

NAMES (54 PA.C.S.) - AMEND NAME CHANGE ORDERS PROCEDURE

Act of Jun. 18, 1998, P.L. 638, No. 83

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Session of 1998

No. 1998-83

SB 420

AN ACT

Amending Title 54 (Names) of the Pennsylvania Consolidated Statutes, providing further procedures prior to name change orders.

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

Section 1. Sections 701 and 702 of Title 54 of the Pennsylvania Consolidated Statutes are amended to read:

§ 701. Court approval required for change of name.

(a) General rule.--It shall be unlawful for any person to assume a name different from the name by which such person is and has been known, unless such change in name is made pursuant to proceedings in court as provided by this chapter.

(b) Informal change of name.--Notwithstanding subsection (a), a person may at any time adopt and use any name if such name is used consistently, nonfraudulently and exclusively. **The adoption of such name shall not, however, be in contravention of the prohibitions contained in section 702(c) (relating to change by order of court).**

§ 702. Change by order of court.

(a) General rule.-- The court of common pleas of any county may by order change the name of any person resident in the county.

(b) Procedure.--Prior to entry of an order of approval of change of name, all of the following shall apply:

(1) The court must forward to the Pennsylvania State Police a duplicate copy of the application for change of name and a set of the person's fingerprints. The person applying for the change of name is responsible for costs under this paragraph.

(2) The Pennsylvania State Police shall use the fingerprints to determine if the person is subject to 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

(3) The Pennsylvania State Police shall:

(i) if the person is subject to 18 Pa.C.S. Ch. 91, note the name change on the person's criminal history record information; or

(ii) if the person is not subject to 18 Pa.C.S. Ch. 91, destroy the fingerprints.

(4) Within 60 days of receipt of the material under paragraph (1), the Pennsylvania State Police shall certify to the court what action has been taken under paragraph (3).

(5) The procedure in this subsection shall not apply to proceedings involving:

(i) An election to resume a prior surname pursuant to section 704 (relating to divorced person may resume prior name).

(ii) Name changes involving minor children in adoption proceedings pursuant to 23 Pa.C.S. § 2904 (relating to name of adoptee).

(c) Convicted felons.--

(1) The court may order a change of name for a person convicted of a felony, subject to provisions of paragraph (2), if:

(i) at least two calendar years have elapsed from the date of completion of a person's sentence and that person is not subject to the probation or parole jurisdiction of any court, county probation agency or the Pennsylvania Board of Probation and Parole; or

(ii) the person has been pardoned.

(2) The court may not order a change of name for a person convicted of murder, voluntary manslaughter, rape, involuntary deviate sexual intercourse, statutory sexual assault, sexual assault, aggravated indecent assault, robbery as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to robbery), aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated assault), arson as defined in 18 Pa.C.S. § 3301(a) (relating to arson and related offenses), kidnapping or robbery of a motor vehicle or criminal attempt, criminal conspiracy or criminal solicitation to commit any of the offenses listed above or an equivalent crime under the laws of this Commonwealth in effect at the time of the commission of that offense or an equivalent crime in another jurisdiction.

(3) The court shall notify the Office of Attorney General, the Pennsylvania State Police and the office of the district attorney of the county in which the person resides when a change of name for a person convicted of a felony has been ordered. The Pennsylvania State Police, upon receipt of this notice, shall include the change of name information in the central repository as provided for in 18 Pa.C.S. Ch. 91 (relating to criminal history record information).

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

APPROVED--The 18th day of June, A. D. 1998.

THOMAS J. RIDGE