

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 818 Session of  
2001

INTRODUCED BY O'PAKE, MELLOW, MUSTO, LAVALLE, BOSCOLA, COSTA,  
WAGNER, LOGAN, TARTAGLIONE, BODACK, GREENLEAF AND HOLL,  
MAY 2, 2001

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF  
REPRESENTATIVES, AS AMENDED, NOVEMBER 13, 2001

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, further providing for law  
3 enforcement records.

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

6 Section 1. Section 6308(b)(1) of Title 42 of the  
7 Pennsylvania Consolidated Statutes is amended to read:

8 § 6308. Law enforcement records.

9 \* \* \*

10 (b) Public availability.--

11 (1) The contents of law enforcement records and files  
12 concerning a child shall not be disclosed to the public  
13 [except if the child is 14 or more years of age at the time  
14 of the alleged conduct and if any of] unless ANY OF the  
15 following apply: <—

16 (i) The child has been adjudicated delinquent by a  
17 court as a result of an act or acts [which include the

elements of rape, kidnapping, murder, robbery, arson,  
burglary, violation of section 13(a)(30) of the act of  
April 14, 1972 (P.L.233, No.64), known as The Controlled  
Substance, Drug, Device and Cosmetic Act, or other act  
involving the use of or threat of serious bodily harm.]  
committed:

(A) when the child was 14 years of age or older and  
the ~~alleged~~ conduct would be considered a felony if <—  
committed by an adult; or

(B) when the child was 12 or 13 years of age and the  
~~alleged~~ conduct would have constituted one or more of the <—  
following offenses if committed by an adult:

(I) Murder.

(II) Voluntary manslaughter.

(III) Aggravated assault as defined in 18  
Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated  
assault).

(IV) Arson as defined in 18 Pa.C.S. § 3301(a)(1)  
(relating to arson and related offenses).

(V) Involuntary deviate sexual intercourse.

(VI) Kidnapping.

(VII) Rape.

(VIII) Robbery as defined in 18 Pa.C.S. §  
3701(a)(1)(i), (ii) or (iii) (relating to robbery).

(IX) Robbery of motor vehicle.

(X) Attempt or conspiracy to commit any of the  
offenses in this subparagraph.

(ii) A petition alleging delinquency has been filed  
by a law enforcement agency alleging that the child has  
committed an act or acts [which include the elements of

1 rape, kidnapping, murder, robbery, arson, burglary,  
2 violation of section 13(a)(30) of The Controlled  
3 Substance, Drug, Device and Cosmetic Act, or other act  
4 involving the use of or threat of serious bodily harm]  
5 subject to a hearing pursuant to section 6336(e) and the  
6 child previously has been adjudicated delinquent by a  
7 court as a result of an act or acts [which included the  
8 elements of one of such crimes.] committed:

9 (A) when the child was 14 years of age or older and  
10 the ~~alleged~~ conduct would be considered a felony if <—  
11 committed by an adult; or

12 (B) when the child was 12 or 13 years of age and the  
13 ~~alleged~~ conduct would have constituted one or more of the <—  
14 following offenses if committed by an adult:

15 (I) Murder.

16 (II) Voluntary manslaughter.

17 (III) Aggravated assault as defined in 18  
18 Pa.C.S. § 2702(a)(1) or (2) (relating to aggravated  
19 assault).

20 (IV) Arson as defined in 18 Pa.C.S. § 3301(a)(1)  
21 (relating to arson and related offenses).

22 (V) Involuntary deviate sexual intercourse.

23 (VI) Kidnapping.

24 (VII) Rape.

25 (VIII) Robbery as defined in 18 Pa.C.S. §  
26 3701(a)(1)(i), (ii) or (iii) (relating to robbery).

27 (IX) Robbery of motor vehicle.

28 (X) Attempt or conspiracy to commit any of the  
29 offenses in this subparagraph.

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