
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2407 Session of
2012

INTRODUCED BY HACKETT, HENNESSEY, BISHOP, BOYD, CONKLIN,
P. COSTA, DAVIS, DONATUCCI, GINGRICH, GODSHALL, HARHART,
HESS, KAUFFMAN, KILLION, KORTZ, LAWRENCE, MARSICO, MICOZZIE,
MILLARD, MILLER, MURPHY, MURT, PICKETT, QUINN, RAPP, ROSS,
SAYLOR, CULVER, STEPHENS, TAYLOR, TRUITT, VULAKOVICH AND
WATSON, MAY 24, 2012

REFERRED TO COMMITTEE ON AGING AND OLDER ADULT SERVICES, MAY 24,
2012

AN ACT

1 Amending the act of November 6, 1987 (P.L.381, No.79), entitled
2 "An act relating to the protection of the abused, neglected,
3 exploited or abandoned elderly; establishing a uniform
4 Statewide reporting and investigative system for suspected
5 abuse, neglect, exploitation or abandonment of the elderly;
6 providing protective services; providing for funding; and
7 making repeals," in criminal history for employees, further
8 providing for information relating to prospective facility
9 personnel.

10 The General Assembly of the Commonwealth of Pennsylvania
11 hereby enacts as follows:

12 Section 1. Section 502 of the act of November 6, 1987
13 (P.L.381, No.79), known as the Older Adults Protective Services
14 Act, added Dec. 18, 1996, P.L.1125, No.169, is amended to read:

15 Section 502. Information relating to prospective facility
16 personnel.

17 (a) General rule.--A facility shall require all applicants
18 to submit with their applications, and shall require all
19 administrators and any operators who have or may have direct

1 contact with a recipient to submit, the following information
2 obtained within the preceding one-year period:

3 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal
4 history record information), a report of criminal history
5 record information from the State Police or a statement from
6 the State Police that their central repository contains no
7 such information relating to that person. The criminal
8 history record information shall be limited to that which is
9 disseminated pursuant to 18 Pa.C.S. § 9121(b)(2) (relating to
10 general regulations).

11 (2) Where the applicant is not and for the two years
12 immediately preceding the date of application has not been a
13 resident of this Commonwealth, administration shall require
14 the applicant to submit with the application for employment a
15 report of Federal criminal history record information
16 pursuant to the Federal Bureau of Investigation's
17 appropriation under the Departments of State, Justice, and
18 Commerce, the Judiciary, and Related Agencies Appropriation
19 Act, 1973 (Public Law 92-544, 86 Stat. 1109). The department
20 shall be the intermediary for the purposes of this paragraph.
21 For the purposes of this paragraph, the applicant shall
22 submit a full set of fingerprints [to the State Police, which
23 shall forward them] in a manner prescribed by the department.
24 The Commonwealth shall submit the fingerprints to the Federal
25 Bureau of Investigation for a national criminal history
26 record check. The information obtained from the criminal
27 record check shall be used by the department to determine the
28 applicant's eligibility. The determination shall be submitted
29 to the administrator by the applicant prior to commencing
30 employment. The administrator shall insure confidentiality of

1 the information. The provisions of 18 Pa.C.S. § 9121(b)(2)
2 shall not apply if the request for a report of Federal
3 criminal history record information is made pursuant to this
4 section.

5 (b) Fees.--The State Police may charge the applicant a fee
6 [of not more than \$10] to conduct the criminal record check
7 required under subsection (a)(1). The State Police may charge a
8 fee [of not] more than the established charge by the Federal
9 Bureau of Investigation for the criminal history record check
10 required under subsection (a)(2). The State Police shall develop
11 a billing system to allow facilities and administrators to
12 assume responsibility for the fee under this subsection. The
13 State Police shall allow facilities or administrators to
14 establish an account for quarterly payment.

15 Section 2. This act shall take effect in six months.