
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 585 Session of
2007

INTRODUCED BY ORIE, TARTAGLIONE, RAFFERTY, BOSCOLA, FOLMER,
MUSTO, REGOLA, BROWNE, O'PAKE, COSTA, PIPPY, PICCOLA, BAKER,
WOZNIAK, LOGAN AND KITCHEN, MARCH 20, 2007

REFERRED TO JUDICIARY, MARCH 20, 2007

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, authorizing collection, retention and dissemination
4 of juvenile records pertaining to commission of sexual
5 offenses.

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

8 Section 1. Section 9121 of Title 18 of the Pennsylvania
9 Consolidated Statutes is amended to read:

10 § 9121. General regulations.

11 (a) Dissemination to criminal justice agencies.--Criminal
12 history record information maintained by any criminal justice
13 agency shall be disseminated without charge to any criminal
14 justice agency or to any noncriminal justice agency that is
15 providing a service for which a criminal justice agency is
16 responsible.

17 (b) Dissemination to noncriminal justice agencies and
18 individuals.--Criminal history record information shall be
19 disseminated by a State or local police department to any

1 individual or noncriminal justice agency only upon request.

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

3 (1) A fee may be charged by a State or local police
4 department for each request for criminal history record
5 information by an individual or noncriminal justice agency,
6 except that no fee shall be charged to an individual who
7 makes the request in order to apply to become a volunteer
8 with an affiliate of Big Brothers of America or Big Sisters
9 of America or with a rape crisis center or domestic violence
10 program.

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

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

19 (ii) no conviction has occurred; and

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

22 (b.1) Exception.--Subsection (b)(1) and (2) shall not apply
23 if the request is made by a county children and youth agency or
24 the Department of Public Welfare in the performance of duties
25 relating to children and youth under the act of June 24, 1937
26 (P.L.2017, No.396), known as the County Institution District
27 Law, section 2168 of the act of August 9, 1955 (P.L.323,
28 No.130), known as The County Code, the act of June 13, 1967
29 (P.L.31, No.21), known as the Public Welfare Code, 23 Pa.C.S.
30 Ch. 63 (relating to child protective services) or 42 Pa.C.S. Ch.

1 63 (relating to juvenile matters).

2 (b.2) Juvenile sexual offenses.--Notwithstanding any other
3 provision of law to the contrary, criminal history record
4 information disseminated pursuant to requests under 23 Pa.C.S. §
5 6344 (relating to information relating to prospective child-care
6 personnel) and section 111 of the act of March 10, 1949 (P.L.30,
7 No.14), known as the Public School Code of 1949, shall include
8 juvenile proceedings involving sexual offenses under this title.

9 (c) Data required to be kept.--Any criminal justice agency
10 which disseminates criminal history record information must
11 indicate to the recipient that the information disseminated is
12 only that information contained in its own file, the date of the
13 last entry, and that a summary of the Statewide criminal history
14 record information may be obtained from the central repository.

15 (d) Extracting from the record.--When criminal history
16 record information is maintained by a criminal justice agency in
17 records containing investigative information, intelligence
18 information, treatment information or other nonpublic
19 information, the agency may extract and disseminate only the
20 criminal history record information if the dissemination is to
21 be made to a noncriminal justice agency or individual.

22 (e) Dissemination procedures.--Criminal justice agencies may
23 establish reasonable procedures for the dissemination of
24 criminal history record information.

25 (f) Notations on record.--Repositories must enter as a
26 permanent part of an individual's criminal history record
27 information file, a listing of all persons and agencies to whom
28 they have disseminated that particular criminal history record
29 information and the date and purpose for which the information
30 was disseminated. Such listing shall be maintained separate from

1 the record itself.

2 Section 2. Section 6309 of Title 42 is amended to read:

3 § 6309. Juvenile history record information.

4 (a) Applicability of Criminal History Record Information
5 Act.--Except for 18 Pa.C.S. §§ 9105 (relating to other criminal
6 justice information), 9112(a) and (b) (relating to mandatory
7 fingerprinting)[,] and 9113 (relating to disposition reporting
8 by criminal justice agencies) [and 9121(b) (relating to general
9 regulations)], the remaining provisions of 18 Pa.C.S. Ch. 91
10 (relating to criminal history record information) shall apply to
11 all alleged delinquents and adjudicated delinquents whose
12 fingerprints and photographs are taken pursuant to section
13 6308(c) (relating to law enforcement records) and to any
14 juvenile justice agency which collects, maintains, disseminates
15 or receives juvenile history record information. The disclosure
16 to the public of the contents of law enforcement records and
17 files concerning a child shall be governed by section 6308(b).

18 (b) Central repository.--The Pennsylvania State Police shall
19 establish a Statewide central repository of fingerprints,
20 photographs and juvenile history record information of alleged
21 delinquents and adjudicated delinquents whose fingerprints and
22 photographs are taken pursuant to section 6308(c).

23 (c) Fingerprints and photographs.--The arresting authority
24 shall ensure that the fingerprints and photographs of alleged
25 and adjudicated delinquents whose fingerprints and photographs
26 have been taken by the arresting authority pursuant to section
27 6308(c) are forwarded to the central repository as required by
28 the Pennsylvania State Police.

29 (d) Disposition reporting.--The division or judge of the
30 court assigned to conduct juvenile hearings shall, within seven

1 days after disposition of a case where the child has been
2 alleged to be delinquent, notify the arresting authority of the
3 disposition of the case. In addition, it shall collect and
4 submit to the Juvenile Court Judges' Commission the disposition
5 of cases where a child has been alleged to be delinquent,
6 including the disposition of cases resulting in adjudication of
7 delinquency which shall be submitted for inclusion in the
8 central repository within 90 days of an adjudication of
9 delinquency as required by the Juvenile Court Judges'
10 Commission.

11 (e) Definitions.--As used in this section, the following
12 words and phrases shall have the meanings given to them in this
13 subsection:

14 "Criminal history record information." In addition to the
15 meaning in 18 Pa.C.S. § 9102 (relating to definitions), the term
16 includes the meaning of juvenile history record information as
17 defined in this subsection.

18 "Juvenile history record information." Information collected
19 pursuant to this section concerning alleged delinquents and
20 adjudicated delinquents whose fingerprints and photographs are
21 taken pursuant to section 6308(c) and arising from the filing of
22 a petition of delinquency, consisting of identifiable
23 descriptions, dates and notations of arrests or other
24 delinquency charges and any adjudication of delinquency or
25 preadjudication disposition other than dismissal arising
26 therefrom. This information shall also include the last known
27 location and the juvenile court jurisdiction status of each
28 adjudicated delinquent. Juvenile history record information
29 shall not include intelligence information, investigative
30 information, treatment information, including medical and

1 psychiatric information, caution indicator information, modus
2 operandi information, wanted persons information, stolen
3 property information, missing persons information, employment
4 history information, personal history information or presentence
5 investigation information.

6 Section 3. This act shall take effect immediately.