
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 560 Session of
2005

INTRODUCED BY GREENLEAF, COSTA, LEMMOND, O'PAKE, RAFFERTY,
EARLL, BOSCOLA, STACK, TOMLINSON, TARTAGLIONE, KITCHEN,
RHOADES, WONDERLING, WOZNIAK, LOGAN AND WAUGH, MARCH 31, 2005

REFERRED TO JUDICIARY, MARCH 31, 2005

AN ACT

1 Amending the act of April 27, 1927 (P.L.414, No.270), entitled
2 as amended, "An act providing for a system of recording the
3 identification of persons convicted of crime, and of
4 fugitives from justice, and habitual criminals; conferring
5 powers and imposing duties upon the Pennsylvania State
6 Police, district attorneys, police officers, wardens or
7 keepers of jails, prisons, workhouses, or other penal
8 institutions, and sheriffs; providing for the payment of
9 certain expenses by the counties; and imposing penalties,"
10 providing for a short title; defining "correctional
11 institution"; and further providing for criminal records, for
12 reporting, for fingerprinting, for unified criminal
13 identification, for district attorneys and for violations.

14 The General Assembly of the Commonwealth of Pennsylvania
15 hereby enacts as follows:

16 Section 1. Sections 1 and 2 of the act of April 27, 1927
17 (P.L.414, No.270), entitled as amended, "An act providing for a
18 system of recording the identification of persons convicted of
19 crime, and of fugitives from justice, and habitual criminals;
20 conferring powers and imposing duties upon the Pennsylvania
21 State Police, district attorneys, police officers, wardens or
22 keepers of jails, prisons, workhouses, or other penal
23 institutions, and sheriffs; providing for the payment of certain

1 expenses by the counties; and imposing penalties," amended April
2 28, 1943 (P.L.119, No.61), are amended to read:

3 [Section 1. From and after the passage of this act, the
4 Pennsylvania State Police shall continue to procure and file for
5 record photographs, pictures, descriptions, fingerprints, and
6 such other information as may be pertinent, of all persons who
7 have been, or may hereafter be, convicted of crime within this
8 Commonwealth, and also of all well-known and habitual criminals
9 wherever they may be procured.

10 Section 2. It shall be the duty of the persons in charge of
11 any State penal institution, or of any jail, prison, or
12 workhouse within this Commonwealth, to furnish to the
13 Pennsylvania State Police, upon request, the fingerprints,
14 photographs, and description of any person detained in such
15 institution, jail, prison, or workhouse.]

16 Section 2. The act is amended by adding sections to read:

17 Section 1.1. Short Title.--This act shall be known and may
18 be cited as the Criminal Records and Fingerprinting Act.

19 Section 2.1. Definition.--The term "correctional
20 institution" shall mean a penal institution, penitentiary, State
21 farm, reformatory, prison, jail, house of correction or other
22 institution operated by the Commonwealth or a municipality for
23 the incarceration or custody of individuals under sentence for a
24 criminal offense or awaiting trial or sentence for a criminal
25 offense.

26 Section 3. Section 3 of the act, amended July 13, 1961
27 (P.L.589, No.287), is amended to read:

28 Section 3. Fingerprinting.--The Pennsylvania State Police,
29 [the persons in charge of State penal institutions, the wardens
30 or keepers of jails, prisons, and workhouses within this

1 Commonwealth, and all] a police [officers within the several
2 political subdivisions of this Commonwealth, shall have the
3 authority to take,] officer and an individual in charge of a
4 correctional institution may take or cause to be taken[,] the
5 fingerprints or photographs of [any person] an individual in
6 custody[,] who is charged with the commission of [crime] a
7 criminal offense, or who [they have reason to believe] is
8 believed to be a fugitive from justice or a habitual criminal. [,]
9 except persons charged with a violation of "The Vehicle Code"
10 which is punishable upon conviction in a summary proceeding
11 unless they have reason to believe the person is a fugitive from
12 justice or a habitual criminal; and it shall be the duty of the
13 chiefs of bureaus of all cities within this Commonwealth to
14 furnish daily, to the Pennsylvania State Police, copies of the
15 fingerprints and, if possible, photographs, of all persons
16 arrested within their jurisdiction charged with the commission
17 of felony, or who they have reason to believe are fugitives from
18 justice or habitual criminals, such fingerprints to be taken on
19 forms furnished or approved by the Pennsylvania State Police. It
20 shall be the duty of the Pennsylvania State Police, immediately
21 upon the receipt of such records, to compare them with those
22 already in their files, and, if they find that any person
23 arrested has a previous criminal record or is a fugitive from
24 justice, forthwith to inform the arresting officer, or the
25 officer having the prisoner in charge, of such fact.]

26 Section 4. The act is amended by adding a section to read:

27 Section 3.1. Criminal Records.--(a) The Pennsylvania State
28 Police shall procure and maintain a record of individuals who
29 are convicted of a criminal offense within this Commonwealth.
30 The record shall contain photographs, pictures, descriptions,

1 fingerprints and such other information as may be pertinent to
2 identify the individual convicted of the offense.

3 (b) The Pennsylvania State Police shall procure and maintain
4 a record of habitual criminals. The record shall contain
5 photographs, pictures, descriptions, fingerprints and such other
6 information as may be pertinent to identify the individual.

7 Section 5. Section 4 of the act, amended April 28, 1943
8 (P.L.119, No.61), is amended to read:

9 Section 4. [It shall be the duty of the] Unified Criminal
10 Identification.--The Pennsylvania State Police [to] shall
11 cooperate with agencies of other States and of the United
12 States, having similar powers, to develop and carry on a
13 complete interstate, national[,] and international system of
14 criminal identification and investigation[, and also to]. The
15 Pennsylvania State Police shall furnish, upon request, any
16 information in its possession concerning any [person] individual
17 charged with [crime] a criminal offense to any court, district
18 attorney[,] or police officer of this Commonwealth, or of
19 another state or of the United States.

20 Section 6. The act is amended by adding a section to read:

21 Section 4.1. Reporting.--(a) Upon request by the
22 Pennsylvania State Police, the individual in charge of a
23 correctional institution shall provide to the Pennsylvania State
24 Police the fingerprints, photographs and description of all
25 individuals detained in the correctional institution.

26 (b) An individual in charge of a municipal law enforcement
27 agency shall, on a daily basis, provide the Pennsylvania State
28 Police with copies of the fingerprints and photographs of an
29 individual who is arrested within the agency's jurisdiction and
30 who is charged with the commission of a felony or who is

1 believed to be a fugitive from justice or a habitual criminal.
2 Fingerprints shall be taken on forms furnished or approved by
3 the Pennsylvania State Police. The Pennsylvania State Police
4 shall, immediately upon the receipt of the fingerprints and
5 photographs, compare them with those already in its files. If
6 the Pennsylvania State Police find that any individual arrested
7 has a previous criminal record or is a fugitive from justice it
8 shall immediately inform the arresting officer or the officer
9 having custody of the individual of that fact.

10 (c) Upon discovery of an escape from a correctional
11 institution, the individual in charge of the correctional
12 institution shall immediately notify, by any verifiable means,
13 the law enforcement agency with jurisdiction of the escape from
14 the institution. If the escape is from a State correctional
15 institution, the individual in charge of the State correctional
16 institution shall immediately notify the Pennsylvania State
17 Police of the escape. The Pennsylvania State Police shall notify
18 the State correctional institution and the Department of
19 Corrections when it assumes command of the pursuit and
20 apprehension efforts and may direct the State correctional
21 institution to terminate its pursuit.

22 Section 7. Sections 5 and 6 of the act, amended April 28,
23 1943 (P.L.119, No.61), are amended to read:

24 Section 5. District Attorneys.--(a) [The district attorneys
25 of the several counties are hereby authorized and empowered,
26 from time to time, to] A district attorney may employ the
27 services of [experts] an expert on fingerprints to assist [them]
28 the district attorney in the investigation of pending cases and
29 to testify [upon the trial thereof] at trial. The compensation
30 of [any such] the expert shall be fixed by the district attorney

1 [employing him, with the approval of the court of quarter
2 sessions,] and shall be paid from the county treasury [upon
3 warrant of the county commissioners in the usual manner].

4 (b) [The] A district attorney [of any county, the warden or
5 keeper of the county jail, or any expert employed by the
6 district attorney], an individual in charge of a correctional
7 institution or any other person designated by the district
8 attorney[, shall have the power] may, upon the written order of
9 the district attorney, [to take the fingerprints of any persons]
10 fingerprint an individual confined in [the county jail of such
11 county] a correctional institution for use in the identification
12 of the [prisoner or upon his trial] individual or in the trial
13 of the individual.

14 (c) [The district attorneys of the several counties] A
15 district attorney shall keep and arrange files of [the]
16 fingerprints[, taken under the provisions of this act, of
17 persons] of individuals convicted of [crime] a criminal offense
18 and shall destroy the fingerprints of [all persons] individuals
19 acquitted. The files of fingerprints maintained by [the district
20 attorneys] a district attorney shall be open to the inspection
21 of any other district attorney [of this Commonwealth, or their
22 representatives, or of], the Pennsylvania State Police, [or any]
23 a sheriff or a police or peace officer.

24 (d) [District attorneys shall not be authorized to] A
25 district attorney may not take fingerprints[, under this
26 section, of persons] of an individual arrested for
27 [misdemeanors, unless] a misdemeanor unless the district
28 [attorneys have] attorney has reason to believe that [such
29 persons are old offenders against the penal laws of this
30 Commonwealth] the individual has committed an offense that is

1 graded a felony and has not been arrested for the felony
2 offense.

3 [Section 6. Neglect or refusal of any person mentioned in
4 this act to make the report required herein, or to do or perform
5 any other act on his part to be done or performed in connection
6 with the operation of this act, shall constitute a misdemeanor,
7 and such person shall, upon conviction thereof, be punished by a
8 fine of not less than five nor more than twenty-five dollars, or
9 by imprisonment in the county jail for a period of not exceeding
10 thirty days, or by both, in the discretion of the court. Such
11 neglect or refusal shall also constitute malfeasance in office
12 and subject such person to removal from office. Any person who
13 removes, destroys, or mutilates any of the records of the
14 Pennsylvania State Police, or of any district attorney, shall be
15 guilty of a misdemeanor, and such person shall, upon conviction
16 thereof, be punished by a fine not exceeding one hundred
17 dollars, or by imprisonment in the county jail for a period of
18 not exceeding one year, or by both, in the discretion of the
19 court.]

20 Section 8. This act shall take effect in 60 days.