
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 668 Session of
2003

INTRODUCED BY COSTA, MELLOW, LOGAN, WAGNER, KUKOVICH, O'PAKE,
KITCHEN, BOSCOLA, SCHWARTZ, STOUT, WAUGH, PILEGGI, WOZNIAK,
C. WILLIAMS AND KASUNIC, APRIL 24, 2003

AS RE-REPORTED FROM COMMITTEE ON APPROPRIATIONS, HOUSE OF
REPRESENTATIVES, AS AMENDED, NOVEMBER 16, 2004

AN ACT

1 ~~Establishing a uniform crime reporting program; requiring all~~ <—
2 ~~county and municipal law enforcement agencies to report~~
3 ~~certain information occurring within the respective~~
4 ~~jurisdictions; imposing duties on the Pennsylvania Commission~~
5 ~~on Crime and Delinquency; and authorizing the Pennsylvania~~
6 ~~State Police to collect and gather information on crime and~~
7 ~~make annual reports.~~
8 REQUIRING INSTITUTIONS OF HIGHER EDUCATION TO PROVIDE STUDENTS <—
9 AND EMPLOYEES WITH INFORMATION RELATING TO CRIME STATISTICS
10 AND SECURITY MEASURES AND TO PROVIDE SIMILAR INFORMATION TO
11 PROSPECTIVE STUDENTS AND EMPLOYEES UPON REQUEST; GRANTING
12 POWERS TO THE STATE BOARD OF EDUCATION; ESTABLISHING A
13 UNIFORM CRIME REPORTING PROGRAM; REQUIRING ALL COUNTY AND
14 MUNICIPAL LAW ENFORCEMENT AGENCIES TO REPORT CERTAIN
15 INFORMATION OCCURRING WITHIN THE RESPECTIVE JURISDICTIONS;
16 IMPOSING DUTIES ON THE PENNSYLVANIA COMMISSION ON CRIME AND
17 DELINQUENCY; AUTHORIZING THE PENNSYLVANIA STATE POLICE TO
18 COLLECT AND GATHER INFORMATION ON CRIME AND MAKE ANNUAL
19 REPORTS; PROVIDING FOR COLLEGE AND UNIVERSITY FACULTY AND <—
20 STAFF CRIMINAL HISTORY BACKGROUND INVESTIGATIONS AND SELF-
21 DISCLOSURE REQUIREMENTS; IMPOSING PENALTIES; AND MAKING A
22 RELATED REPEAL.

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1 SECTION 2003. EFFECTIVE DATE.

2 The General Assembly of the Commonwealth of Pennsylvania
3 hereby enacts as follows:

4 ~~Section 1. Short title.~~ <—

5 ~~This act shall be known and may be cited as the Pennsylvania~~
6 ~~Uniform Crime Reporting Act.~~

7 ~~Section 2. Definitions.~~

8 CHAPTER 1 <—

9 PRELIMINARY PROVISIONS

10 SECTION 101. SHORT TITLE.

11 THIS ACT SHALL BE KNOWN AND MAY BE CITED AS THE UNIFORM CRIME
12 REPORTING ACT.

13 CHAPTER 3

14 HIGHER EDUCATION SECURITY INFORMATION

15 SECTION 301. SCOPE.

16 THIS CHAPTER RELATES TO SECURITY INFORMATION IN COLLEGES AND
17 UNIVERSITIES.

18 SECTION 302. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER
20 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "BRANCH CAMPUS." A BRANCH CAMPUS IS A UNIT OF AN INSTITUTION
23 OF HIGHER EDUCATION WHICH IS DISTINGUISHED BY ALL OF THE
24 FOLLOWING CHARACTERISTICS:

25 (1) AN ACADEMIC DEGREE-GRANTING PROGRAM OR ORGANIZED
26 PARTS THEREOF OFFERED ON A CONTINUING BASIS.

27 (2) LOCATION SEPARATELY IDENTIFIABLE FROM THE MAIN
28 CAMPUS OF THE PARENT INSTITUTION AND PROVIDING THE SERVICES
29 NORMALLY ASSOCIATED WITH THE CAMPUS.

30 (3) LEGAL AUTHORITY FOR GOVERNANCE, ADMINISTRATION AND

1 GENERAL OPERATION DERIVED FROM THE CHARTER OR ENABLING
2 LEGISLATION OF THE PARENT INSTITUTION OR OF THE STATE SYSTEM
3 OF HIGHER EDUCATION.

4 "CAMPUS POLICE." EMPLOYEES OF AN INSTITUTION OF HIGHER
5 EDUCATION WHO EXERCISE POWERS OF ARREST UNDER AUTHORITY OF LAW
6 OR ORDINANCE.

7 "CAMPUS SECURITY OFFICERS." EMPLOYEES OF AN INSTITUTION OF
8 HIGHER EDUCATION, OTHER THAN CAMPUS POLICE, WHO ARE CHARGED WITH
9 MAINTAINING THE SAFETY AND SECURITY OF THE PROPERTY OF THE
10 INSTITUTIONS AND THE PERSONS ON THE PROPERTY.

11 "COMMUNITY COLLEGES." INSTITUTIONS NOW OR HEREAFTER CREATED
12 PURSUANT TO ARTICLE XIX-A OF THE ACT OF MARCH 10, 1949 (P.L.30,
13 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, OR THE FORMER
14 ACT OF AUGUST 24, 1963 (P.L.1132, NO.484), KNOWN AS THE
15 COMMUNITY COLLEGE ACT OF 1963.

16 "INDEPENDENT INSTITUTION OF HIGHER EDUCATION." AN
17 INSTITUTION OF HIGHER EDUCATION WHICH IS OPERATED NOT FOR
18 PROFIT, LOCATED IN AND INCORPORATED OR CHARTERED BY THE
19 COMMONWEALTH, ENTITLED TO CONFER DEGREES AS SET FORTH IN 24
20 P.A.C.S. § 6505 (RELATING TO POWER TO CONFER DEGREES) AND
21 ENTITLED TO APPLY TO ITSELF THE DESIGNATION "COLLEGE" OR
22 "UNIVERSITY" AS PROVIDED FOR BY STANDARDS AND QUALIFICATIONS
23 PRESCRIBED BY THE STATE BOARD OF EDUCATION PURSUANT TO 24
24 P.A.C.S. CH. 65 (RELATING TO PRIVATE COLLEGES, UNIVERSITIES AND
25 SEMINARIES).

26 "INSTITUTION OF HIGHER EDUCATION." AN INDEPENDENT
27 INSTITUTION OF HIGHER EDUCATION, A COMMUNITY COLLEGE, A STATE-
28 OWNED INSTITUTION OR A STATE-RELATED INSTITUTION, ANY OF WHICH
29 IS APPROVED BY THE DEPARTMENT OF EDUCATION.

30 "INVESTIGATIVE INFORMATION." INFORMATION THAT IS ASSEMBLED

1 AS A RESULT OF THE PERFORMANCE OF ANY FORMAL OR INFORMAL INQUIRY
2 INTO A CRIMINAL INCIDENT OR AN ALLEGATION OF CRIMINAL
3 WRONGDOING. THE TERM MAY INCLUDE MODUS OPERANDI INFORMATION.

4 "STATE-OWNED INSTITUTIONS." THOSE INSTITUTIONS WHICH ARE
5 PART OF THE STATE SYSTEM OF HIGHER EDUCATION PURSUANT TO ARTICLE
6 XX-A OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE
7 PUBLIC SCHOOL CODE OF 1949.

8 "STATE-RELATED INSTITUTIONS." THE PENNSYLVANIA STATE
9 UNIVERSITY, THE UNIVERSITY OF PITTSBURGH, TEMPLE UNIVERSITY AND
10 LINCOLN UNIVERSITY AND THEIR BRANCH CAMPUSES.

11 "STUDENT HOUSING." ALL RESIDENCE HALLS AND SORORITY AND
12 FRATERNITY RESIDENCES OWNED OR UNDER THE CONTROL OF THE
13 INSTITUTION OF HIGHER EDUCATION.

14 "VALID COMPLAINT." ANY COMPLAINT RECEIVED BY A CAMPUS POLICE
15 OR CAMPUS SECURITY DEPARTMENT WHICH RESULTS IN AN INVESTIGATION
16 OR FOR WHICH AN ENTRY IS MADE IN AN INCIDENT REPORT, LOG OR
17 BLOTTER.

18 SECTION 303. CRIME STATISTICS AND SECURITY POLICIES AND
19 PROCEDURES.

20 (A) CRIME STATISTICS REPORTS.--EACH INSTITUTION OF HIGHER
21 EDUCATION SHALL REPORT TO THE PENNSYLVANIA STATE POLICE, ON AN
22 ANNUAL BASIS, CRIME STATISTICS FOR PUBLICATION IN CRIME IN
23 PENNSYLVANIA (UNIFORM CRIME REPORT) ON FORMS AND IN THE FORMAT
24 REQUIRED BY THE PENNSYLVANIA STATE POLICE.

25 (B) PUBLISHING AND DISTRIBUTING REPORTS.--EACH INSTITUTION
26 OF HIGHER EDUCATION SHALL PUBLISH AND DISTRIBUTE A REPORT WHICH
27 SHALL BE UPDATED ANNUALLY AND WHICH SHALL INCLUDE THE CRIME
28 STATISTICS AS REPORTED UNDER SUBSECTIONS (A) AND (B.2) FOR THE
29 MOST RECENT THREE-YEAR PERIOD. CRIME RATES SHALL ALSO BE
30 INCLUDED IN THE REPORT. THE CRIME RATES REPORTED SHALL BE BASED

1 ON THE NUMBERS AND CATEGORIES OF CRIMES REPORTED UNDER
2 SUBSECTIONS (A) AND (B.2) AND THE NUMBER OF FULL-TIME EQUIVALENT
3 UNDERGRADUATE AND GRADUATE STUDENTS (FTES) AND FULL-TIME
4 EQUIVALENT EMPLOYEES AT THE INSTITUTION OF HIGHER EDUCATION.
5 UPON REQUEST, THE INSTITUTION SHALL PROVIDE THE REPORT TO EVERY
6 PERSON WHO SUBMITS AN APPLICATION FOR ADMISSION TO EITHER A MAIN
7 OR BRANCH CAMPUS AND TO EACH NEW EMPLOYEE AT THE TIME OF
8 EMPLOYMENT. IN ITS ACKNOWLEDGMENT OF RECEIPT OF THE FORMAL
9 APPLICATION OF ADMISSION, THE INSTITUTION SHALL NOTIFY THE
10 APPLICANT OF THE AVAILABILITY OF SUCH INFORMATION. THE
11 INFORMATION SHALL ALSO BE PROVIDED ON AN ANNUAL BASIS TO ALL
12 STUDENTS AND EMPLOYEES. INSTITUTIONS WITH MORE THAN ONE CAMPUS
13 SHALL PROVIDE THE REQUIRED INFORMATION ON A CAMPUS-BY-CAMPUS
14 BASIS.

15 (B.1) DAILY LOGS AND PUBLIC RECORDS.--THE CAMPUS POLICE OR
16 CAMPUS SECURITY OFFICERS OF EACH INSTITUTION OF HIGHER EDUCATION
17 SHALL DEVELOP AND MAINTAIN A DAILY LOG AS A PUBLIC RECORD.
18 ENTRIES IN THE LOG SHALL BE CHRONOLOGICALLY RECORDED IN A MANNER
19 THAT CAN BE EASILY UNDERSTOOD AND SHALL INCLUDE THE FOLLOWING:

20 (1) A REPORT OF EACH VALID COMPLAINT AND ALL REPORTS OF
21 CRIMES RECEIVED BY THE CAMPUS POLICE OR CAMPUS SECURITY
22 OFFICERS AND THE RESPONSES THERETO. EXCEPT AS PROVIDED IN
23 PARAGRAPH (2), NAMES AND ADDRESSES SHALL NOT BE INCLUDED IN
24 THE DAILY LOG. THIS PROHIBITION NEED NOT PRECLUDE THE USE OF
25 WORDS, NUMBERS, PHRASES OR OTHER SIMILAR INDEX KEYS IN THE
26 LOGS TO SERVE AS INDICES TO INVESTIGATIVE INFORMATION.

27 (2) THE NAMES AND ADDRESSES OF PERSONS ARRESTED AND
28 CHARGED AND THE CHARGES FILED AGAINST THOSE PERSONS.

29 (3) A DESCRIPTION OF THE DISPOSITION OF THE CHARGES
30 FILED UNDER PARAGRAPH (2), TO BE ENTERED WHEN AND IF

1 REASONABLY AVAILABLE.

2 (B.2) ARRESTS BY STATE, COUNTY OR LOCAL POLICE.--FOR ARRESTS
3 MADE BY STATE, COUNTY OR LOCAL POLICE ON CAMPUSES OF
4 INSTITUTIONS OF HIGHER EDUCATION, THE APPLICABLE POLICE
5 DEPARTMENT SHALL PROVIDE TO THE INSTITUTION OF HIGHER EDUCATION
6 WITHOUT COST THE NAMES AND ADDRESSES OF PERSONS ARRESTED AND THE
7 CHARGES FILED AGAINST THOSE PERSONS FOR INCLUSION IN THE DAILY
8 LOGS REQUIRED UNDER THIS CHAPTER.

9 (B.3) INFORMATION CONCERNING JUVENILES.--NOTHING IN THIS
10 CHAPTER SHALL BE CONSTRUED TO APPLY TO INFORMATION CONCERNING
11 JUVENILES, EXCEPT AS PROVIDED IN 18 PA.C.S. § 9123 (RELATING TO
12 JUVENILE RECORDS), UNLESS THEY HAVE BEEN ADJUDICATED AS ADULTS.

13 (B.4) ENTRIES TO BE PUBLIC RECORDS.--ALL ENTRIES IN THE
14 DAILY LOGS SHALL, EXCEPT AS PROVIDED IN SUBSECTION (B.3) AND AS
15 OTHERWISE PROVIDED BY LAW, BE PUBLIC RECORDS AVAILABLE WITHOUT
16 COST FOR EXAMINATION AND INSPECTION BY THE PUBLIC DURING REGULAR
17 BUSINESS HOURS AND AT ALL OTHER REASONABLE TIMES. THE
18 INSTITUTIONS OF HIGHER EDUCATION MAY CHARGE A REASONABLE FEE FOR
19 THE COST OF COPIES, PHOTOGRAPHS OR PHOTOSTATS.

20 (C) SECURITY POLICIES AND PROCEDURES.--EACH INSTITUTION OF
21 HIGHER EDUCATION SHALL PROVIDE TO EVERY PERSON WHO SUBMITS AN
22 APPLICATION FOR ADMISSION TO A MAIN OR BRANCH CAMPUS, TO EVERY
23 NEW EMPLOYEE AT THE TIME OF EMPLOYMENT, AND ANNUALLY TO ALL
24 STUDENTS AND EMPLOYEES INFORMATION REGARDING THE INSTITUTION'S
25 SECURITY POLICIES AND PROCEDURES. INSTITUTIONS WITH A MAIN
26 CAMPUS AND ONE OR MORE BRANCH CAMPUSES SHALL PROVIDE THE
27 INFORMATION ON A CAMPUS-BY-CAMPUS BASIS. SUCH INFORMATION FOR
28 THE MOST RECENT SCHOOL YEAR SHALL INCLUDE, BUT NOT BE LIMITED
29 TO, THE FOLLOWING:

30 (1) THE NUMBER OF UNDERGRADUATE AND GRADUATE STUDENTS

1 ENROLLED.

2 (2) THE NUMBER OF UNDERGRADUATE AND GRADUATE STUDENTS
3 LIVING IN STUDENT HOUSING.

4 (3) THE TOTAL NUMBER OF NONSTUDENT EMPLOYEES WORKING ON
5 THE CAMPUS.

6 (4) THE ADMINISTRATIVE OFFICE RESPONSIBLE FOR SECURITY
7 ON THE CAMPUS.

8 (5) A DESCRIPTION OF THE TYPE AND NUMBER OF SECURITY
9 PERSONNEL UTILIZED BY THE INSTITUTION, INCLUDING A
10 DESCRIPTION OF THEIR TRAINING.

11 (6) THE ENFORCEMENT AUTHORITY OF SECURITY PERSONNEL,
12 INCLUDING THEIR WORKING RELATIONSHIP WITH STATE AND LOCAL
13 POLICE AGENCIES.

14 (7) POLICY ON REPORTING CRIMINAL INCIDENTS TO STATE AND
15 LOCAL POLICE.

16 (8) POLICY REGARDING ACCESS TO INSTITUTIONAL FACILITIES
17 AND PROGRAMS BY STUDENTS, EMPLOYEES, GUESTS AND OTHER
18 INDIVIDUALS.

19 (9) PROCEDURES AND FACILITIES FOR STUDENTS AND OTHERS TO
20 REPORT CRIMINAL ACTIONS OR OTHER EMERGENCIES OCCURRING ON
21 CAMPUS AND POLICIES CONCERNING THE INSTITUTION'S RESPONSE TO
22 SUCH REPORTS.

23 (10) A STATEMENT OF POLICY REGARDING THE POSSESSION, USE
24 AND SALE OF ALCOHOLIC BEVERAGES.

25 (11) A STATEMENT OF POLICY REGARDING THE POSSESSION, USE
26 AND SALE OF ILLEGAL DRUGS.

27 (12) A STATEMENT OF POLICY REGARDING THE POSSESSION AND
28 USE OF WEAPONS BY SECURITY PERSONNEL AND ANY OTHER PERSON.

29 (13) ANY POLICY REGARDING STUDENTS OR EMPLOYEES WITH
30 CRIMINAL RECORDS.

1 (14) SECURITY CONSIDERATIONS USED IN THE MAINTENANCE OF
2 CAMPUS FACILITIES, INCLUDING LANDSCAPING, GROUNDSKEEPING AND
3 OUTDOOR LIGHTING.

4 (15) A DESCRIPTION OF THE COMMUNICATION MEDIA USED TO
5 INFORM THE CAMPUS COMMUNITY ABOUT SECURITY MATTERS AS WELL AS
6 THE FREQUENCY WITH WHICH THE INFORMATION IS USUALLY PROVIDED.

7 (D) INFORMATION IN SECURITY POLICIES.--INSTITUTIONS WHICH
8 MAINTAIN STUDENT HOUSING FACILITIES SHALL INCLUDE IN THE
9 INFORMATION REQUIRED BY SUBSECTION (C) THE FOLLOWING:

10 (1) TYPES OF STUDENT HOUSING AVAILABLE (ON-CAMPUS, OFF-
11 CAMPUS; SINGLE ROOM, DOUBLE, GROUP; SINGLE SEX, COED;
12 UNDERGRADUATE, GRADUATE, MARRIED; ETC.).

13 (2) POLICIES ON HOUSING ASSIGNMENTS AND REQUESTS BY
14 STUDENTS FOR ASSIGNMENT CHANGES.

15 (3) POLICIES CONCERNING THE IDENTIFICATION AND ADMISSION
16 OF VISITORS IN STUDENT HOUSING FACILITIES.

17 (4) MEASURES TO SECURE ENTRANCES TO STUDENT HOUSING
18 FACILITIES.

19 (5) STANDARD SECURITY FEATURES USED TO SECURE DOORS AND
20 WINDOWS IN STUDENTS' ROOMS.

21 (6) A DESCRIPTION OF THE TYPE AND NUMBER OF EMPLOYEES,
22 INCLUDING SECURITY PERSONNEL, ASSIGNED TO THE STUDENT HOUSING
23 FACILITIES WHICH SHALL INCLUDE A DESCRIPTION OF THEIR
24 SECURITY TRAINING.

25 (7) THE TYPE AND FREQUENCY OF PROGRAMS DESIGNED TO
26 INFORM STUDENT HOUSING RESIDENTS ABOUT HOUSING SECURITY AND
27 ENFORCEMENT PROCEDURES.

28 (8) POLICY AND ANY SPECIAL SECURITY PROCEDURES FOR
29 HOUSING STUDENTS DURING LOW-OCCUPANCY PERIODS SUCH AS
30 HOLIDAYS AND VACATION PERIODS.

1 (9) POLICY ON THE HOUSING OF GUESTS AND OTHERS NOT
2 ASSIGNED TO THE STUDENT HOUSING OR NOT REGULARLY ASSOCIATED
3 WITH THE INSTITUTION OF HIGHER EDUCATION.

4 SECTION 304. RULES AND REGULATIONS.

5 THE STATE BOARD OF EDUCATION MAY, IN THE MANNER PROVIDED BY
6 LAW, PROMULGATE THE RULES AND REGULATIONS NECESSARY TO CARRY OUT
7 THIS CHAPTER.

8 SECTION 305. ENFORCEMENT.

9 (A) ACTION TO COMPEL COMPLIANCE.--WHENEVER THE ATTORNEY
10 GENERAL HAS REASON TO BELIEVE THAT AN INSTITUTION OF HIGHER
11 EDUCATION IS VIOLATING THIS CHAPTER, THE ATTORNEY GENERAL MAY
12 BRING AN ACTION IN THE NAME OF THE COMMONWEALTH AGAINST THE
13 INSTITUTION TO COMPEL COMPLIANCE.

14 (B) CIVIL PENALTY.--IN ANY ACTION BROUGHT BY THE ATTORNEY
15 GENERAL TO COMPEL COMPLIANCE WITH THIS CHAPTER, IF THE COURT
16 FINDS THAT AN INSTITUTION OF HIGHER EDUCATION IS WILLFULLY
17 VIOLATING THIS CHAPTER OR IF ANY INSTITUTION OF HIGHER EDUCATION
18 FAILS TO PROMPTLY COMPLY WITH AN ORDER OF THE COURT TO COMPLY
19 WITH THIS CHAPTER, THE ATTORNEY GENERAL, ACTING IN THE NAME OF
20 THE COMMONWEALTH, MAY RECOVER ON BEHALF OF THE COMMONWEALTH A
21 CIVIL PENALTY NOT TO EXCEED \$10,000.

22 CHAPTER 5

23 UNIFORM CRIME REPORTING

24 SECTION 501. SCOPE.

25 THIS CHAPTER RELATES TO UNIFORM CRIME REPORTING.

26 SECTION 502. DEFINITIONS.

27 The following words and phrases when used in this ~~act~~ CHAPTER <—
28 shall have the meanings given to them in this section unless the
29 context clearly indicates otherwise:

30 "Pennsylvania Uniform Crime Reporting (UCR) Program." A

1 program established by law which provides Statewide information
2 on crime trends and volume based on the reporting of statistics
3 by law enforcement agencies throughout this Commonwealth.

4 "Pennsylvania Uniform Crime Reporting System" or "PAUCRS." A
5 World Wide Web-based data collection and dissemination system
6 used to facilitate operation of the Pennsylvania Uniform Crime
7 Reporting Program.

8 "State, county and local law enforcement agencies."

9 (1) The Pennsylvania State Police; and

10 (2) any city, borough, town, township or county police
11 agency or organization that possesses general police powers
12 and is charged with making arrests in connection with the
13 enforcement of criminal or traffic laws and employs law
14 enforcement officers duly certified under the former act of
15 June 18, 1974 (P.L.359, No.120), referred to as the Municipal
16 Police Education and Training Law, or 53 Pa.C.S. Ch. 21
17 Subch. D (relating to Municipal Police Education and
18 Training).

19 Section ~~3~~ 503. Establishment of Pennsylvania Uniform Crime ←
20 Reporting Program.

21 ~~(a) Program.~~ A Pennsylvania Uniform Crime Reporting Program ←
22 shall be established under the direction, control and
23 supervision of the Pennsylvania State Police. The Pennsylvania
24 State Police shall have the power and duty to promulgate such
25 rules and regulations pursuant to the act of June 25, 1982
26 (P.L.633, No.181), known as the Regulatory Review Act, as the
27 Pennsylvania State Police may deem necessary, to collect and
28 gather the information from State, county and local law
29 enforcement agencies as may be prescribed in this ~~act~~ CHAPTER. ←

30 ~~(b) Notification.~~ This program shall include a procedure ←

1 ~~for notifying:~~

2 ~~(1) county and local law enforcement agencies that are~~
3 ~~not compliant with their reporting requirements;~~

4 ~~(2) the Administrative Office of Pennsylvania Courts and~~
5 ~~the Pennsylvania Commission on Crime and Delinquency of the~~
6 ~~failure of a county or local law enforcement agency to comply~~
7 ~~with the requirements in section 4 and of the imposition of~~
8 ~~the penalty provisions contained in subsection (c); and~~

9 ~~(3) the Administrative Office of Pennsylvania Courts and~~
10 ~~the Pennsylvania Commission on Crime and Delinquency when a~~
11 ~~delinquent county or local law enforcement agency becomes~~
12 ~~compliant with the requirements of section 4 and is no longer~~
13 ~~subject to the provisions of subsection (c).~~

14 ~~(c) Penalties. Any county or local law enforcement agency~~
15 ~~that fails to comply with the requirements in section 4 within~~
16 ~~30 days of the date of the mailing of notification pursuant to~~
17 ~~subsection (b) shall be ineligible to receive any portion of~~
18 ~~finances collected and distributed under 42 Pa.C.S. Ch. 35, Subch.~~
19 ~~E (relating to fines, etc.) or any grant administered by the~~
20 ~~Pennsylvania Commission on Crime and Delinquency.~~

21 ~~(d) Disposition of forfeited funds under subsection (c).—~~
22 ~~All funds forfeited under subsection (c) shall be transmitted to~~
23 ~~the Commonwealth for deposit in the same manner and to the same~~
24 ~~funds as set forth in 42 Pa.C.S. § 3571 (relating to~~
25 ~~Commonwealth portion of fines, etc.).~~

26 ~~Section 3.1. Collection of penalty.~~

27 ~~(a) General rule. Upon receipt of notice pursuant to~~
28 ~~section 3(b)(2), the Administrative Office of Pennsylvania~~
29 ~~Courts shall direct the appropriate courts of jurisdiction to~~
30 ~~withhold all fines, fees and penalties otherwise due to the~~

1 ~~municipality or county under which the delinquent law~~
2 ~~enforcement agency is organized for the period of noncompliance~~
3 ~~and shall direct that all such funds shall be deposited in~~
4 ~~accordance with section 3(d).~~

5 ~~(b) Grants. The Pennsylvania Commission on Crime and~~
6 ~~Delinquency shall, upon receipt of notice pursuant to section~~
7 ~~3(b)(2), suspend the processing or award of grants to a~~
8 ~~municipality or county under which a delinquent law enforcement~~
9 ~~agency is organized for the period of noncompliance.~~

10 Section 4 504. Monthly reporting. <—

11 (A) GENERAL RULE.--All State, county and local law <—
12 enforcement agencies shall report statistical information
13 related to the number and nature of offenses occurring within
14 their respective jurisdictions, the disposition of such matters,
15 and such other related information as the Pennsylvania State
16 Police may require. Such reports shall be consistent with
17 established UCR guidelines, in a manner as prescribed by the
18 Pennsylvania State Police, and shall reflect monthly increments.

19 (B) PENALTIES.--IF ANY COUNTY OR LOCAL LAW ENFORCEMENT <—
20 AGENCY FAILS TO COMPLY WITH SUBSECTION (A) WITHIN 30 DAYS OF THE
21 DATE OF THE MAILING OF NOTIFICATION UNDER SUBSECTION (C)(1)(I),
22 THE COUNTY OR LOCAL MUNICIPALITY UNDER WHICH THE NONCOMPLIANT
23 COUNTY OR LOCAL LAW ENFORCEMENT AGENCY IS ORGANIZED SHALL NOT BE
24 ELIGIBLE TO RECEIVE ANY PORTION OF FINES COLLECTED AND
25 DISTRIBUTED UNDER 42 PA.C.S. CH. 35 SUBCH. E (RELATING TO FINES,
26 ETC.) AND SHALL NOT BE AWARDED ANY GRANT ADMINISTERED BY THE
27 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY UNTIL THE
28 PENNSYLVANIA STATE POLICE MAKES A DETERMINATION THAT THE COUNTY
29 OR LOCAL LAW ENFORCEMENT AGENCY HAS ACHIEVED COMPLIANCE WITH
30 SUBSECTION (A).

1 (C) NOTIFICATION.--

2 (1) WITHIN TEN DAYS OF A DETERMINATION BY THE
3 PENNSYLVANIA STATE POLICE THAT A COUNTY OR LOCAL LAW
4 ENFORCEMENT AGENCY HAS FAILED TO COMPLY WITH SUBSECTION (A),
5 THE PENNSYLVANIA STATE POLICE SHALL DO ALL OF THE FOLLOWING:

6 (I) NOTIFY THE CHIEF OF THE COUNTY OR LOCAL LAW
7 ENFORCEMENT AGENCY THAT THE AGENCY HAS FAILED TO COMPLY
8 WITH SUBSECTION (A). THE NOTICE SHALL INDICATE THAT
9 UNLESS THE AGENCY COMPLIES WITH THE REPORTING
10 REQUIREMENTS OF SUBSECTION (A) WITHIN 30 DAYS OF THE
11 MAILING OF THE NOTICE, THE COUNTY, MUNICIPALITY OR
12 AUTHORITY UNDER WHICH THE NONCOMPLIANT COUNTY OR LOCAL
13 LAW ENFORCEMENT AGENCY IS ORGANIZED WILL BE SUBJECT TO
14 THE PENALTIES SET FORTH IN SUBSECTION (B).

15 (II) NOTIFY THE ADMINISTRATOR OF THE COUNTY,
16 MUNICIPALITY OR AUTHORITY UNDER WHICH THE NONCOMPLIANT
17 COUNTY OR LOCAL LAW ENFORCEMENT AGENCY IS ORGANIZED THAT
18 THE AGENCY HAS FAILED TO COMPLY WITH SUBSECTION (A). THE
19 NOTICE SHALL INDICATE THAT UNLESS THE AGENCY COMPLIES
20 WITH THE REPORTING REQUIREMENTS OF SUBSECTION (A) WITHIN
21 30 DAYS OF THE MAILING OF THE NOTICE, THE COUNTY,
22 MUNICIPALITY OR AUTHORITY UNDER WHICH THE NONCOMPLIANT
23 COUNTY OR LOCAL LAW ENFORCEMENT AGENCY IS ORGANIZED WILL
24 BE SUBJECT TO THE PENALTIES SET FORTH IN SUBSECTION (B).

25 (2) WITHIN TEN DAYS OF A DETERMINATION BY THE
26 PENNSYLVANIA STATE POLICE THAT A NONCOMPLIANT COUNTY OR LOCAL
27 LAW ENFORCEMENT AGENCY IS SUBJECT TO THE PENALTIES SET FORTH
28 IN SUBSECTION (B), THE PENNSYLVANIA STATE POLICE SHALL NOTIFY
29 THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS AND THE
30 PENNSYLVANIA COMMISSION ON CRIME AND DELINQUENCY TO PROCEED

1 IN ACCORDANCE WITH SUBSECTION (D).

2 (3) WITHIN TEN DAYS OF A DETERMINATION BY THE
3 PENNSYLVANIA STATE POLICE THAT A COUNTY OR LOCAL LAW
4 ENFORCEMENT AGENCY IS NO LONGER SUBJECT TO THE PENALTIES SET
5 FORTH IN SUBSECTION (B), THE PENNSYLVANIA STATE POLICE SHALL
6 NOTIFY THE OFFICE AND THE COMMISSION TO PROCEED UNDER
7 SUBSECTION (E).

8 (D) ENFORCEMENT OF PENALTY.--

9 (1) WITHIN TEN DAYS OF THE RECEIPT OF NOTICE FROM THE
10 PENNSYLVANIA STATE POLICE UNDER SUBSECTION (C)(2), THE OFFICE
11 SHALL DIRECT THE APPROPRIATE COURT OF JURISDICTION TO
12 WITHHOLD ALL MONEYS COLLECTED AND DISTRIBUTED PURSUANT TO 42
13 PA.C.S. CH. 35 SUBCH. E WHICH ARE OTHERWISE DUE TO THE
14 COUNTY, MUNICIPALITY OR AUTHORITY, UNDER WHICH THE
15 NONCOMPLIANT COUNTY OR LOCAL LAW ENFORCEMENT AGENCY IS
16 ORGANIZED, UNTIL THE OFFICE RECEIVES NOTICE FROM THE
17 PENNSYLVANIA STATE POLICE UNDER SUBSECTION (C)(3).

18 (2) WITHIN TEN DAYS OF THE RECEIPT OF NOTICE FROM THE
19 PENNSYLVANIA STATE POLICE UNDER SUBSECTION (C)(2), THE
20 COMMISSION SHALL NOT AWARD ANY GRANT TO THE COUNTY,
21 MUNICIPALITY OR AUTHORITY, UNDER WHICH THE NONCOMPLIANT
22 COUNTY OR LOCAL LAW ENFORCEMENT AGENCY IS ORGANIZED, UNTIL
23 THE COMMISSION RECEIVES NOTICE FROM THE PENNSYLVANIA STATE
24 POLICE UNDER SUBSECTION (C)(3).

25 (E) RELEASE FROM PENALTIES.--

26 (1) WITHIN TEN DAYS OF THE RECEIPT OF NOTICE FROM THE
27 PENNSYLVANIA STATE POLICE UNDER SUBSECTION (C)(3), THE OFFICE
28 SHALL INSTRUCT THE APPROPRIATE COURT OF JURISDICTION TO
29 RELEASE TO THE COUNTY OR MUNICIPALITY ALL FUNDS WITHHELD AND
30 ANY ACCRUED INTEREST UNDER SUBSECTION (B) AND TO NO LONGER

1 WITHHOLD FROM THE COUNTY, MUNICIPALITY OR AUTHORITY ANY
2 MONEYS COLLECTED AND DISTRIBUTED UNDER 42 PA.C.S. CH. 35
3 SUBCH. E.

4 (2) WITHIN TEN DAYS OF THE RECEIPT OF NOTICE FROM THE
5 PENNSYLVANIA STATE POLICE UNDER SUBSECTION (C)(3), THE
6 COMMISSION SHALL NO LONGER PROHIBIT THE COUNTY OR
7 MUNICIPALITY FROM BEING AWARDED A GRANT AS REQUIRED BY
8 SUBSECTION (B).

9 Section 5 505. Compilation of statistics. <—

10 Upon receipt of the information, the Pennsylvania State
11 Police shall have such data collated and formatted and shall
12 compile such statistics as the Pennsylvania State Police may
13 deem necessary to present a proper depiction of the nature and
14 volume of crime within this Commonwealth.

15 Section 6 506. Annual report. <—

16 The Pennsylvania State Police shall electronically publish an
17 annual report containing results of the information gathered and
18 collated for access by the Governor, the General Assembly, the
19 Attorney General and the public through the PAUCRS.

20 Section 7 507. Dissemination of law enforcement agency <—
21 information.

22 Annually, or at such other intervals as requested by the
23 Pennsylvania State Police, the Municipal Police Officers'
24 Education and Training Commission shall provide the Pennsylvania
25 State Police with information related to those Pennsylvania law
26 enforcement agencies known to be in existence. Such information
27 shall be correlated with UCR data on file to identify law
28 enforcement agencies which have failed to submit the reports
29 required by section 4 504. A listing of such law enforcement <—
30 agencies shall be included in the annual report. A current

1 listing of such agencies shall also be made available for public
2 access through the PAUCRS.

3 Section & 508. Repeal. <—

4 All acts and parts of acts are repealed insofar as they are
5 inconsistent with this ~~act~~ CHAPTER. <—

6 Section & 509. Implementation. <—

7 Implementation of the provisions of this ~~act~~ CHAPTER is <—
8 contingent upon the availability of funding to facilitate
9 changes as may be required in the Pennsylvania UCR Program and
10 the Pennsylvania Uniform Crime Reporting System.

11 ~~Section 10. Effective date.~~ <—

12 ~~This act shall take effect in 60 days.~~

13 CHAPTER 7 <—

14 CRIMINAL HISTORY BACKGROUND INFORMATION

15 SECTION 701. SCOPE.

16 THIS CHAPTER RELATES TO COLLEGE AND UNIVERSITY FACULTY AND
17 STAFF CRIMINAL HISTORY BACKGROUND INFORMATION.

18 SECTION 702. DEFINITIONS.

19 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS ACT SHALL
20 HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE
21 CONTEXT CLEARLY INDICATES OTHERWISE:

22 "BRANCH CAMPUS." A UNIT OF AN INSTITUTION OF HIGHER
23 EDUCATION WHICH IS DISTINGUISHED BY ALL OF THE FOLLOWING
24 CHARACTERISTICS:

25 (1) AN ACADEMIC DEGREE-GRANTING PROGRAM OR ORGANIZED
26 PARTS THEREOF OFFERED ON A CONTINUING BASIS.

27 (2) LOCATION SEPARATELY IDENTIFIABLE FROM THE MAIN
28 CAMPUS OF THE PARENT INSTITUTION AND PROVIDING THE SERVICES
29 NORMALLY ASSOCIATED WITH THE CAMPUS.

30 (3) LEGAL AUTHORITY FOR GOVERNANCE, ADMINISTRATION AND

1 GENERAL OPERATION DERIVED FROM THE CHARTER OR ENABLING
2 LEGISLATION OF THE PARENT INSTITUTION OR OF THE STATE SYSTEM
3 OF HIGHER EDUCATION.

4 "COMMUNITY COLLEGES." INSTITUTIONS NOW OR HEREAFTER CREATED
5 PURSUANT TO ARTICLE XIX-A OF THE ACT OF MARCH 10, 1949 (P.L.30,
6 NO.14), KNOWN AS THE PUBLIC SCHOOL CODE OF 1949, OR THE FORMER
7 ACT OF AUGUST 24, 1963 (P.L.1132, NO.484), KNOWN AS THE
8 COMMUNITY COLLEGE ACT OF 1963.

9 "FACULTY MEMBER." A FULL-TIME PROFESSOR OR INSTRUCTOR OF ANY
10 RANK AT AN INSTITUTION OF HIGHER EDUCATION.

11 "FINAL CANDIDATE." THE INDIVIDUAL TO WHOM AN INSTITUTION OF
12 HIGHER EDUCATION INTENDS TO MAKE A BONA FIDE OFFER OF EMPLOYMENT
13 AS A FACULTY MEMBER OR STAFF MEMBER.

14 "INDEPENDENT INSTITUTION OF HIGHER EDUCATION." AN
15 INSTITUTION OF HIGHER EDUCATION WHICH IS OPERATED NOT FOR
16 PROFIT, LOCATED IN AND INCORPORATED OR CHARTERED BY THE
17 COMMONWEALTH, ENTITLED TO CONFER DEGREES AS SET FORTH IN 24
18 PA.C.S. § 6505 (RELATING TO POWER TO CONFER DEGREES) AND
19 ENTITLED TO APPLY TO ITSELF THE DESIGNATION "COLLEGE" OR
20 "UNIVERSITY" AS PROVIDED FOR BY STANDARDS AND QUALIFICATIONS
21 PRESCRIBED BY THE STATE BOARD OF EDUCATION PURSUANT TO 24
22 PA.C.S. CH. 65 (RELATING TO PRIVATE COLLEGES, UNIVERSITIES AND
23 SEMINARIES).

24 "INSTITUTION OF HIGHER EDUCATION." AN INDEPENDENT
25 INSTITUTION OF HIGHER EDUCATION, A COMMUNITY COLLEGE, A STATE-
26 OWNED INSTITUTION OR A STATE-RELATED INSTITUTION.

27 "STAFF MEMBER." A FULL-TIME EMPLOYEE OF AN INSTITUTION OF
28 HIGHER EDUCATION.

29 "STATE-OWNED INSTITUTIONS." THOSE INSTITUTIONS WHICH ARE
30 PART OF THE STATE SYSTEM OF HIGHER EDUCATION PURSUANT TO ARTICLE

1 XX-A OF THE ACT OF MARCH 10, 1949 (P.L.30, NO.14), KNOWN AS THE
2 PUBLIC SCHOOL CODE OF 1949.

3 "STATE-RELATED INSTITUTIONS." THE PENNSYLVANIA STATE
4 UNIVERSITY, THE UNIVERSITY OF PITTSBURGH, TEMPLE UNIVERSITY AND
5 LINCOLN UNIVERSITY AND THEIR BRANCH CAMPUSES.

6 SECTION 703. CRIMINAL HISTORY RECORD INFORMATION.

7 AN INSTITUTION OF HIGHER EDUCATION SHALL NOT HIRE AN
8 INDIVIDUAL FOR A FULL-TIME FACULTY OR STAFF POSITION WITHOUT
9 FIRST CONDUCTING A CRIMINAL HISTORY BACKGROUND INVESTIGATION.
10 SUCH INVESTIGATION SHALL AT A MINIMUM INCLUDE REASONABLE EFFORTS
11 TO OBTAIN INFORMATION PERTAINING TO FELONY CONVICTIONS AND
12 CONVICTIONS OF OTHER CRIMES INVOLVING SEX OFFENSES OR
13 MISAPPROPRIATION OF FUNDS.

14 SECTION 704. USE OF RECORDS FOR EMPLOYMENT OF FULL-TIME FACULTY
15 AND STAFF.

16 (A) GENERAL RULE.--NOTWITHSTANDING THE PROVISIONS OF 18
17 PA.C.S. § 9125 (RELATING TO USE OF RECORDS FOR EMPLOYMENT), WHEN
18 AN ADMINISTRATOR OF AN INSTITUTION OF HIGHER EDUCATION IS IN
19 RECEIPT OF INFORMATION WHICH IS PART OF A FINAL CANDIDATE'S
20 CRIMINAL HISTORY RECORD INFORMATION FILE, THE ADMINISTRATOR MAY
21 USE THAT INFORMATION FOR THE PURPOSE OF DECIDING WHETHER OR NOT
22 TO HIRE THE FINAL CANDIDATE AS A FACULTY MEMBER OR STAFF MEMBER.

23 (B) NOTICE.--THE ADMINISTRATOR SHALL NOTIFY A FINAL
24 CANDIDATE IN WRITING IF THE DECISION NOT TO HIRE IS BASED IN
25 WHOLE OR IN PART ON CRIMINAL HISTORY RECORD INFORMATION.

26 (C) POLICY.--AN INSTITUTION OF HIGHER EDUCATION SHALL
27 DEVELOP AND IMPLEMENT A WRITTEN POLICY REGARDING ITS USE OF
28 CRIMINAL HISTORY RECORD INFORMATION IN ITS HIRING PRACTICES
29 CONCERNING FACULTY MEMBERS AND STAFF MEMBERS, INCLUDING THE
30 PROCEDURE FOR NOTIFYING A FINAL CANDIDATE OF THE REQUIREMENTS OF

1 SECTION 703. THE POLICY SHALL BE DISSEMINATED TO ALL FACULTY
2 MEMBERS, STAFF MEMBERS AND FINAL CANDIDATES FOR EMPLOYMENT.

3 SECTION 705. SELF-DISCLOSURE REQUIRED.

4 (A) GENERAL RULE.--AN INSTITUTION OF HIGHER EDUCATION SHALL
5 REQUIRE AN INDIVIDUAL OFFERED EMPLOYMENT AS A FULL-TIME FACULTY
6 MEMBER OR STAFF MEMBER TO SELF-DISCLOSE CRIMINAL HISTORY
7 INFORMATION ON A SELF-DISCLOSURE FORM AS PROVIDED BY THE
8 INSTITUTION OF HIGHER EDUCATION.

9 (B) REQUIRED INFORMATION.--THE INDIVIDUAL OFFERED EMPLOYMENT
10 AS A FULL-TIME FACULTY MEMBER OR STAFF MEMBER SHALL PROVIDE THE
11 FOLLOWING INFORMATION:

12 (1) ANY FEDERAL FELONY CONVICTIONS AND ANY FEDERAL
13 CONVICTIONS OF OTHER CRIMES INVOLVING SEX OFFENSES OR
14 MISAPPROPRIATION OF FUNDS.

15 (2) ANY FELONY CONVICTIONS IN THIS OR ANY OTHER STATE,
16 TERRITORY OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF
17 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN
18 NATION.

19 (3) ANY CONVICTIONS INVOLVING SEX OFFENSES OR
20 MISAPPROPRIATION OF FUNDS IN THIS OR ANY OTHER STATE,
21 TERRITORY OR POSSESSION OF THE UNITED STATES, THE DISTRICT OF
22 COLUMBIA, THE COMMONWEALTH OF PUERTO RICO OR A FOREIGN
23 NATION.

24 (C) PENALTY.--AN INDIVIDUAL HIRED AS A FULL-TIME FACULTY
25 MEMBER OR STAFF MEMBER WHO FAILS TO PROVIDE REQUIRED CRIMINAL
26 HISTORY INFORMATION OR PROVIDES FALSE INFORMATION SHALL BE
27 SUBJECT TO TERMINATION.

28 SECTION 706. DISSEMINATION.

29 AN INSTITUTION OF HIGHER EDUCATION SHALL OUTLINE ITS POLICIES
30 RELATING TO THE PERFORMANCE OF CRIMINAL HISTORY BACKGROUND

1 INVESTIGATIONS ON FULL-TIME FACULTY MEMBERS AND STAFF MEMBERS IN
2 ITS INFORMATIONAL MATERIALS AND OTHER LITERATURE PROVIDED OR
3 MADE AVAILABLE TO PROSPECTIVE STUDENTS.

4 SECTION 707. APPLICABILITY.

5 THIS CHAPTER SHALL APPLY TO APPLICATIONS FOR EMPLOYMENT
6 SUBMITTED BY INDIVIDUALS SEEKING TO BECOME A FACULTY MEMBER OR
7 STAFF MEMBER AT AN INSTITUTION OF HIGHER EDUCATION ON OR AFTER
8 THE EFFECTIVE DATE OF THIS CHAPTER.

9 CHAPTER 20

←

10 MISCELLANEOUS PROVISIONS

11 SECTION 2001. REPEAL.

12 THE ACT OF MAY 26, 1988 (P.L.448, NO.73), KNOWN AS THE
13 COLLEGE AND UNIVERSITY SECURITY INFORMATION ACT, IS REPEALED.

14 SECTION 2002. CONTINUATION.

15 CHAPTER 3 IS A CONTINUATION OF THE ACT OF MAY 26, 1988
16 (P.L.448, NO.73), KNOWN AS THE COLLEGE AND UNIVERSITY SECURITY
17 INFORMATION ACT. THE FOLLOWING APPLY:

18 (1) REGULATIONS PROMULGATED UNDER THE COLLEGE AND
19 UNIVERSITY SECURITY INFORMATION ACT AND IN EFFECT ON THE
20 EFFECTIVE DATE OF SECTION 2001 ARE VALID UNTIL AMENDED OR
21 DELETED UNDER CHAPTER 3.

22 (2) CONTRACTS AND OBLIGATIONS ENTERED INTO UNDER THE
23 COLLEGE AND UNIVERSITY SECURITY INFORMATION ACT ARE NOT
24 AFFECTED NOR IMPAIRED BY THE REPEAL OF THE COLLEGE AND
25 UNIVERSITY SECURITY INFORMATION ACT.

26 (3) ACTIONS AND JUDICIAL PROCEEDINGS INITIATED UNDER THE
27 COLLEGE AND UNIVERSITY SECURITY INFORMATION ACT MAY BE
28 COMPLETED UNDER CHAPTER 3.

29 SECTION 2003. EFFECTIVE DATE.

30 THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

1 (1) ~~CHAPTER 5~~ CHAPTERS 5 AND 7 SHALL TAKE EFFECT IN 180 ←
2 DAYS.

3 (2) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT
4 IMMEDIATELY.