

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 498 Session of 2005

INTRODUCED BY GANNON, READSHAW, TIGUE, BLAUM, HERMAN, CALTAGIRONE, HENNESSEY, JAMES, ARMSTRONG, MUSTIO, J. EVANS, WALKO, BROWNE, GEIST, WANSACZ, GOOD, CURRY, MANDERINO AND HARPER, FEBRUARY 14, 2005

AS AMENDED ON THIRD CONSIDERATION, HOUSE OF REPRESENTATIVES, JUNE 29, 2005

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for POSSESSING <—
3 INSTRUMENTS OF CRIME, FOR false swearing AND FOR CRIMINAL <—
4 HISTORY RECORD FEES.

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

7 ~~Section 1. Section 4903(a) of Title 18 of the Pennsylvania <—
8 Consolidated Statutes is amended to read:~~

9 SECTION 1. SECTIONS 907(B), 4903(A) AND 9121(B)(1) OF TITLE <—
10 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO
11 READ:

12 § 907. POSSESSING INSTRUMENTS OF CRIME.

13 * * *

14 (B) POSSESSION OF WEAPON.--A PERSON COMMITS A [MISDEMEANOR
15 OF THE FIRST] FELONY OF THE THIRD DEGREE IF HE POSSESSES A
16 FIREARM OR OTHER WEAPON CONCEALED UPON HIS PERSON WITH INTENT TO
17 EMPLOY IT CRIMINALLY.

1 * * *

2 § 4903. False swearing.

3 (a) False swearing in official matters.--A person who makes
4 a false statement under oath or equivalent affirmation, or
5 swears or affirms the truth of such a statement previously made,
6 when he does not believe the statement to be true is guilty of a
7 misdemeanor of the second degree if any of the following
8 paragraphs apply:

9 (1) [the] The falsification occurs in an official
10 proceeding[; or].

11 (2) [the] The falsification is intended to mislead a
12 public servant in performing his official function.

13 (3) The falsification is intended to mislead
14 shareholders or the public about the true financial condition
15 of the corporation and is included in:

16 (i) a report under 15 Pa.C.S. § 1554 (relating to
17 financial reports to shareholders) or 5553 (relating to
18 annual report of directors or other body); or

19 (ii) a document required to be filed with a Federal
20 or Commonwealth agency.

21 * * *

22 § 9121. GENERAL REGULATIONS. ←

23 * * *

24 (B) DISSEMINATION TO NONCRIMINAL JUSTICE AGENCIES AND
25 INDIVIDUALS.--CRIMINAL HISTORY RECORD INFORMATION SHALL BE
26 DISSEMINATED BY A STATE OR LOCAL POLICE DEPARTMENT TO ANY
27 INDIVIDUAL OR NONCRIMINAL JUSTICE AGENCY ONLY UPON REQUEST.
28 EXCEPT AS PROVIDED IN SUBSECTION (B.1):

29 (1) A FEE MAY BE CHARGED BY A STATE OR LOCAL POLICE
30 DEPARTMENT FOR EACH REQUEST FOR CRIMINAL HISTORY RECORD

1 INFORMATION BY AN INDIVIDUAL OR NONCRIMINAL JUSTICE AGENCY,
2 EXCEPT THAT NO FEE SHALL BE CHARGED TO AN INDIVIDUAL WHO
3 MAKES THE REQUEST IN ORDER TO APPLY TO BECOME A VOLUNTEER
4 WITH [AN] ANY OF THE FOLLOWING:

5 (I) AN AFFILIATE OF BIG BROTHERS OF AMERICA OR BIG
6 SISTERS OF AMERICA. [OR WITH A]

7 (II) A RAPE CRISIS CENTER. [OR]

8 (III) A DOMESTIC VIOLENCE PROGRAM.

9 (IV) A TRANSITIONAL LIVING PROGRAM OR EMERGENCY
10 SHELTER FOR HOMELESS FAMILIES.

11 * * *

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