

SB 641

AN ACT

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for law enforcement records concerning juveniles; and providing for postconviction relief.

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

Section 1. Section 6308(c)(1) of Title 42 of the Pennsylvania Consolidated Statutes is amended to read:
§ 6308. Law enforcement records.

* * *

(c) Fingerprints and photographs.--

(1) Law enforcement officers shall have the authority to take or cause to be taken the fingerprints or photographs, or both, of any child who is alleged to have committed an act designated as a misdemeanor or felony under the laws of this Commonwealth or of another state if the act occurred in that state or under Federal law. **If a child is found to be a delinquent child pursuant to section 6341 (relating to adjudication) on the basis of an act designated as a misdemeanor or felony or the child's case is transferred for criminal prosecution pursuant to section 6355, the law enforcement agency that alleged the child to be a delinquent child shall take or cause to be taken the fingerprints and photographs of the child, if not previously taken pursuant to this case, and ensure that these records are forwarded to the central repository pursuant to section 6309(c) (relating to juvenile history record information). If a child was alleged to be delinquent by other than a law enforcement agency, the court shall direct the juvenile probation department to ensure that the delinquent child's fingerprints and photographs are taken by a law enforcement agency.**

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Section 2. Section 9543 of Title 42 is amended by adding a subsection to read:

§ 9543. Eligibility for relief.

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(c) Extradition.--**If the petitioner's conviction and sentence resulted from a trial conducted in his absence and if the petitioner has fled to a foreign country that refuses to extradite him because a trial in absentia was employed, the petitioner shall be entitled to the grant of a new trial if the refusing country agrees by virtue of this provision to return him and if the petitioner upon such return to this jurisdiction so requests. This subsection shall apply, notwithstanding any other law or judgment to the contrary.**

Section 3. The addition of 42 Pa.C.S. § 9543(c) shall apply to all existing cases within its provisions.

Section 4. This act shall take effect as follows:

(1) The amendment of 42 Pa.C.S. § 6308(c)(1) shall take effect in 60 days.

(2) The addition of 42 Pa.C.S. § 9543(c) shall take effect immediately.

(3) Section 3 of this act and this section shall take effect immediately.

APPROVED--The 27th day of January, A. D. 1998.

THOMAS J. RIDGE