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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 420 Session of  
1997

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

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AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES,  
MAY 6, 1998

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AN ACT

1 Amending ~~Title~~ TITLES 54 (Names) AND 18 (CRIMES AND OFFENSES) of <—  
2 the Pennsylvania Consolidated Statutes, providing further  
3 procedures prior to name change orders; REQUIRING THE <—  
4 DOMESTIC RELATIONS SECTION TO INVESTIGATE CHILD SUPPORT  
5 FILES; AND DEFINING THE OFFENSE OF UNAUTHORIZED POSSESSION OR  
6 USE OF PERSONAL IDENTIFYING INFORMATION.

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

9 ~~Section 1. Section 702 of Title 54 of the Pennsylvania~~ <—  
10 ~~Consolidated Statutes is amended to read:~~

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

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

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

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

1 (A), A PERSON MAY AT ANY TIME ADOPT AND USE ANY NAME IF SUCH  
2 NAME IS USED CONSISTENTLY, NONFRAUDULENTLY AND EXCLUSIVELY. THE  
3 ADOPTION OF SUCH NAME SHALL NOT HOWEVER BE IN CONTRAVENTION OF  
4 THE PROHIBITIONS CONTAINED IN SECTION 702(C) (RELATING TO CHANGE  
5 BY ORDER OF COURT).

6 § 702. Change by order of court.

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

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

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

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

21 (3) The Pennsylvania State Police shall:

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

25 (ii) if the person is not subject to 18 Pa.C.S. Ch.  
26 91, destroy the fingerprints.

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

30 (5) The procedure in this subsection shall not apply to

1 proceedings involving:

2 (i) An election to resume a prior surname pursuant  
3 to 54 Pa.C.S. § 704 (relating to divorced person may  
4 resume prior name).

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

8 (C) CONVICTED FELONS.-- ←

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

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

17 (II) THE PERSON HAS BEEN PARDONED.

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

1       EQUIVALENT CRIME IN ANOTHER JURISDICTION.

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

10       SECTION 2. TITLE 54 IS AMENDED BY ADDING A SECTION TO READ:       <—

11       § 702.1. DOMESTIC RELATIONS SECTION TO INVESTIGATE CHILD  
12           SUPPORT FILES.

13       (A) GENERAL RULE.--THE DOMESTIC RELATIONS SECTION SERVING  
14       THE COURT OF COMMON PLEAS OF THE COUNTY IN WHICH A PERSON  
15       APPLIES FOR A CHANGE OF NAME SHALL CONDUCT AN INVESTIGATION OF  
16       ALL CHILD SUPPORT FILES TO DETERMINE IF THE APPLICANT OWES OR IS  
17       PAYING CHILD SUPPORT. THE DOMESTIC RELATIONS SECTION ALSO SHALL  
18       CONTACT THE PENNSYLVANIA DEPARTMENT OF PUBLIC WELFARE TO  
19       DETERMINE IF THE APPLICANT OWES SUPPORT IN ANOTHER COUNTY OR  
20       STATE. THE APPLICANT SHALL PROVIDE HIS SOCIAL SECURITY NUMBER TO  
21       THE COURT AND TO THE DOMESTIC RELATIONS SECTION ON A FORM NOT  
22       OPEN TO PUBLIC REVIEW.

23       (B) THOSE OWING CHILD SUPPORT.--THE COURT MAY ORDER A CHANGE  
24       OF NAME FOR ANYONE OWING CHILD SUPPORT, BUT SHALL NOTIFY THE  
25       DOMESTIC RELATIONS SECTION OR OTHER OFFICE OR AGENCY IN CHARGE  
26       OF THE SUPPORT CASE AND THE DEPARTMENT OF PUBLIC WELFARE OF THE  
27       CHANGE OF NAME AND THE SOCIAL SECURITY NUMBER OF THE PERSON  
28       GRANTED A CHANGE OF NAME.

29       SECTION 3. TITLE 18 IS AMENDED BY ADDING A SECTION TO READ:

30       § 4120. UNAUTHORIZED POSSESSION OR USE OF PERSONAL IDENTIFYING

1           INFORMATION.

2       (A) OFFENSE DEFINED.--A PERSON COMMITS AN OFFENSE IF HE:

3           (1) POSSESSES PERSONAL IDENTIFYING INFORMATION OF  
4       ANOTHER WITHOUT THE AUTHORIZATION OF THAT OTHER PERSON; OR

5           (2) USES PERSONAL IDENTIFYING INFORMATION OF ANOTHER  
6       PERSON TO OBTAIN, OR TO ATTEMPT TO OBTAIN, CREDIT, GOODS OR  
7       SERVICES IN THE NAME OF THE OTHER PERSON WITHOUT THE CONSENT  
8       OF THAT OTHER PERSON.

9       (B) GRADING.--

10           (1) A VIOLATION OF SUBSECTION (A)(1) CONSTITUTES A  
11       MISDEMEANOR OF THE THIRD DEGREE. A SECOND OR SUBSEQUENT  
12       VIOLATION OF SUBSECTION (A)(1) CONSTITUTES A MISDEMEANOR OF  
13       THE SECOND DEGREE.

14           (2) AN OFFENSE UNDER SUBSECTION (A)(2) SHALL FALL WITHIN  
15       THE FOLLOWING CLASSIFICATIONS DEPENDING ON THE VALUE OF THE  
16       CREDIT, GOODS OR SERVICES SECURED OR SOUGHT TO BE SECURED BY  
17       MEANS OF THE UNAUTHORIZED USE OF PERSONAL IDENTIFYING  
18       INFORMATION:

19           (I) IF THE VALUE INVOLVED EXCEEDS \$500, THE  
20       VIOLATION CONSTITUTES A MISDEMEANOR OF THE FIRST DEGREE;

21           (II) IF THE VALUE INVOLVED WAS \$50 OR MORE BUT LESS  
22       THAN \$500, THE OFFENSE CONSTITUTES A MISDEMEANOR OF THE  
23       SECOND DEGREE;

24           (III) IF THE VALUE INVOLVED WAS LESS THAN \$50, THE  
25       OFFENSE CONSTITUTES A MISDEMEANOR OF THE THIRD DEGREE;

26           (IV) IF THE VALUE INVOLVED CANNOT BE SATISFACTORILY  
27       ASCERTAINED, THE OFFENSE CONSTITUTES A MISDEMEANOR OF THE  
28       THIRD DEGREE; OR

29           (V) IF THE OFFENSE IS A SECOND OR SUBSEQUENT  
30       VIOLATION, THE OFFENSE CONSTITUTES A FELONY OF THE THIRD

1           DEGREE REGARDLESS OF THE AMOUNT INVOLVED.

2           (3) THE VALUE INVOLVED IN THE UNAUTHORIZED USE OF  
3           PERSONAL IDENTIFYING INFORMATION PURSUANT TO ONE SCHEME OR  
4           COURSE OF CONDUCT, WHETHER FROM THE SAME PERSON OR SEVERAL  
5           PERSONS, MAY BE AGGREGATED IN DETERMINING THE CLASSIFICATION  
6           OF THE OFFENSE.

7           (4) WHERE A PERSON COMMITS AN OFFENSE UNDER SUBSECTION  
8           (A) AND THE VICTIM OF THE OFFENSE IS 60 YEARS OF AGE OR  
9           OLDER, THE GRADING OF THE OFFENSE SHALL BE ONE GRADE HIGHER  
10          THAN SPECIFIED IN PARAGRAPH (1) OR (2).

11          (C) DEFINITION.--AS USED IN THIS SECTION, THE TERM "PERSONAL  
12          IDENTIFYING INFORMATION" MEANS THE NAME, ADDRESS, TELEPHONE  
13          NUMBER, DRIVER'S LICENSE NUMBER, SOCIAL SECURITY NUMBER, PLACE  
14          OF EMPLOYMENT, EMPLOYEE IDENTIFICATION NUMBER, MOTHER'S MAIDEN  
15          NAME, CHECKING ACCOUNT NUMBER, SAVINGS ACCOUNT NUMBER, DEBIT  
16          CARD NUMBER, MONEY ACCESS CARD NUMBER OR CREDIT CARD NUMBER OF  
17          AN INDIVIDUAL PERSON.

18          SECTION 4. THE DEPARTMENT OF PUBLIC WELFARE SHALL DRAFT  
19          RULES AND REGULATIONS AND SHALL PRINT THE FORM NECESSARY TO  
20          COMPLY WITH THE ADDITION OF 54 PA.C.S. § 702.1.

21          Section ~~2~~ 5. This act shall take effect in 60 days.

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