

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 109 Session of
2003

INTRODUCED BY O'PAKE, MUSTO, WAGNER, COSTA, WOZNIAK, ORIE,
TARTAGLIONE, DENT, RHOADES, KITCHEN, LOGAN, THOMPSON, BOSCOLA
AND KASUNIC, FEBRUARY 3, 2003

REFERRED TO JUDICIARY, FEBRUARY 3, 2003

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the
2 Pennsylvania Consolidated Statutes, further providing for law
3 enforcement records.

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

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

8 § 6308. Law enforcement records.

9 * * *

10 (b) Public availability.--

11 (1) The contents of law enforcement records and files
12 concerning a child shall not be disclosed to the public
13 [except if the child is 14 or more years of age at the time
14 of the alleged conduct and if any of] unless any of the
15 following apply:

16 (i) The child has been adjudicated delinquent by a
17 court as a result of an act or acts [which include the
18 elements of rape, kidnapping, murder, robbery, arson,

burglary, violation of section 13(a)(30) of the act of April 14, 1972 (P.L.233, No.64), known as The Controlled Substance, Drug, Device and Cosmetic Act, or other act involving the use of or threat of serious bodily harm.] committed:

(A) when the child was 14 years of age or older and the conduct would be considered a felony if committed by an adult; or

(B) when the child was 12 or 13 years of age and the conduct would have constituted one or more of the following offenses if committed by an adult:

(I) Murder.

(II) Voluntary manslaughter.

(III) Aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault).

(IV) Arson as defined in 18 Pa.C.S. § 3301(a)(1) (relating to arson and related offenses).

(V) Involuntary deviate sexual intercourse.

(VI) Kidnapping.

(VII) Rape.

(VIII) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(IX) Robbery of motor vehicle.

(X) Attempt or conspiracy to commit any of the offenses in this subparagraph.

(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,

1 violation of section 13(a)(30) of The Controlled
2 Substance, Drug, Device and Cosmetic Act, or other act
3 involving the use of or threat of serious bodily harm]
4 subject to a hearing pursuant to section 6336(e) and the
5 child previously has been adjudicated delinquent by a
6 court as a result of an act or acts [which included the
7 elements of one of such crimes.] committed:

8 (A) when the child was 14 years of age or older and
9 the conduct would be considered a felony if committed by
10 an adult; or

11 (B) when the child was 12 or 13 years of age and the
12 conduct would have constituted one or more of the
13 following offenses if committed by an adult:

14 (I) Murder.

15 (II) Voluntary manslaughter.

16 (III) Aggravated assault as defined in 18
17 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated
18 assault).

19 (IV) Arson as defined in 18 Pa.C.S. § 3301(a)(1)
20 (relating to arson and related offenses).

21 (V) Involuntary deviate sexual intercourse.

22 (VI) Kidnapping.

23 (VII) Rape.

24 (VIII) Robbery as defined in 18 Pa.C.S. §
25 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

26 (IX) Robbery of motor vehicle.

27 (X) Attempt or conspiracy to commit any of the
28 offenses in this subparagraph.

29 * * *

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