

THE GENERAL ASSEMBLY OF PENNSYLVANIA

# HOUSE BILL

No. 124 Session of 2001

INTRODUCED BY ORIE, LAUGHLIN, YOUNGBLOOD, PHILLIPS, GRUCELA,  
READSHAW, DALEY, STABACK, PRESTON, FRANKEL, S. MILLER,  
E. Z. TAYLOR, SURRA, SOLOBAY, CIVERA, WASHINGTON, PISTELLA  
AND PETRARCA, JANUARY 23, 2001

REFERRED TO COMMITTEE ON EDUCATION, JANUARY 23, 2001

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 of prospective employees.

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

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

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

15 (c) [Where the applicant is not a resident of the  
16 Commonwealth, administrators] Administrators shall require the  
17 applicant to submit with the application for employment a report  
18 of Federal criminal history record information pursuant to the  
19 Federal Bureau of Investigation appropriation of Title II of

1 Public Law 92-544, 86 Stat. 1115, and [the] such criminal  
2 history record information shall be no more than one (1) year  
3 old. The department shall be the intermediary for the purposes  
4 of this section. For the purposes of this section, the applicant  
5 shall submit a full set of fingerprints to the Pennsylvania  
6 State Police, which shall forward it to the Federal Bureau of  
7 Investigation for a national criminal history record check.

8 \* \* \*

9 (e) No person subject to this act shall be employed in a  
10 public or private school, intermediate unit or area vocational-  
11 technical school where the report of criminal history record  
12 information indicates the applicant has been convicted[, within  
13 five (5) years immediately preceding the date of the report,] of  
14 any of the following offenses:

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

17 Chapter 25 (relating to criminal homicide).

18 Section 2702 (relating to aggravated assault).

19 Section 2709 (relating to harassment and stalking).

20 Section 2901 (relating to kidnapping).

21 Section 2902 (relating to unlawful restraint).

22 Section 3121 (relating to rape).

23 Section 3122.1 (relating to statutory sexual assault).

24 Section 3123 (relating to involuntary deviate sexual  
25 intercourse).

26 Section 3124.1 (relating to sexual assault).

27 Section 3125 (relating to aggravated indecent assault).

28 Section 3126 (relating to indecent assault).

29 Section 3127 (relating to indecent exposure).

30 Section 4302 (relating to incest).

1           Section 4303 (relating to concealing death of child ).

2           Section 4304 (relating to endangering welfare of  
3 children).

4           Section 4305 (relating to dealing in infant children).

5           A felony offense under section 5902(b) (relating to  
6 prostitution and related offenses).

7           Section 5903(c) or (d) (relating to obscene and other  
8 sexual materials and performances).

9           Section 6301 (relating to corruption of minors).

10          Section 6312 (relating to sexual abuse of children).

11          (2) An offense designated as a felony under the act of April  
12 14, 1972 (P.L.233, No.64), known as "The Controlled Substance,  
13 Drug, Device and Cosmetic Act."

14          (3) An out-of-State or Federal offense similar in nature to  
15 those crimes listed in clauses (1) and (2).

16          \* \* \*

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