

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 55 Session of 2009

INTRODUCED BY PICCOLA, BROWNE, TOMLINSON, EICHELBERGER, PIPPY, ORIE, RAFFERTY AND WAUGH, JANUARY 20, 2009

REFERRED TO EDUCATION, JANUARY 20, 2009

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 and for conviction of
7 employees of certain offenses.

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

10 Section 1. Section 111(e) and (f) of the act of March 10,
11 1949 (P.L.30, No.14), known as the Public School Code of 1949,
12 amended December 19, 1990 (P.L.1362, No.211) and December 23,
13 2003 (P.L.304, No.48), are amended and the section is amended by
14 adding subsections to read:

15 Section 111. Background Checks of Prospective Employes;
16 Conviction of Employes of Certain Offenses.--* * *

17 (e) No person subject to this act shall be employed in a
18 public or private school, intermediate unit or area vocational-
19 technical school where the report of criminal history record
20 information indicates the applicant has been convicted[, within

1 five (5) years immediately preceding the date of the report,] of
2 any of the following offenses:

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

5 Chapter 25 (relating to criminal homicide).

6 Section 2702 (relating to aggravated assault).

7 [Former section 2709(b) (relating to stalking).]

8 Section 2709.1 (relating to stalking).

9 Section 2901 (relating to kidnapping).

10 Section 2902 (relating to unlawful restraint).

11 Section 2910 (relating to luring a child into a motor
12 vehicle).

13 Section 3121 (relating to rape).

14 Section 3122.1 (relating to statutory sexual assault).

15 Section 3123 (relating to involuntary deviate sexual
16 intercourse).

17 Section 3124.1 (relating to sexual assault).

18 Section 3125 (relating to aggravated indecent assault).

19 Section 3126 (relating to indecent assault).

20 Section 3127 (relating to indecent exposure).

21 Section 3129 (relating to sexual intercourse with animal).

22 Section 4302 (relating to incest).

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

24 Section 4304 (relating to endangering welfare of children).

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

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

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

30 Section 6301 (relating to corruption of minors).

Section 6312 (relating to sexual abuse of children).

Section 6318 (relating to unlawful contact with minor).

Section 6320 (relating to sexual exploitation of children).

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

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

[(f) The requirements of this section shall not apply to employees of public and private schools, intermediate units and area vocational-technical schools who meet all the following requirements:

(1) The employees are under twenty-one (21) years of age.

(2) They are employed for periods of ninety (90) days or less.

(3) They are a part of a job development and/or job training program funded in whole or in part by public or private sources.

Once employment of a person who meets these conditions extends beyond ninety (90) days, all requirements of this section shall take effect.]

(f.1) Where the report of criminal history record information indicates the applicant has not been convicted of a felony offense enumerated in subsection (e) but has been convicted of a misdemeanor of the first or second degree, the applicant shall only be eligible for prospective employment if a period of ten (10) years has elapsed from the date of expiration of the sentence for the offense.

* * *

(j) An administrator shall have the authority to require an employe to submit a current report of criminal history record

1 information pursuant to 18 Pa.C.S. Ch. 91 and Federal criminal
2 history record information when the administrator has reason to
3 believe the employe has a conviction for a criminal offense.

4 (k) School employes shall report convictions for criminal
5 offenses occurring in this Commonwealth and in Federal or other
6 state jurisdictions immediately to the administrator. An employe
7 who wilfully fails to disclose a conviction for an offense
8 enumerated in subsection (e)(1) shall be terminated from
9 employment. An employe who wilfully fails to disclose a
10 conviction for a felony or misdemeanor other than those
11 enumerated in subsection (e)(1) commits a violation of this
12 section and shall be subject to a civil penalty not to exceed
13 two thousand five hundred dollars (\$2,500).

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