

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1856 Session of  
2013

INTRODUCED BY ROZZI, MCGEEHAN, MUNDY, J. HARRIS, D. COSTA, COHEN  
AND EVERETT, NOVEMBER 25, 2013

REFERRED TO COMMITTEE ON JUDICIARY, NOVEMBER 25, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in criminal history record  
3 information, further providing for the definition of  
4 "criminal justice agency"; defining "protected information";  
5 and further providing for information in central repository  
6 or automated systems.

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

9 Section 1. The definition of "criminal justice agency" in  
10 section 9102 of Title 18 of the Pennsylvania Consolidated  
11 Statutes is amended and the section is amended by adding a  
12 definition to read:

13 § 9102. Definitions.

14 The following words and phrases when used in this chapter  
15 shall have the meanings given to them in this section unless the  
16 context clearly indicates otherwise:

17 \* \* \*

18 "Criminal justice agency." Any court, including the minor  
19 judiciary, with criminal jurisdiction or any other governmental  
20 agency, or subunit thereof, created by statute or by the State

1 or Federal constitutions, specifically authorized to perform as  
2 its principal function the administration of criminal justice,  
3 and which allocates a substantial portion of its annual budget  
4 to such function. Criminal justice agencies include, but are not  
5 limited to: organized State and municipal police departments,  
6 local detention facilities, county, regional and State  
7 correctional facilities, probation agencies, district or  
8 prosecuting attorneys, parole boards, pardon boards, the  
9 facilities and administrative offices of the Department of  
10 Public Welfare that provide care, guidance and control to  
11 adjudicated delinquents, and such agencies or subunits thereof,  
12 as are declared by the Attorney General to be criminal justice  
13 agencies as determined by a review of applicable statutes and  
14 the State and Federal Constitutions or both. The term shall not  
15 include individuals who have not complied with or received a  
16 waiver under 53 Pa.C.S. § 2167 (relating to police training).

17 \* \* \*

18 "Protected information." Intelligence information,  
19 investigative information and treatment information.

20 \* \* \*

21 Section 2. Section 9106(a) of Title 18 is amended to read:  
22 § 9106. Information in central repository or automated systems.

23 (a) General rule.--

24 (1) Intelligence information, investigative information  
25 and treatment information shall not be collected in the  
26 central repository. This prohibition shall not preclude the  
27 collection in the central repository of names, words,  
28 numbers, phrases or other similar index keys to serve as  
29 indices to investigative reports.

30 (2) Except as provided in subsections (b) and (c), only

1 individuals that have complied with the provisions of or  
2 received a waiver under 53 Pa.C.S. § 2167 (relating to police  
3 training) or an equivalent shall have access to protected  
4 information.

5 \* \* \*

6 Section 3. This act shall take effect immediately.