

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1199 Session of
1999

INTRODUCED BY BIRMELIN, BAKER, BELFANTI, BUNT, CHADWICK, CLARK,
CLYMER, L. I. COHEN, M. COHEN, DALEY, DALLY, EGOLF, FARGO,
FLICK, GEIST, HERMAN, HERSHEY, HUTCHINSON, JAMES, LYNCH,
METCALFE, R. MILLER, ORIE, PETRARCA, PLATTS, RAMOS, READSHAW,
ROHRER, RUFFING, SAYLOR, SCHULER, SEMMEL, SERAFINI, SEYFERT,
STEELMAN, STERN, STURLA, E. Z. TAYLOR, J. TAYLOR, THOMAS,
TIGUE, WASHINGTON, WILT, YOUNGBLOOD AND ZUG, APRIL 12, 1999

REFERRED TO COMMITTEE ON AGING AND YOUTH, APRIL 12, 1999

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for general
3 regulations relating to criminal history record information
4 and for information relating to prospective child-care
5 personnel.

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

8 Section 1. Section 9121(b) of Title 18 of the Pennsylvania
9 Consolidated Statutes, amended December 21, 1998 (P.L.1103,
10 No.149), is amended to read:

11 § 9121. General regulations.

12 * * *

13 (b) Dissemination to noncriminal justice agencies and
14 individuals.--Criminal history record information shall be
15 disseminated by a State or local police department to any
16 individual or noncriminal justice agency only upon request.

17 Except as provided in subsection (b.1):

1 (1) A fee may be charged by a State or local police
2 department for each request for criminal history record
3 information by an individual or noncriminal justice agency,
4 except that no fee shall be charged to an individual who
5 makes the request in order to [apply to become a volunteer
6 with an affiliate of Big Brothers of America or Big Sisters
7 of America.] volunteer with an affiliate of any group which
8 primarily works with children, including, but not limited to,
9 the Boy Scouts of America, Big Sisters of America, Big
10 Brothers of America, a religious-related group or
11 organization, YMCA, YWCA or 4-H Club.

12 (2) Before a State or local police department
13 disseminates criminal history record information to an
14 individual or noncriminal justice agency, it shall extract
15 from the record all notations of arrests, indictments or
16 other information relating to the initiation of criminal
17 proceedings where:

18 (i) three years have elapsed from the date of
19 arrest;

20 (ii) no conviction has occurred; and

21 (iii) no proceedings are pending seeking a
22 conviction.

23 * * *

24 Section 2. Section 6344(h) of Title 23, amended December 15,
25 1998 (P.L.963, No.127), is amended to read:

26 § 6344. Information relating to prospective child-care
27 personnel.

28 * * *

29 (h) Fees.--The department may charge a fee not to exceed \$10
30 in order to conduct the certification as required in subsection

1 (b)(2), except that no fee shall be charged to an individual who
2 makes the request in order to [apply to become a volunteer with
3 an affiliate of Big Brothers of America or Big Sisters of
4 America.] volunteer with an affiliate of any group which
5 primarily works with children, including, but not limited to,
6 the Boy Scouts of America, Big Sisters of America, Big Brothers
7 of America, a religious-related group or organization, YMCA,
8 YWCA or 4-H Club.

9 * * *

10 Section 3. This act shall take effect in 60 days.