

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

SENATE AMENDMENTS TO HOUSE AMENDMENTS, JUNE 1, 1998

AN ACT

1 Amending ~~Titles 54 (Names) and 18 (Crimes and Offenses)~~ TITLE 54 <—
2 (NAMES) of the Pennsylvania Consolidated Statutes, providing
3 further procedures prior to name change orders.; ~~requiring~~ <—
4 ~~the 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. Sections 701 and 702 of Title 54 of the
10 Pennsylvania Consolidated Statutes are amended to read:

11 § 701. Court approval required for change of name.

12 (a) General rule.--It shall be unlawful for any person to
13 assume a name different from the name by which such person is
14 and has been known, unless such change in name is made pursuant
15 to proceedings in court as provided by this chapter.

16 (b) Informal change of name.--Notwithstanding subsection
17 (a), a person may at any time adopt and use any name if such
18 name is used consistently, nonfraudulently and exclusively. The
19 adoption of such name shall not however be in contravention of

1 the prohibitions contained in section 702(c) (relating to change
2 by order of court).

3 § 702. Change by order of court.

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

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

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

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

18 (3) The Pennsylvania State Police shall:

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

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

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

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

29 (i) An election to resume a prior surname pursuant
30 to 54 Pa.C.S. § 704 (relating to divorced person may

1 resume prior name).

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

5 (c) Convicted felons.--

6 (1) The court may order a change of name for a person
7 convicted of a felony, subject to provisions of paragraph
8 (2), if:

9 (i) at least two calendar years have elapsed from
10 the date of completion of a person's sentence and that
11 person is not subject to the probation or parole
12 jurisdiction of any court, county probation agency or the
13 Pennsylvania Board of Probation and Parole; or

14 (ii) the person has been pardoned.

15 (2) The court may not order a change of name for a
16 person convicted of murder, voluntary manslaughter, rape,
17 involuntary deviate sexual intercourse, statutory sexual
18 assault, sexual assault, aggravated indecent assault, robbery
19 as defined in 18 Pa.C.S. § 3701(a)(1)(i) (relating to
20 robbery), aggravated assault as defined in 18 Pa.C.S. §
21 2702(a)(1) or (2) (relating to aggravated assault), arson as
22 defined in 18 Pa.C.S. § 3301(a) (relating to arson and
23 related offenses), kidnapping or robbery of a motor vehicle,
24 or criminal attempt, criminal conspiracy or criminal
25 solicitation to commit any of the offenses listed above, or
26 an equivalent crime under the laws of this Commonwealth in
27 effect at the time of the commission of that offense, or an
28 equivalent crime in another jurisdiction.

29 (3) The court shall notify the Office of Attorney
30 General, the Pennsylvania State Police and the office of the

1 district attorney of the county in which the person resides
2 when a change of name for a person convicted of a felony has
3 been ordered. The Pennsylvania State Police, upon receipt of
4 this notice, shall include the change of name information in
5 the central repository as provided for in 18 Pa.C.S. Ch. 91
6 (relating to criminal history record information).

7 ~~Section 2. Title 54 is amended by adding a section to read:~~ <—

8 ~~§ 702.1. Domestic relations section to investigate child~~
9 ~~support files.~~

10 ~~(a) General rule. The domestic relations section serving~~
11 ~~the court of common pleas of the county in which a person~~
12 ~~applies for a change of name shall conduct an investigation of~~
13 ~~all child support files to determine if the applicant owes or is~~
14 ~~paying child support. The domestic relations section also shall~~
15 ~~contact the Pennsylvania Department of Public Welfare to~~
16 ~~determine if the applicant owes support in another county or~~
17 ~~state. The applicant shall provide his Social Security number to~~
18 ~~the court and to the domestic relations section on a form not~~
19 ~~open to public review.~~

20 ~~(b) Those owing child support. The court may order a change~~
21 ~~of name for anyone owing child support, but shall notify the~~
22 ~~domestic relations section or other office or agency in charge~~
23 ~~of the support case and the Department of Public Welfare of the~~
24 ~~change of name and the Social Security number of the person~~
25 ~~granted a change of name.~~

26 ~~Section 3. Title 18 is amended by adding a section to read:~~
27 ~~§ 4120. Unauthorized possession or use of personal identifying~~
28 ~~information.~~

29 ~~(a) Offense defined. A person commits an offense if he:~~
30 ~~(1) possesses personal identifying information of~~

~~another without the authorization of that other person; or
(2) uses personal identifying information of another
person to obtain, or to attempt to obtain, credit, goods or
services in the name of the other person without the consent
of that other person.~~

~~(b) Grading.—~~

~~(1) A violation of subsection (a)(1) constitutes a
misdemeanor of the third degree. A second or subsequent
violation of subsection (a)(1) constitutes a misdemeanor of
the second degree.~~

~~(2) An offense under subsection (a)(2) shall fall within
the following classifications depending on the value of the
credit, goods or services secured or sought to be secured by
means of the unauthorized use of personal identifying
information:~~

~~(i) if the value involved exceeds \$500, the
violation constitutes a misdemeanor of the first degree;~~

~~(ii) if the value involved was \$50 or more but less
than \$500, the offense constitutes a misdemeanor of the
second degree;~~

~~(iii) if the value involved was less than \$50, the
offense constitutes a misdemeanor of the third degree;~~

~~(iv) if the value involved cannot be satisfactorily
ascertained, the offense constitutes a misdemeanor of the
third degree; or~~

~~(v) if the offense is a second or subsequent
violation, the offense constitutes a felony of the third
degree regardless of the amount involved.~~

~~(3) The value involved in the unauthorized use of
personal identifying information pursuant to one scheme or~~

1 ~~course of conduct, whether from the same person or several~~
2 ~~persons, may be aggregated in determining the classification~~
3 ~~of the offense.~~

4 ~~(4) Where a person commits an offense under subsection~~
5 ~~(a) and the victim of the offense is 60 years of age or~~
6 ~~older, the grading of the offense shall be one grade higher~~
7 ~~than specified in paragraph (1) or (2).~~

8 ~~(c) Definition. As used in this section, the term "personal~~
9 ~~identifying information" means the name, address, telephone~~
10 ~~number, driver's license number, Social Security number, place~~
11 ~~of employment, employee identification number, mother's maiden~~
12 ~~name, checking account number, savings account number, debit~~
13 ~~card number, money access card number or credit card number of~~
14 ~~an individual person.~~

15 ~~Section 4. The Department of Public Welfare shall draft~~
16 ~~rules and regulations and shall print the form necessary to~~
17 ~~comply with the addition of 54 Pa.C.S. § 702.1.~~

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

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