

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 420 Session of 1997

INTRODUCED BY BRIGHTBILL, SALVATORE, WENGER, MUSTO, MURPHY, TOMLINSON, KASUNIC, HART AND SLOCUM, FEBRUARY 10, 1997

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 31, 1998

AN ACT

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

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

6 Section 1. Section 702 of Title 54 of the Pennsylvania
7 Consolidated Statutes is amended to read: <—

8 SECTION 1. SECTIONS 701 AND 702 OF TITLE 54 OF THE <—
9 PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:

10 § 701. COURT APPROVAL REQUIRED FOR CHANGE OF NAME.

11 (A) GENERAL RULE.--IT SHALL BE UNLAWFUL FOR ANY PERSON TO
12 ASSUME A NAME DIFFERENT FROM THE NAME BY WHICH SUCH PERSON IS
13 AND HAS BEEN KNOWN, UNLESS SUCH CHANGE IN NAME IS MADE PURSUANT
14 TO PROCEEDINGS IN COURT AS PROVIDED BY THIS CHAPTER.

15 (B) INFORMAL CHANGE OF NAME.--NOTWITHSTANDING SUBSECTION

16 (A), A PERSON MAY AT ANY TIME ADOPT AND USE ANY NAME IF SUCH

17 NAME IS USED CONSISTENTLY, NONFRAUDULENTLY AND EXCLUSIVELY. THE

1 ADOPTION OF SUCH NAME SHALL NOT HOWEVER BE IN CONTRAVENTION OF
2 THE PROHIBITIONS CONTAINED IN SECTION 702(C) (RELATING TO CHANGE
3 BY ORDER OF COURT).

4 § 702. Change by order of court.

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

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

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

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

19 (3) The Pennsylvania State Police shall:

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

23 (ii) if the person is not subject to 18 Pa.C.S. Ch.
24 91, destroy the fingerprints.

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

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

30 (i) An election to resume a prior surname pursuant

1 to 54 Pa.C.S. § 704 (relating to divorced person may
2 resume prior name).

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

6 (C) CONVICTED FELONS.--

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7 (1) THE COURT MAY ORDER A CHANGE OF NAME FOR A PERSON
8 CONVICTED OF A FELONY, SUBJECT TO PROVISIONS OF PARAGRAPH
9 (2), IF:

10 (I) AT LEAST TWO CALENDAR YEARS HAVE ELAPSED FROM
11 THE DATE OF COMPLETION OF A PERSON'S SENTENCE AND THAT
12 PERSON IS NOT SUBJECT TO THE PROBATION OR PAROLE
13 JURISDICTION OF ANY COURT, COUNTY PROBATION AGENCY OR THE
14 PENNSYLVANIA BOARD OF PROBATION AND PAROLE; OR

15 (II) THE PERSON HAS BEEN PARDONED.

16 (2) THE COURT MAY NOT ORDER A CHANGE OF NAME FOR A
17 PERSON CONVICTED OF MURDER, VOLUNTARY MANSLAUGHTER, RAPE,
18 INVOLUNTARY DEVIATE SEXUAL INTERCOURSE, STATUTORY SEXUAL
19 ASSAULT, SEXUAL ASSAULT, AGGRAVATED INDECENT ASSAULT, ROBBERY
20 AS DEFINED IN 18 PA.C.S. § 3701(A)(1)(I) (RELATING TO
21 ROBBERY), AGGRAVATED ASSAULT AS DEFINED IN 18 PA.C.S. §
22 2702(A)(1) OR (2) (RELATING TO AGGRAVATED ASSAULT), ARSON AS
23 DEFINED IN 18 PA.C.S. § 3301(A) (RELATING TO ARSON AND
24 RELATED OFFENSES), KIDNAPPING OR ROBBERY OF A MOTOR VEHICLE,
25 OR CRIMINAL ATTEMPT, CRIMINAL CONSPIRACY OR CRIMINAL
26 SOLICITATION TO COMMIT ANY OF THE OFFENSES LISTED ABOVE, OR
27 AN EQUIVALENT CRIME UNDER THE LAWS OF THIS COMMONWEALTH IN
28 EFFECT AT THE TIME OF THE COMMISSION OF THAT OFFENSE, OR AN
29 EQUIVALENT CRIME IN ANOTHER JURISDICTION.

30 (3) THE COURT SHALL NOTIFY THE OFFICE OF ATTORNEY

1 GENERAL, THE PENNSYLVANIA STATE POLICE AND THE OFFICE OF THE
2 DISTRICT ATTORNEY OF THE COUNTY IN WHICH THE PERSON RESIDES
3 WHEN A CHANGE OF NAME FOR A PERSON CONVICTED OF A FELONY HAS
4 BEEN ORDERED. THE PENNSYLVANIA STATE POLICE, UPON RECEIPT OF
5 THIS NOTICE, SHALL INCLUDE THE CHANGE OF NAME INFORMATION IN
6 THE CENTRAL REPOSITORY AS PROVIDED FOR IN 18 PA.C.S. CH. 91
7 (RELATING TO CRIMINAL HISTORY RECORD INFORMATION).

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