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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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**HOUSE BILL**  
**No. 830**

Session of  
1979

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INTRODUCED BY MESSRS. MILLER, WHITE, O'DONNELL, SPENCER,  
LASHINGER, ALDEN, CIMINI, FISHER, PICCOLA, BERSON, RHODES,  
WILLIAMS, DONATUCCI, LEVIN, WACHOB, JONES, ZORD, SEVENTY,  
NOYE, LETTERMAN, F. J. LYNCH, E. H. SMITH, WAGNER, VROON,  
SALVATORE, MCINTYRE AND GLADECK, MARCH 26, 1979

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AS AMENDED, ON THIRD CONSIDERATION, IN SENATE,  
NOVEMBER 14, 1979

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for probation AND <—  
3 FOR CRIMINAL HISTORY RECORDS.

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

6 Section 1. Subsection (c) of section 1354 of Title 18, act  
7 of November 25, 1970 (P.L.707, No.230), known as the  
8 Pennsylvania Consolidated Statutes, is amended to read:

9 § 1354. Order of probation.

10 \* \* \*

11 (c) Specific conditions.--The court may as a condition of  
12 its order require the defendant:

13 (1) To meet his family responsibilities.

14 (2) To devote himself to a specific occupation or  
15 employment.

1       (2.1) To participate in a public or nonprofit community  
2       service program unless the defendant was convicted of murder,  
3       rape, aggravated assault, arson, theft by extortion,  
4       terroristic threats, robbery or kidnapping.

5       (3) To undergo available medical or psychiatric  
6       treatment and to enter and remain in a specified institution,  
7       when required for that purpose.

8       (4) To pursue a prescribed secular course of study or  
9       vocational training.

10       (5) To attend or reside in a facility established for  
11       the instruction, recreation, or residence of persons on  
12       probation.

13       (6) To refrain from frequenting unlawful or disreputable  
14       places or consorting with disreputable persons.

15       (7) To have in his possession no firearm or other  
16       dangerous weapon unless granted written permission.

17       (8) To make restitution of the fruits of his crime or to  
18       make reparations, in an amount he can afford to pay, for the  
19       loss or damage caused thereby.

20       (9) To remain within the jurisdiction of the court and  
21       to notify the court or the probation officer of any change in  
22       his address or his employment.

23       (10) To report as directed to the court or the probation  
24       officer and to permit the probation officer to visit his  
25       home.

26       (11) To pay such fine as has been imposed.

27       (12) To participate in drug or alcohol treatment  
28       programs.

29       (13) To satisfy any other conditions reasonably related  
30       to the rehabilitation of the defendant and not unduly

1 restrictive of his liberty or incompatible with his freedom  
2 of conscience.

3 \* \* \*

4 SECTION 2. THE DEFINITIONS OF "CRIMINAL HISTORY RECORD  
5 INFORMATION" AND "SECONDARY DISSEMINATION" IN SECTION 9102 OF  
6 TITLE 18, ADDED JULY 16, 1979 (NO.47), ARE AMENDED AND  
7 DEFINITIONS ARE ADDED TO READ:

8 § 9102. DEFINITIONS.

9 THE FOLLOWING WORDS AND PHRASES WHEN USED IN THIS CHAPTER  
10 SHALL HAVE THE MEANINGS GIVEN TO THEM IN THIS SECTION UNLESS THE  
11 CONTEXT CLEARLY INDICATES OTHERWISE:

12 \* \* \*

13 "CRIMINAL HISTORY RECORD INFORMATION." INFORMATION COLLECTED  
14 BY CRIMINAL JUSTICE AGENCIES CONCERNING INDIVIDUALS, AND ARISING  
15 FROM THE INITIATION OF A CRIMINAL PROCEEDING, CONSISTING OF  
16 IDENTIFIABLE DESCRIPTIONS, DATES AND NOTATIONS OF ARRESTS,  
17 [DETENTIONS,] INDICTMENTS, INFORMATIONS OR OTHER FORMAL CRIMINAL  
18 CHARGES AND ANY DISPOSITIONS ARISING THEREFROM. THE TERM DOES  
19 NOT INCLUDE INTELLIGENCE INFORMATION, INVESTIGATIVE INFORMATION  
20 OR TREATMENT INFORMATION, INCLUDING MEDICAL AND PSYCHOLOGICAL  
21 INFORMATION, OR INFORMATION AND RECORDS SPECIFIED IN SECTION  
22 9104 (RELATING TO SCOPE).

23 \* \* \*

24 "INTELLIGENCE INFORMATION." INFORMATION CONCERNING THE  
25 HABITS, PRACTICES, CHARACTERISTICS, HISTORY, POSSESSIONS,  
26 ASSOCIATIONS OR FINANCIAL STATUS OF ANY INDIVIDUAL.

27 "INVESTIGATIVE INFORMATION." INFORMATION ASSEMBLED AS A  
28 RESULT OF THE PERFORMANCE OF ANY INQUIRY, FORMAL OR INFORMAL,  
29 INTO A CRIMINAL INCIDENT OR AN ALLEGATION OF CRIMINAL  
30 WRONGDOING.

1       \* \* \*

2       ["SECONDARY DISSEMINATION." THE SUBSEQUENT TRANSMISSION OR  
3 DISCLOSURE OF CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM  
4 A REPOSITORY OR CONFIRMATION OF THE EXISTENCE OR NONEXISTENCE OF  
5 CRIMINAL HISTORY RECORD INFORMATION RECEIVED FROM A REPOSITORY.]

6       "TREATMENT INFORMATION." INFORMATION CONCERNING MEDICAL,  
7 PSYCHIATRIC, PSYCHOLOGICAL OR OTHER REHABILITATIVE TREATMENT  
8 PROVIDED, SUGGESTED OR PRESCRIBED FOR ANY INDIVIDUAL.

9       SECTION 3. SECTIONS 9104(D), (E) AND (F), 9106, 9112(B),  
10 9121, 9123(A), 9124(B), 9125(B) AND 9182 OF TITLE 18, ADDED JULY <—  
11 16, 1979 (NO.47), ARE AMENDED TO READ:

12 § 9104. SCOPE.

13       \* \* \*

14       [(D) CASES IN PROGRESS.--NOTHING IN THIS CHAPTER MUST BE  
15 INTERPRETED TO LIMIT THE DISCLOSURE BY THE ARRESTING AUTHORITY,  
16 A COURT, OR OTHER CRIMINAL JUSTICE AGENCY HAVING LEGAL  
17 JURISDICTION OVER THE INDIVIDUAL TO ANY INDIVIDUAL OR AGENCY OF  
18 THE CURRENT STATUS OF AN INDIVIDUAL INVOLVED IN A CRIMINAL CASE  
19 IN PROGRESS OR FOR WHICH AN INDIVIDUAL IS CURRENTLY IN THE  
20 CRIMINAL JUSTICE SYSTEM SO LONG AS SUCH INFORMATION IS  
21 DISSEMINATED NO MORE THAN 180 DAYS FROM THE OCCURRENCE OF ANY  
22 FINAL OFFICIAL ACTION BY OR FINAL RELEASE FROM THE SUPERVISION,  
23 CUSTODY OR JURISDICTION OF THAT AGENCY.

24       (E)] (D) CERTAIN DISCLOSURES AUTHORIZED.--NOTHING IN THIS  
25 CHAPTER SHALL PROHIBIT A CRIMINAL JUSTICE AGENCY FROM DISCLOSING  
26 AN INDIVIDUAL'S PRIOR CRIMINAL ACTIVITY TO AN INDIVIDUAL OR  
27 AGENCY IF THE INFORMATION DISCLOSED IS BASED ON RECORDS SET  
28 FORTH IN SUBSECTION (A).

29       [(F)] (E) NONCRIMINAL JUSTICE AGENCIES.--INFORMATION  
30 COLLECTED BY NONCRIMINAL JUSTICE AGENCIES AND INDIVIDUALS FROM

1 THE SOURCES IDENTIFIED IN THIS SECTION SHALL NOT BE CONSIDERED  
2 CRIMINAL HISTORY RECORD INFORMATION.

3 § 9106. PROHIBITED INFORMATION.

4 [THE FOLLOWING KINDS OF INFORMATION SHALL NOT BE COLLECTED IN  
5 THE CENTRAL REPOSITORY NOR IN ANY AUTOMATED OR ELECTRONIC  
6 CRIMINAL JUSTICE INFORMATION SYSTEM:

7 (1) INTELLIGENCE INFORMATION.

8 (2) INVESTIGATIVE INFORMATION.

9 (3) TREATMENT INFORMATION, INCLUDING BUT NOT LIMITED TO  
10 MEDICAL OR PSYCHOLOGICAL INFORMATION.]

11 INTELLIGENCE INFORMATION, INVESTIGATIVE INFORMATION AND  
12 TREATMENT INFORMATION SHALL NOT BE COLLECTED IN THE CENTRAL  
13 REPOSITORY NOR IN ANY AUTOMATED OR ELECTRONIC CRIMINAL JUSTICE  
14 INFORMATION SYSTEM. THIS PROHIBITION SHALL NOT PRECLUDE THE  
15 COLLECTION IN THE CENTRAL REPOSITORY OR IN ANY AUTOMATED OR  
16 ELECTRONIC CRIMINAL JUSTICE INFORMATION SYSTEM OF NAMES, WORDS,  
17 NUMBERS, PHRASES OR OTHER SIMILAR INDEX KEYS TO SERVE AS INDICES  
18 TO INTELLIGENCE OR INVESTIGATIVE REPORTS.

19 § 9112. MANDATORY FINGERPRINTING.

20 \* \* \*

21 (B) [RETAIL THEFT] OTHER CASES.--WHERE PRIVATE COMPLAINTS  
22 FOR A FELONY OR MISDEMEANOR RESULT IN A CONVICTION OR WHERE  
23 PERSONS ARE PROCEEDED AGAINST BY A SUMMONS, OR FOR OFFENSES  
24 UNDER SECTION 3929 (RELATING TO RETAIL THEFT), THE [ISSUING  
25 AUTHORITY] COURT OF PROPER JURISDICTION SHALL ORDER THE  
26 DEFENDANT TO SUBMIT FOR FINGERPRINTING BY THE MUNICIPAL POLICE  
27 OF THE JURISDICTION IN WHICH THE OFFENSE ALLEGEDLY WAS COMMITTED  
28 OR, IN THE ABSENCE OF A POLICE DEPARTMENT, THE STATE POLICE.  
29 FINGERPRINTS SO OBTAINED SHALL BE FORWARDED IMMEDIATELY TO THE  
30 CENTRAL REPOSITORY.

1       \* \* \*

2   § 9121.   GENERAL REGULATIONS.

3       [(A)   PROMULGATION OF DISSEMINATION REGULATIONS.--THE  
4   ATTORNEY GENERAL SHALL ESTABLISH, IN ACCORDANCE WITH THE  
5   PROVISIONS OF THE COMMONWEALTH DOCUMENTS LAW, REGULATIONS  
6   CONCERNING THE DISSEMINATION OF CRIMINAL HISTORY RECORD  
7   INFORMATION WHICH SHALL DISTINGUISH BETWEEN CONVICTION AND  
8   NONCONVICTION DATA.]

9       (A)   DISSEMINATION.--CRIMINAL HISTORY RECORD INFORMATION  
10   MAINTAINED BY ANY CRIMINAL JUSTICE AGENCY SHALL BE DISSEMINATED  
11   TO ANY INDIVIDUAL UPON PAYMENT OF THE AUTHORIZED FEE.

12       (B)   DATA REQUIRED TO BE KEPT.--ANY CRIMINAL JUSTICE AGENCY  
13   WHICH DISSEMINATES CRIMINAL HISTORY RECORD INFORMATION MUST  
14   INDICATE TO THE RECIPIENT THAT THE INFORMATION DISSEMINATED IS  
15   ONLY THAT INFORMATION CONTAINED IN ITS OWN FILE, THE DATE OF THE  
16   LAST ENTRY, AND THAT A SUMMARY OF THE STATEWIDE CRIMINAL HISTORY  
17   RECORD INFORMATION MAY BE OBTAINED FROM THE CENTRAL REPOSITORY.

18       [(C)   SECONDARY DISSEMINATION.--EXCEPT DURING JOINT CRIMINAL  
19   INVESTIGATIONS, NO SECONDARY DISSEMINATION OF CRIMINAL HISTORY  
20   RECORD INFORMATION IS PERMITTED EXCEPT AS PROVIDED FOR BY THIS  
21   CHAPTER.]

22       (C)   EXTRACTING FROM THE RECORD.--WHEN CRIMINAL HISTORY  
23   RECORD INFORMATION IS MAINTAINED BY A CRIMINAL JUSTICE AGENCY IN  
24   RECORDS CONTAINING INVESTIGATIVE INFORMATION, INTELLIGENCE  
25   INFORMATION, TREATMENT INFORMATION OR OTHER NONPUBLIC  
26   INFORMATION, THE AGENCY MAY EXTRACT AND DISSEMINATE ONLY THE  
27   CRIMINAL HISTORY RECORD INFORMATION IF THE DISSEMINATION IS TO  
28   BE MADE TO A NONCRIMINAL JUSTICE AGENCY OR INDIVIDUAL.

29       [(D)   DUPLICATION.--NO DUPLICATION OF CRIMINAL HISTORY RECORD  
30   INFORMATION BY ANY CRIMINAL JUSTICE AGENCY EXCEPT FOR ITS OWN

1 INTERNAL USE, OR BY ANY INDIVIDUAL RECEIVING CRIMINAL HISTORY  
2 RECORD INFORMATION, IS PERMITTED.

3 (E) RETURN OR DESTRUCTION OF INFORMATION.--ALL NONCRIMINAL  
4 JUSTICE AGENCIES OR INDIVIDUALS OR AGENCIES RECEIVING CRIMINAL  
5 HISTORY RECORD INFORMATION MUST RETURN TO THE DISSEMINATING  
6 AGENCY OR DESTROY, IN ACCORDANCE WITH AN AGREEMENT WITH THE  
7 REPOSITORY, ALL SUCH INFORMATION RECEIVED UPON COMPLETION OF THE  
8 SPECIFIC PURPOSE FOR WHICH CRIMINAL HISTORY RECORD INFORMATION  
9 WAS RECEIVED. SUCH INFORMATION SHALL NOT BE PERMANENTLY  
10 INCORPORATED INTO THE FILES OR RECORDS OF THE AGENCY OR  
11 INDIVIDUAL RECEIVING IT.]

12 (D) DISSEMINATION PROCEDURES.--CRIMINAL JUSTICE AGENCIES MAY  
13 ESTABLISH REASONABLE PROCEDURES FOR THE DISSEMINATION OF  
14 CRIMINAL HISTORY RECORD INFORMATION.

15 [(F)] (E) NOTATIONS ON RECORD.--REPOSITORIES MUST ENTER AS  
16 A PERMANENT PART OF AN INDIVIDUAL'S CRIMINAL HISTORY RECORD  
17 INFORMATION FILE, A LISTING OF ALL PERSONS AND AGENCIES TO WHOM  
18 THEY HAVE DISSEMINATED THAT PARTICULAR CRIMINAL HISTORY RECORD  
19 INFORMATION AND THE DATE AND PURPOSE FOR WHICH THE INFORMATION  
20 WAS DISSEMINATED. SUCH LISTING SHALL BE MAINTAINED SEPARATE FROM  
21 THE RECORD ITSELF.

22 [(G) NONCRIMINAL JUSTICE OFFICIALS, ETC.--ANY NONCRIMINAL  
23 JUSTICE OFFICIAL, AGENCY OR ORGANIZATION REQUESTING CRIMINAL  
24 HISTORY RECORD INFORMATION PRIOR TO RECEIPT OF ANY SUCH CRIMINAL  
25 HISTORY RECORD INFORMATION, MUST SIGN A CONTRACT WITH THE  
26 REPOSITORY FROM WHICH IT IS SEEKING CRIMINAL HISTORY RECORD  
27 INFORMATION, AGREEING TO ABIDE BY THE PROVISIONS OF THIS  
28 CHAPTER. ANY SUCH NONCRIMINAL JUSTICE OFFICIAL, AGENCY OR  
29 ORGANIZATION ENTERING INTO SUCH A CONTRACT WITH A REPOSITORY IS  
30 BOUND BY AND SUBJECT TO THE PROVISIONS OF THIS CHAPTER.

1 (H) PROHIBITION ON INCORPORATION OF RECORDS.--EXCEPT AS  
2 OTHERWISE PROVIDED IN THIS CHAPTER, NO CRIMINAL HISTORY RECORD  
3 INFORMATION ACQUIRED FROM REPOSITORIES OTHER THAN THE CENTRAL  
4 REPOSITORY SHALL BE PERMANENTLY INCORPORATED INTO THE FILES OR  
5 RECORDS OF THE CRIMINAL JUSTICE AGENCY OR INDIVIDUAL AND MUST BE  
6 DESTROYED UPON COMPLETION OF THE SPECIFIC PURPOSE FOR WHICH SUCH  
7 INFORMATION WAS RECEIVED.]

8 § 9123. JUVENILE RECORDS. <—

9 (A) EXPUNGEMENT OF JUVENILE RECORDS.--NOTWITHSTANDING THE  
10 PROVISIONS OF SECTION 9105 (RELATING TO OTHER CRIMINAL JUSTICE  
11 INFORMATION) AND EXCEPT UPON CAUSE SHOWN, EXPUNGEMENT OF RECORDS  
12 OF JUVENILE DELINQUENCY CASES WHEREVER KEPT OR RETAINED SHALL  
13 OCCUR AFTER TEN DAYS NOTICE TO THE DISTRICT ATTORNEY, WHENEVER  
14 THE COURT UPON ITS MOTION OR UPON THE MOTION OF A CHILD OR THE  
15 PARENTS OR GUARDIAN FINDS:

16 (1) A COMPLAINT IS FILED WHICH IS NOT SUBSTANTIATED OR  
17 THE PETITION WHICH IS FILED AS A RESULT OF A COMPLAINT IS  
18 DISMISSED BY THE COURT OTHER THAN AS A RESULT OF AN INFORMAL  
19 ADJUSTMENT;

20 (2) FIVE YEARS HAVE ELAPSED SINCE THE FINAL DISCHARGE OF  
21 THE PERSON FROM COMMITMENT, PLACEMENT, PROBATION OR ANY OTHER  
22 DISPOSITION AND REFERRAL AND SINCE SUCH FINAL DISCHARGE, THE  
23 PERSON HAS NOT BEEN CONVICTED OF A FELONY, MISDEMEANOR OR  
24 ADJUDICATED DELINQUENT AND NO PROCEEDING IS PENDING SEEKING  
25 SUCH CONVICTION OR ADJUDICATION; OR

26 (3) THE INDIVIDUAL IS 21 YEARS OF AGE OR OLDER AND A  
27 COURT ORDERS THE EXPUNGEMENT.

28 \* \* \*

29 § 9124. USE OF RECORDS BY LICENSING AGENCIES.

30 \* \* \*



(B) PROHIBITED USE OF INFORMATION.--THE FOLLOWING  
INFORMATION SHALL NOT BE USED IN CONSIDERATION OF AN APPLICATION  
FOR A LICENSE, CERTIFICATE, REGISTRATION OR PERMIT:

(1) RECORDS OF ARREST IF THERE IS NO CONVICTION OF A  
CRIME BASED ON THE ARREST.

(2) CONVICTIONS WHICH HAVE BEEN ANNULLED OR EXPUNGED.

(3) CONVICTIONS OF A SUMMARY OFFENSE.

(4) [INFORMATION THAT] CONVICTIONS FOR WHICH THE  
INDIVIDUAL HAS RECEIVED A PARDON FROM THE GOVERNOR.

\* \* \*

§ 9125. USE OF RECORDS FOR EMPLOYMENT.

\* \* \*

(B) USE OF INFORMATION.--[CONVICTIONS FOR FELONIES, AS WELL  
AS MISDEMEANOR CONVICTIONS AND ARRESTS FOR OFFENSES, WHICH  
RELATE TO THE APPLICANT'S SUITABILITY FOR EMPLOYMENT IN THE  
POSITION FOR WHICH HE HAS APPLIED MAY BE CONSIDERED BY THE  
EMPLOYER. MISDEMEANOR CONVICTIONS AND ARRESTS FOR OFFENSES WHICH  
DO NOT] ARRESTS AND MISDEMEANOR CONVICTIONS MAY BE CONSIDERED BY  
THE EMPLOYER ONLY TO THE EXTENT TO WHICH THEY RELATE TO THE  
APPLICANT'S SUITABILITY FOR EMPLOYMENT IN THE POSITION FOR WHICH  
HE HAS APPLIED [SHALL NOT BE CONSIDERED BY THE EMPLOYER].

\* \* \*

[§ 9182. CRIMINAL PENALTIES.

A PERSON EMPLOYED BY A GOVERNMENT AGENCY COMMITS A  
MISDEMEANOR OF THE THIRD DEGREE IF SUCH PERSON:

(1) KNOWINGLY REQUESTS, OBTAINS OR SEEKS TO OBTAIN  
CRIMINAL HISTORY RECORD INFORMATION IN VIOLATION OF THIS  
CHAPTER; OR

(2) DISSEMINATES, MAINTAINS OR USES CRIMINAL HISTORY  
RECORD INFORMATION KNOWING SUCH DISSEMINATION, MAINTENANCE OR

1       USE TO BE IN VIOLATION OF THIS CHAPTER.]

2       Section ~~2-~~ 4.   This act shall take effect in 60 days.

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