INTRODUCED BY GREENLEAF, O'PAKE, LEMMOND, SCHWARTZ, MELLOW,
CONTI, AFFLERBACH, SALVATORE, MUSTO, THOMPSON AND
TARTAGLIONE, JULY 23, 1998

REFERRED TO EDUCATION, JULY 23, 1998

AN ACT

1 Amending the act of March 10, 1949 (P.L.30, No.14), entitled "An
2 act relating to the public school system, including certain
3 provisions applicable as well to private and parochial
4 schools; amending, revising, consolidating and changing the
5 laws relating thereto," further providing for background
6 checks.

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

9 Section 1. Section 111(b), (e) and (i)(1) of the act of
10 March 10, 1949 (P.L.30, No.14), known as the Public School Code
11 of 1949, amended December 19, 1990 (P.L.1362, No.211) and June
12 25, 1997 (P.L.297, No.30), are amended to read:

13 Section 111. Background Checks of Prospective Employes;
14 Conviction of Employes of Certain Offenses.--* * *

15 (b) (1) Administrators of public and private schools,
16 intermediate units and area vocational-technical schools shall
17 require prospective employes to submit with their employment
18 application, pursuant to 18 Pa.C.S. Ch.91 (relating to criminal
19 history record information), a report of criminal history record

1 information from the Pennsylvania State Police or a statement
2 from the Pennsylvania State Police that the State Police central
3 repository contains no such information relating to that person.
4 Such criminal history record information shall be limited to
5 that which is disseminated pursuant to 18 Pa.C.S. § 9121(b)(2)
6 (relating to general regulations) and shall be no more than one
7 (1) year old. An applicant may submit a copy of the required
8 information with the application for employment. Administrators
9 shall maintain a copy of the required information and shall
10 require each applicant to produce the original document prior to
11 employment. Administrators shall require contractors to produce
12 the original document for each prospective employe of such
13 contractor prior to employment.

14 (2) In addition to the criminal history record information
15 required under clause (1), each prospective employe shall submit
16 with the application for employment a report of Federal criminal
17 history record information pursuant to the Federal Bureau of
18 Investigation appropriation of Title II of Public Law 92-544, 86
19 Stat. 1115, and the department shall be the intermediary for the
20 purposes of this clause.

21 * * *

22 (e) No person subject to this act shall be employed in a
23 public or private school, intermediate unit or area vocational-
24 technical school where the report of criminal history record
25 information indicates the applicant has been convicted, within
26 [five (5)] fifteen (15) years immediately preceding the date of
27 the report, of any of the following offenses:

28 (1) An offense under one or more of the following provisions
29 of Title 18 of the Pennsylvania Consolidated Statutes:

30 Chapter 25 (relating to criminal homicide).

1 Section 2702 (relating to aggravated assault).
2 Section 2709 (relating to harassment and stalking).
3 Section 2901 (relating to kidnapping).
4 Section 2902 (relating to unlawful restraint).
5 Section 3121 (relating to rape).
6 Section 3122.1 (relating to statutory sexual assault).
7 Section 3123 (relating to involuntary deviate sexual
8 intercourse).
9 Section 3124.1 (relating to sexual assault).
10 Section 3125 (relating to aggravated indecent assault).
11 Section 3126 (relating to indecent assault).
12 Section 3127 (relating to indecent exposure).
13 Section 4302 (relating to incest).
14 Section 4303 (relating to concealing death of child).
15 Section 4304 (relating to endangering welfare of
16 children).
17 Section 4305 (relating to dealing in infant children).
18 A felony offense under section 5902(b) (relating to
19 prostitution and related offenses).
20 [Section] A felony offense under section 5903(a)(3), (4),
21 (5) or (6) (relating to obscene and other sexual materials
22 and performances) involving a victim who is a minor or
23 section 5903(c) or (d) [(relating to obscene and other sexual
24 materials and performances)].
25 Section 6301 (relating to corruption of minors).
26 Section 6312 (relating to sexual abuse of children).
27 (2) An offense designated as a felony under the act of April
28 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,
29 Drug, Device and Cosmetic Act."

30 (3) An out-of-State or Federal offense similar in nature to

1 those crimes listed in clauses (1) and (2).

2 * * *

3 (i) Notwithstanding subsections (b) and (c), administrators
4 may employ applicants on a provisional basis for a single period
5 not to exceed thirty (30) days or, for out-of-State applicants,
6 a period of ninety (90) days, except during a lawful strike
7 proceeding under the provisions of the act of July 23, 1970
8 (P.L.563, No.195), known as the "Public Employee Relations Act,"
9 provided that all of the following conditions are met:

10 (1) the applicant has applied for the information required
11 under subsection (b) and, where applicable, under subsection (c)
12 and the applicant provides a copy of the appropriate completed
13 request forms to the administrator; provided that if the
14 information required under subsection (b)(1) has been received
15 but the information required under subsection (b)(2) has not
16 been received, the administrator may employ the applicant on a
17 provisional basis for a period not to exceed ninety (90) days;

18 * * *

19 Section 2. The provisions of this act shall apply to
20 employees hired on or after the effective date of this act.

21 Section 3. This act shall take effect July 1, 1999.