

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1197 Session of 2013

INTRODUCED BY GREENLEAF, WASHINGTON, STACK, FONTANA, PILEGGI, COSTA, BAKER, YUDICHAK, SOLOBAY AND BROWNE, NOVEMBER 26, 2013

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, JUNE 27, 2014

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, IN OBSTRUCTING GOVERNMENTAL OPERATIONS, FURTHER <--
4 PROVIDING FOR ESCAPE; in criminal history record information,
5 further providing for juvenile records; in juvenile matters,
6 further providing for scope of chapter, for inspection of
7 court files and records, for juvenile history record
8 information and for conduct of hearings; and, in registration
9 of sexual offenders, further providing for definitions and
10 for court notification and classification requirements.

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

13 ~~Section 1. Section 9123(a)(2.1) of Title 18 of the <--~~
14 ~~Pennsylvania Consolidated Statutes is amended to read:~~

15 SECTION 1. SECTIONS 5121(D)(1)(I) AND 9123(A)(2.1) OF TITLE <--
16 18 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO
17 READ:

18 § 5121. ESCAPE.

19 \* \* \*

20 (D) GRADING.--

21 (1) AN OFFENSE UNDER THIS SECTION IS A FELONY OF THE

1 THIRD DEGREE WHERE:

2 (I) THE ACTOR WAS:

3 (A) UNDER ARREST FOR OR DETAINED ON A CHARGE OF  
4 FELONY [OR FOLLOWING CONVICTION OF CRIME];

5 (B) CONVICTED OF A CRIME; OR

6 (C) FOUND TO BE DELINQUENT OF AN OFFENSE WHICH,  
7 IF COMMITTED BY AN ADULT, WOULD BE CLASSIFIED AS A  
8 FELONY AND THE ACTOR IS AT LEAST 18 YEARS OF AGE AT  
9 THE TIME OF THE VIOLATION OF THIS SECTION;

10 \* \* \*

11 § 9123. Juvenile records.

12 (a) Expungement of juvenile records.--Notwithstanding the  
13 provisions of section 9105 (relating to other criminal justice  
14 information) and except as provided under subsection (a.1),  
15 expungement of records of juvenile delinquency cases and cases  
16 involving summary offenses committed while the individual was  
17 under 18 years of age, wherever kept or retained, shall occur  
18 after 30 days' notice to the district attorney whenever the  
19 court upon its own motion or upon the motion of a child or the  
20 parents or guardian finds:

21 \* \* \*

22 (2.1) the individual is 18 years of age or older and six  
23 months have elapsed since the individual has satisfied all  
24 terms and conditions of the sentence imposed following a  
25 conviction for a summary offense, with the exception of a  
26 violation of section 6308 (relating to purchase, consumption,  
27 possession or transportation of liquor or malt or brewed  
28 beverages), committed while the individual was under 18 years  
29 of age and, since satisfying all terms and conditions of the  
30 sentence, the individual has not been convicted of a felony,

1 misdemeanor or adjudicated delinquent and no proceeding is  
2 pending to seek such conviction and adjudication;

3 \* \* \*

4 Section 2. Sections 6303(c), 6307(c), 6309(d) and (e) and  
5 6336(g) of Title 42 are amended to read:

6 § 6303. Scope of chapter.

7 \* \* \*

8 (c) Summary offenses generally.--In addition to the  
9 provisions of subsection (a) (5) and notwithstanding the  
10 exclusion of summary offenses generally from the definition of  
11 "delinquent act" under section 6302, the provisions of sections  
12 6307 (relating to inspection of court files and records) and  
13 6336(d) (relating to conduct of hearings), insofar as section  
14 6336(d) relates to the exclusion of the general public from the  
15 proceedings, shall apply to proceedings involving a child  
16 charged with a summary offense when the proceedings are before a  
17 judge of the minor judiciary, the Philadelphia Municipal Court  
18 or a court of common pleas.

19 § 6307. Inspection of court files and records.

20 \* \* \*

21 (c) Summary offenses.--The provisions of this section shall  
22 apply to proceedings involving a child charged with a summary  
23 offense when the proceedings are before a judge of the minor  
24 judiciary, the Philadelphia Municipal Court or a court of common  
25 pleas.

26 § 6309. Juvenile history record information.

27 \* \* \*

28 (d) Disposition reporting.--The division or judge of the  
29 court assigned to conduct juvenile hearings shall, within seven  
30 days after disposition of a case where the child has been

1 alleged to be delinquent, notify the arresting authority of the  
2 disposition of the case. [In addition, it shall collect and  
3 submit to the Juvenile Court Judges' Commission the] The  
4 disposition of cases where a child has been alleged to be  
5 delinquent, including the disposition of cases resulting in an  
6 adjudication of delinquency [which] shall be [submitted]  
7 provided to the Pennsylvania State Police for inclusion in the  
8 central repository [within 90 days of an adjudication of  
9 delinquency as required by] as determined by the Administrative  
10 Office of Pennsylvania Courts in consultation with the Juvenile  
11 Court Judges' Commission. In addition, the Juvenile Court  
12 Judges' Commission shall be provided with information pertaining  
13 to the cases of children who have been alleged to be delinquent  
14 as the commission determines necessary to fulfill its  
15 responsibilities under section 6373 (relating to powers and  
16 duties).

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

20 "Criminal history record information." In addition to the  
21 meaning in 18 Pa.C.S. § 9102 (relating to definitions), the term  
22 includes the meaning of juvenile history record information as  
23 defined in this subsection.

24 "Juvenile history record information." Information collected  
25 pursuant to this section concerning alleged delinquents and  
26 adjudicated delinquents whose fingerprints and photographs are  
27 taken pursuant to section 6308(c) and arising from [the filing  
28 of a petition] an allegation of delinquency, consisting of  
29 identifiable descriptions, dates and notations of arrests or  
30 other delinquency charges and any adjudication of delinquency or

1 preadjudication disposition other than dismissal arising  
2 therefrom. This information shall also include the last known  
3 location and the juvenile court jurisdiction status of each  
4 adjudicated delinquent. Juvenile history record information  
5 shall not include intelligence information, investigative  
6 information, treatment information, including medical and  
7 psychiatric information, caution indicator information, modus  
8 operandi information, wanted persons information, stolen  
9 property information, missing persons information, employment  
10 history information, personal history information or presentence  
11 investigation information.

12 § 6336. Conduct of hearings.

13 \* \* \*

14 (g) Summary offenses.--The provisions of subsection (d),  
15 insofar as subsection (d) relates to the exclusion of the  
16 general public from the proceedings, shall apply to proceedings  
17 involving a child charged with a summary offense when the  
18 proceedings are before a judge of the minor judiciary, the  
19 Philadelphia Municipal Court or a court of common pleas.

20 \* \* \*

21 Section 3. The definition of "juvenile offender" in section  
22 9799.12 of Title 42 is amended to read:

23 § 9799.12. Definitions.

24 The following words and phrases when used in this subchapter  
25 shall have the meanings given to them in this section unless the  
26 context clearly indicates otherwise:

27 \* \* \*

28 "Juvenile offender." One of the following:

29 (1) An individual who was 14 years of age or older at  
30 the time the individual committed an offense which, if

1 committed by an adult, would be classified as an offense  
2 under 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to  
3 involuntary deviate sexual intercourse) or 3125 (relating to  
4 aggravated indecent assault) or an attempt, solicitation or  
5 conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123  
6 or 3125 and either:

7 (i) is adjudicated delinquent for such offense on or  
8 after the effective date of this section; or

9 (ii) has been adjudicated delinquent for such  
10 offense and on the effective date of this section is  
11 subject to the jurisdiction of the court on the basis of  
12 that adjudication of delinquency, including commitment to  
13 an institution or facility set forth in section  
14 6352(a) (3) (relating to a disposition of delinquent  
15 child).

16 (2) An individual who, on or after the effective date of  
17 this paragraph, was 14 years of age or older at the time the  
18 individual committed an offense similar to an offense under  
19 18 Pa.C.S. § 3121, 3123 or 3125 or an attempt, solicitation  
20 or conspiracy to commit an offense similar to an offense  
21 under 18 Pa.C.S. § 3121, 3123 or 3125 under the laws of the  
22 United States, another jurisdiction or a foreign country and  
23 was adjudicated delinquent for such an offense[.]; or who was  
24 previously adjudicated delinquent for such an offense and, on  
25 the effective date of this paragraph, is subject to the  
26 jurisdiction of the court on the basis of that adjudication  
27 of delinquency.

28 (3) An individual who, on or after the effective date of  
29 this paragraph, was required to register in a sexual offender  
30 registry in another jurisdiction or foreign country based

1 upon an adjudication of delinquency.

2 The term does not include a sexually violent delinquent child.

3 \* \* \*

4 Section 4. Section 9799.23(a) of Title 42 is amended to  
5 read:

6 § 9799.23. Court notification and classification requirements.

7 (a) Notice to sexual offenders.--At the time of sentencing,  
8 of disposition under section 6352 (relating to disposition of  
9 delinquent child) in the case of a juvenile offender, of  
10 adjudication of delinquency under section 6341 (relating to  
11 adjudication) in the case of a juvenile offender if the  
12 individual was adjudicated delinquent in any county other than  
13 the individual's county of residence and section 9799.19(h)(1)  
14 (i)(B) (relating to initial registration) applies, or of  
15 commitment under section 6403 (relating to court-ordered  
16 involuntary treatment) in the case of a sexually violent  
17 delinquent child, the court shall inform the sexual offender of  
18 the provisions of this subchapter. The court shall:

19 (1) Specifically inform the sexual offender of the duty  
20 to register under this subchapter.

21 (2) Specifically inform the sexual offender of:

22 (i) the duty to register in accordance with sections  
23 9799.15 (relating to period of registration), 9799.16(b)  
24 (relating to registry), 9799.19 [(relating to initial  
25 registration)] and 9799.25 (relating to verification by  
26 sexual offenders and Pennsylvania State Police); and

27 (ii) the duty to attend counseling in accordance  
28 with:

29 (A) section 9799.36 (relating to counseling of  
30 sexually violent predators) if applicable; or

1 (B) section 6404.2(g) (relating to duration of  
2 outpatient commitment and review) if applicable.

3 (3) Specifically inform the sexual offender of the duty  
4 to register with authorities in another jurisdiction within  
5 three business days of:

6 (i) Commencement of residence, change of residence,  
7 termination of residence or failure to maintain a  
8 residence, thus making the sexual offender a transient.

9 (ii) Commencement of employment, a change in the  
10 location or entity in which the sexual offender is  
11 employed or termination of employment.

12 (iii) Commencement of enrollment as a student, a  
13 change in enrollment as a student or termination of  
14 enrollment as a student.

15 (4) In accordance with section 9799.16(c), order that  
16 the fingerprints, palm prints, DNA sample and photograph of  
17 the sexual offender be provided to the Pennsylvania State  
18 Police upon sentencing.

19 (5) Require the sexual offender to read and sign a form  
20 stating that the duty to register under this subchapter has  
21 been explained. If the sexual offender is incapable of  
22 speaking, reading or writing the English language, the court  
23 shall certify the duty to register was explained to the  
24 sexual offender, and the sexual offender indicated an  
25 understanding of the duty.

26 (6) Specifically classify the individual as one of the  
27 following:

28 (i) An individual convicted of a Tier I offense.

29 (ii) An individual convicted of a Tier II offense.

30 (iii) An individual convicted of a Tier III offense.

- 1                   (iv) A sexually violent predator.
- 2                   (v) A juvenile offender.
- 3                   (vi) A sexually violent delinquent child.

4           \* \* \*

5           Section 5. This act shall take effect in 60 days.