
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1335 Session of
2011

INTRODUCED BY D. O'BRIEN, CLYMER, HARHAI, HESS, MILNE,
PASHINSKI, SWANGER, VULAKOVICH AND WAGNER, APRIL 12, 2011

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 12, 2011

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in criminal history record
3 information, further providing for information in central
4 repository or automated systems.

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

7 Section 1. Section 9106(c)(1) and (d) of Title 18 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 9106. Information in central repository or automated systems.

10 * * *

11 (c) Dissemination of protected information.--

12 (1) Intelligence information may be placed within an
13 automated or electronic criminal justice information system
14 and disseminated or secondarily disseminated only if the
15 following apply:

16 (i) The information is reliable as determined by an
17 authorized intelligence officer.

18 (ii) The department, agency or individual requesting
19 the information is a criminal justice agency which has

1 policies and procedures adopted by the Office of Attorney
2 General in consultation with the Pennsylvania State
3 Police which are consistent with this act and include:

4 (A) Designation of an intelligence officer or
5 officers by the head of the criminal justice agency
6 or his designee.

7 (B) Adoption of administrative, technical and
8 physical safeguards, including audit trails, to
9 insure against unauthorized access and against
10 intentional or unintentional damages.

11 (C) Labeling information to indicate levels of
12 sensitivity and levels of confidence in the
13 information.

14 (iii) The information is requested in connection
15 with the duties of the criminal justice agency requesting
16 the information, and the request for information is based
17 upon a name, fingerprints, modus operandi, genetic
18 typing, voice print or other identifying characteristic.

19 * * *

20 [(d) Secondary dissemination prohibited.--A criminal justice
21 agency which possesses information protected by this section,
22 but which is not the source of the information, shall not
23 disseminate or disclose the information to another criminal
24 justice agency but shall refer the requesting agency to the
25 agency which was the source of the information. This prohibition
26 shall not apply if the agency receiving the information is
27 investigating or prosecuting a criminal incident in conjunction
28 with the agency possessing the information. Agencies receiving
29 information protected by this section assume the same level of
30 responsibility for the security of such information as the

1 agency which was the source of the information.]

2 * * *

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