

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2272 Session of
2020

INTRODUCED BY MULLERY, HILL-EVANS, SCHLOSSBERG, PASHINSKI,
McNEILL, ROEBUCK, BARRAR, OTTEN, MERSKI, GILLEN, NEILSON,
HEFFLEY AND JOZWIAK, FEBRUARY 4, 2020

REFERRED TO COMMITTEE ON STATE GOVERNMENT, FEBRUARY 4, 2020

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," in nomination of candidates, providing for
12 background checks for candidates for school district office.

13 The General Assembly of the Commonwealth of Pennsylvania
14 hereby enacts as follows:

15 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
16 as the Pennsylvania Election Code, is amended by adding a
17 section to read:

18 Section 910.1. Background Checks for Candidates for School
19 District Office.--(a) At the time of filing a candidate's
20 nomination petition and a candidate's affidavit, each candidate
21 for any school district office shall file the following with the
22 Department of State:

1 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal
2 history record information), a report of criminal history record
3 information from the Pennsylvania State Police or a statement
4 from the Pennsylvania State Police that the State Police central
5 repository contains no criminal history information relating to
6 that candidate. The criminal history record information shall be
7 limited to that which is disseminated under 18 Pa.C.S. § 9121(b)
8 (2) (relating to general regulations).

9 (2) A certification from the Department of Health as to
10 whether the candidate is named in the Statewide database as the
11 alleged perpetrator in a pending child abuse investigation or as
12 the perpetrator of a founded report or an indicated report.

13 (3) A report of Federal criminal history record information.
14 The candidate shall submit a full set of fingerprints to the
15 Pennsylvania State Police for the purpose of a record check, and
16 the Pennsylvania State Police or its authorized agent shall
17 submit the fingerprints to the Federal Bureau of Investigation
18 for the purpose of verifying the identity of the candidate and
19 obtaining a current record of any criminal arrests and
20 convictions.

21 (b) A candidate for any school district office shall be
22 deemed ineligible for office if:

23 (1) The Department of Health verifies that the candidate is
24 named in the Statewide database as the perpetrator of a founded
25 report committed within the five-year period immediately
26 preceding verification pursuant to this section.

27 (2) The candidate's criminal history record information
28 indicates the candidate has been convicted of any of the
29 following offenses or an equivalent crime under Federal law or
30 the law of another state:

1 (i) 18 Pa.C.S. Ch. 25 (relating to criminal homicide).
2 (ii) 18 Pa.C.S. § 2702 (relating to aggravated assault).
3 (iii) 18 Pa.C.S. § 2709.1 (relating to stalking).
4 (iv) 18 Pa.C.S. § 2718 (relating to strangulation).
5 (v) 18 Pa.C.S. § 2901 (relating to kidnapping).
6 (vi) 18 Pa.C.S. § 2902 (relating to unlawful restraint).
7 (vii) 18 Pa.C.S. § 3121 (relating to rape).
8 (viii) 18 Pa.C.S. § 3122.1 (relating to statutory sexual
9 assault).
10 (ix) 18 Pa.C.S. § 3123 (relating to involuntary deviate
11 sexual intercourse).
12 (x) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
13 (xi) 18 Pa.C.S. § 3125 (relating to aggravated indecent
14 assault).
15 (xii) 18 Pa.C.S. § 3126 (relating to indecent assault).
16 (xiii) 18 Pa.C.S. § 3127 (relating to indecent exposure).
17 (xiv) 18 Pa.C.S. § 3301 (relating to arson and related
18 offenses).
19 (xv) 18 Pa.C.S. § 4302 (relating to incest).
20 (xvi) 18 Pa.C.S. § 4303 (relating to concealing death of
21 child
22 (xvii) 18 Pa.C.S. § 4304 (relating to endangering welfare of
23 children).
24 (xviii) 18 Pa.C.S. § 4305 (relating to dealing in infant
25 children).
26 (xix) A felony offense under 18 Pa.C.S. § 5902(b) (relating
27 to prostitution and related offenses).
28 (xx) 18 Pa.C.S. § 5903(c) or (d) (relating to obscene and
29 other sexual materials and performances).
30 (xxi) 18 Pa.C.S. § 6301 (relating to corruption of minors).

1 (xxii) 18 Pa.C.S. § 6312 (relating to sexual abuse of
2 children).

3 (xxiii) The attempt, solicitation or conspiracy to commit an
4 offense under this paragraph.

5 (3) The candidate's criminal history record information
6 indicates that the candidate has been convicted of a felony
7 offense under the act of April 14, 1972 (P.L.233, No.64), known
8 as "The Controlled Substance, Drug, Device and Cosmetic Act,"
9 committed within the five-year period immediately preceding
10 verification under this section.

11 (4) The candidate's criminal history record information
12 indicates that the candidate has been convicted of an offense
13 under 18 U.S.C. § 2261 (relating to interstate domestic
14 violence) or 2262 (relating to interstate violation of
15 protection order).

16 (5) The candidate's name appears on the National Crime
17 Information Center National Sex Offender Registry or on a
18 state's sex offender registry.

19 (6) The candidate's name appears on a Statewide database or
20 its equivalent as a perpetrator of child abuse.

21 (c) A candidate for any school district office deemed
22 ineligible for office under this section shall not appear on a
23 ballot for school district office in any election.

24 (d) The Department of State shall promulgate rules and
25 regulations necessary to carry out this section.

26 Section 2. This act shall apply to elections held 180 days
27 after the effective date of this section.

28 Section 3. This act shall take effect immediately.