

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1419 Session of
2017

INTRODUCED BY DELOZIER, J. HARRIS, MILLARD, DEAN, FRANKEL,
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V. BROWN, WARREN, COX, GODSHALL, DAVIS, BULLOCK, WHEATLEY,
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NEILSON, KRUEGER-BRANEKY, SCHLOSSBERG, KORTZ, DEASY,
DONATUCCI AND BARBIN, MAY 25, 2017

AS AMENDED ON SECOND CONSIDERATION, HOUSE OF REPRESENTATIVES,
APRIL 10, 2018

AN ACT

1 Amending ~~Title~~ TITLES 18 (Crimes and Offenses) AND 42 (JUDICIARY <--
2 AND JUDICIAL PROCEDURE) of the Pennsylvania Consolidated
3 Statutes, in criminal history record information, further
4 providing for general regulations and for order for limited
5 access and providing for clean slate limited access, for
6 exceptions, for order to vacate order for limited access, for
7 effects of expunged records and records subject to limited
8 access and for employer immunity from liability-; AND, IN <--
9 JUVENILE MATTERS, FURTHER PROVIDING FOR INSPECTION OF COURT
10 FILES AND RECORDS AND FOR LAW ENFORCEMENT RECORDS.

11 The General Assembly finds and declares as follows:

12 (1) Individuals with charges not leading to convictions
13 may be inherently harmed by the maintenance of that record
14 and have a constitutional presumption of innocence.

15 (2) Individuals convicted of crimes in this Commonwealth
16 should serve their sentences as ordered by the courts of this
17 Commonwealth.

18 (3) After less violent individuals convicted of crimes

1 have served their sentences and remained crime free long
2 enough to demonstrate rehabilitation, the individuals' access
3 to employment, housing, education and other necessities of
4 life should be fully restored.

5 (4) Criminal justice agencies need access to all
6 criminal history record information in order to effectively
7 carry out the agencies' duties to protect the public.

8 (5) The Commonwealth shall provide a clean slate remedy,
9 as set forth under this act, to:

10 (i) Create a strong incentive for avoidance of
11 recidivism by offenders.

12 (ii) Provide hope for the alleviation of the
13 hardships of having a criminal record by offenders who
14 are trying to rehabilitate themselves.

15 (iii) Save the Commonwealth money that must be spent
16 in the administration of criminal justice when offenders
17 recidivate.

18 (iv) Ensure appropriate access to criminal history
19 information by criminal justice agencies.

20 (6) The clean slate remedy should be implemented without
21 cost to the former offender of filing a petition with a
22 court.

23 The General Assembly of the Commonwealth of Pennsylvania
24 hereby enacts as follows:

25 Section 1. Sections 9121(b) introductory paragraph, (2) and
26 (3), (b.1) and (b.2) and 9122.1 heading, (a) and (b) of Title 18
27 of the Pennsylvania Consolidated Statutes are amended to read:
28 § 9121. General regulations.

29 * * *

30 (b) Dissemination to noncriminal justice agencies and

1 individuals.--Criminal history record information shall be
2 disseminated by a State or local police department to any
3 individual or noncriminal justice agency only upon request.
4 [Except as provided in subsection (b.1):] The following apply:

5 * * *

6 (2) [Before] Except as provided for in subsections (b.1)
7 and (b.2), before a State or local police department
8 disseminates criminal history record information to an
9 individual or noncriminal justice agency, it shall extract
10 from the record the following:

11 (i) All notations of arrests, indictments or other
12 information relating to the initiation of criminal
13 proceedings where:

14 (A) three years have elapsed from the date of
15 arrest;

16 (B) no [conviction has occurred] disposition is
17 indicated in the record; and

18 (C) [no proceedings are pending seeking a
19 conviction.] nothing in the record indicates that
20 proceedings seeking conviction remain pending.

21 (ii) All information relating to a conviction and
22 the arrest, indictment or other information leading
23 thereto, which is the subject of a court order for
24 limited access as provided in section 9122.1 (relating to
25 order for limited access).

26 (iii) All information relating to a conviction or
27 nonconviction final disposition, and the arrest,
28 indictment or other information leading to the arrest or
29 indictment which is subject to a court order for limited
30 access as provided for in section 9122.2 (relating to

1 clean slate limited access).

2 (3) A court or the Administrative Office of Pennsylvania
3 Courts may not disseminate to an individual, a noncriminal
4 justice agency or an Internet website any information
5 [relating to a conviction, arrest, indictment or other
6 information leading to a conviction, arrest, indictment or
7 other information,] which is the subject of a court order for
8 limited access as provided in section 9122.1 or 9122.2.

9 (b.1) Exception.--Subsection (b) (1) and (2) shall not apply
10 if the request is made by a county children and youth agency or
11 the Department of [Public Welfare] Human Services in the
12 performance of duties relating to children and youth under the
13 act of June 24, 1937 (P.L.2017, No.396), known as the County
14 Institution District Law, section 2168 of the act of August 9,
15 1955 (P.L.323, No.130), known as The County Code, the act of
16 June 13, 1967 (P.L.31, No.21), known as the [Public Welfare]
17 Human Services Code, 23 Pa.C.S. Ch. 63 (relating to child
18 protective services) or 42 Pa.C.S. Ch. 63 (relating to juvenile
19 matters).

20 (b.2) Additional exceptions.--

21 (1) Subsection (b) (2) (ii) and [(3)] (iii) shall not
22 apply if the request is made [by a State agency to be used
23 only as authorized under section 9124 (relating to use of
24 records by licensing agencies).] under a court order:

25 (i) In a case brought under 23 Pa.C.S. Ch. 53
26 (relating to child custody) or 61 (relating to protection
27 from abuse).

28 (ii) By an employer against whom a claim of civil
29 liability has been brought as described under section
30 9122.6 (relating to employer immunity from liability) for

1 purposes of defending against a claim of civil liability.

2 (2) Subsection (b) (2) shall not apply:

3 (i) To the verification of information provided by
4 an applicant if Federal law, including rules and
5 regulations promulgated by a self-regulatory organization
6 that has been created under Federal law, requires the
7 consideration of an applicant's criminal history for
8 purposes of employment.

9 (ii) To the verification of information provided to
10 the Supreme Court, or an entity of the Supreme Court, in
11 its capacity to govern the practice, procedure and
12 conduct of all courts, the admission to the bar, the
13 practice of law, the administration of all courts and
14 supervision of all officers of the judicial branch.

15 * * *

16 § 9122.1. [Order] Petition for limited access.

17 (a) General rule.--[The following shall apply:

18 (1) Notwithstanding any other provision of this chapter,
19 upon petition of a person who has been free of arrest or
20 prosecution following conviction or final release from
21 confinement or supervision, whichever is later, for a period
22 of 10 years, the court of common pleas in the jurisdiction
23 where the conviction occurred may enter an order that
24 criminal history record information maintained by any
25 criminal justice agency pertaining to a conviction for a
26 misdemeanor of the second degree, a misdemeanor of the third
27 degree or an ungraded offense which carries a maximum penalty
28 of no more than two years be disseminated only to a criminal
29 justice agency or a government agency as provided in section
30 9121(b.1) and (b.2) (relating to general regulations).

1 (2) Except when requested or required by a criminal
2 justice agency, or by and for the official use of a
3 government agency described in section 9121(b.1) or 9124(a)
4 (relating to use of records by licensing agencies), no
5 individual shall be required nor requested to disclose
6 information about the person's criminal history records that
7 are the subject of a court order for limited access granted
8 under this section.] Subject to the exceptions in subsection
9 (b) and notwithstanding any other provision of this chapter,
10 upon petition of a person who has been free from conviction
11 for a period of 10 years for an offense punishable by one or
12 more years in prison and has completed EACH court-ordered <--
13 financial obligations OBLIGATION of the sentence, the court <--
14 of common pleas in the jurisdiction if WHERE a conviction <--
15 occurred may enter an order that criminal history record
16 information maintained by a criminal justice agency
17 pertaining to a qualifying misdemeanor or an ungraded offense
18 which carries a maximum penalty of no more than five years be
19 disseminated only to a criminal justice agency or as provided
20 in section 9121(b.1) and (b.2) (relating to general
21 regulations).

22 (b) Exceptions.--An order for limited access under this
23 section shall not be granted [to an individual who has been
24 convicted at any time of any of the following:

25 (1) An offense punishable by imprisonment of more than
26 two years.

27 (2) Four or more offenses punishable by imprisonment of
28 one or more years.

29 (3) A violation of section 2701 (relating to simple
30 assault), except when the offense is graded as a misdemeanor

1 of the third degree.

2 (4) A violation of section 3129 (relating to sexual
3 intercourse with animal).

4 (5) A violation of section 4912 (relating to
5 impersonating a public servant).

6 (6) A violation of section 4952 (relating to
7 intimidation of witnesses or victims).

8 (7) A violation of section 4953 (relating to retaliation
9 against witness, victim or party).

10 (8) A violation of section 4958 (relating to
11 intimidation, retaliation or obstruction in child abuse
12 cases).

13 (9) An offense which requires registration under 42
14 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual
15 offenders).] for any of the following:

16 (1) A conviction for an offense punishable by more than
17 two years in prison which is any of the following OR AN <--
18 ATTEMPT, CONSPIRACY OR SOLICITATION TO COMMIT ANY OF THE
19 FOLLOWING:

20 (i) An offense under Pt. II Article B (relating to
21 offenses involving danger to the person).

22 (ii) An offense under Pt. II Article D (relating to
23 offenses against the family).

24 (iii) An offense under Chapter 61 (relating to
25 firearms and other dangerous articles).

26 (iv) An offense specified in 42 Pa.C.S. § §§ 9799.14 <--
27 (relating to sexual offenses and tier system) AND 9799.55 <--
28 (RELATING TO REGISTRATION).

29 (V) AN OFFENSE UNDER SECTION 6301(A)(1) (RELATING TO <--
30 CORRUPTION OF MINORS).

1 (2) An individual who meets any of the following:

2 (i) Has been convicted of murder, a felony of the
3 first degree or an offense punishable by imprisonment of
4 20 or more years.

5 (ii) Has been convicted within the previous 20 years
6 of:

7 (A) a felony or an offense punishable by
8 imprisonment of seven or more years involving:

9 (I) an offense under Pt. II Article B;

10 (II) an offense under Pt. II Article D;

11 (III) an offense under Chapter 61; or

12 (IV) an offense specified in 42 Pa.C.S. § §§ <--

13 9799.14 AND 9799.55; or <--

14 (B) four or more offenses punishable by
15 imprisonment of two or more years.

16 (iii) Has, within the previous 15 years, been
17 convicted of:

18 (A) two or more offenses punishable by more than
19 two years in prison; or

20 (B) any of the following:

21 (I) An offense under section 3127 (relating
22 to indecent exposure).

23 (II) An offense under section 3129 (relating
24 to sexual intercourse with animal).

25 (III) An offense under section 4915.1
26 (relating to failure to comply with registration

27 requirements). OR SECTION 4915.2 (RELATING TO <--
28 FAILURE TO COMPLY WITH 42 PA.C.S. CH. 97 SUBCH. I
29 REGISTRATION REQUIREMENTS).

30 (IV) An offense under section 5122 (relating

1 to weapons or implements for escape).

2 (V) An offense under section 5510 (relating
3 to abuse of corpse).

4 (VI) An offense under section 5515 (relating
5 to prohibiting of paramilitary training).

6 * * *

7 Section 2. Title 18 is amended by adding sections to read:

8 § 9122.2. Clean slate limited access.

9 (a) General rule.--The following shall be subject to limited
10 access:

11 (1) Subject to the exceptions under section 9122.3
12 (relating to exceptions) or if a court has vacated an order
13 for limited access under section 9122.4 (relating to order to
14 vacate order for limited access), criminal history record
15 information pertaining to a conviction of a misdemeanor of
16 the second degree, a misdemeanor of the third degree or a
17 misdemeanor offense punishable by imprisonment of no more
18 than two years if a person has been free for 10 years from
19 conviction for any offense punishable by imprisonment of one
20 or more years and if completion of ~~the~~ EACH court-ordered <--
21 financial ~~obligations~~ OBLIGATION of the sentence has <--
22 occurred.

23 (2) Criminal history record information pertaining to
24 charges which resulted in a final disposition other than a
25 conviction.

26 (3) Criminal history record information pertaining to a
27 conviction for a summary offense when 10 years have elapsed
28 since entry of the judgment of conviction and completion of
29 all court-ordered financial obligations of the sentence has
30 occurred.

1 (b) Procedures.--

2 (1) On a monthly basis, the Administrative Office of
3 Pennsylvania Courts shall transmit to the Pennsylvania State
4 Police central repository the record of any conviction
5 eligible for limited access under subsection (a)(1).

6 (2) The Administrative Office of Pennsylvania Courts
7 shall transmit to the Pennsylvania State Police repository:

8 (i) The record of charges subject to limited access
9 under subsection (a)(2) within 30 days after entry of the
10 disposition and payment of EACH court-ordered obligations <--
11 OBLIGATION. <--

12 (ii) The record of any conviction under subsection
13 (a)(3) within 30 days after the record becomes subject to
14 limited access.

15 (3) If the Pennsylvania State Police central repository
16 determines through a validation process that a record
17 transmitted is not eligible for limited access relief under
18 subsection (a) or does not match data held in the repository,
19 the Pennsylvania State Police shall notify the Administrative
20 Office of Pennsylvania Courts of this determination within 30
21 days of receiving the information.

22 (4) Upon the expiration of the 30-day period, the
23 Administrative Office of Pennsylvania Courts shall remove
24 from the list of eligible records any record for which the
25 Administrative Office of Pennsylvania Courts received a
26 notification of ineligibility or nonmatch with repository
27 data.

28 (5) Each court of common pleas shall issue monthly an
29 order for limited access for any record in its judicial
30 district for which no notification of ineligibility was

1 received by the Administrative Office of Pennsylvania Courts.

2 (c) Limitation on release of records.--A criminal history
3 record that is the subject of an order for limited access under
4 this section shall be made available to a noncriminal justice
5 agency only as provided for in section 9121(b), (b.1) and (b.2)
6 (relating to general regulations).

7 § 9122.3. Exceptions.

8 (a) Limited access not applicable.--Limited access to
9 records under section 9122.2(a)(1) (relating to clean slate
10 limited access) shall not be granted for any of the following:

11 (1) A conviction for any of the following OR AN ATTEMPT, <--
12 CONSPIRACY OR SOLICITATION TO COMMIT ANY OF THE FOLLOWING:

13 (i) An offense under Pt. II Article B (relating to
14 offenses involving danger to the person).

15 (ii) An offense under Pt. II Article D (relating to
16 offenses against the family).

17 (iii) An offense under Chapter 61 (relating to
18 firearms and other dangerous articles).

19 (iv) An offense SPECIFIED under 42 Pa.C.S. § §§ <--
20 9799.14 (relating to sexual offenses and tier system) AND <--
21 9799.55 (RELATING TO REGISTRATION).

22 (v) An offense under section 5533 (relating to
23 cruelty to animal).

24 (vi) An offense under section 6301 (relating to
25 corruption of minors).

26 (2) An individual who at any time has been convicted of:

27 (i) A felony.

28 (ii) Two or more offenses punishable by imprisonment
29 of more than two years.

30 (iii) Four or more offenses punishable by

1 imprisonment of one or more years.

2 (iv) An offense under the following:

3 (A) Section 3127 (relating to indecent
4 exposure).

5 (B) Section 3129 (relating to sexual intercourse
6 with animal).

7 (C) Section 4915.1 (relating to failure to
8 comply with registration requirements) OR SECTION <--
9 4915.2 (RELATING TO FAILURE TO COMPLY WITH 42 PA.C.S.
10 CH. 91 SUBCH. I REGISTRATION REQUIREMENTS).

11 (D) Section 5122 (relating to weapons or
12 implements for escape).

13 (E) Section 5510 (relating to abuse of corpse).

14 (F) Section 5515 (relating to prohibiting of
15 paramilitary training).

16 (b) Limited access to same case.--Limited access under this
17 section shall not apply to an otherwise qualifying conviction if
18 a conviction for an offense punishable by imprisonment of five
19 or more years or an offense enumerated in subsection (a) arose
20 out of the same case.

21 (c) Filing.--Nothing in this section shall preclude the
22 filing of a petition for limited access under section 9122.1
23 (relating to petition for limited access) if limited access is
24 available under that section.

25 § 9122.4. Order to vacate order for limited access.

26 (a) General rule.--Upon petition of the prosecuting attorney
27 to the court with jurisdiction over a conviction WHERE A <--
28 CONVICTION OCCURRED, and with notice to the defendant and
29 opportunity to be heard, the court shall vacate an order for
30 limited access granted under section 9122.2 (relating to clean

1 slate limited access) if the court determines that the order was
2 erroneously entered and not in accordance with section 9122.2.

3 (b) Conviction.--Upon conviction of a misdemeanor or felony
4 offense and motion of the prosecuting attorney, the court shall
5 enter an order vacating any prior order for limited access
6 pertaining to a record of the defendant, except under section
7 9122.2(a)(2).

8 (c) Transmission to repository.--An order under subsection
9 (a) or (b) shall be transmitted to the central repository of the
10 Pennsylvania State Police.

11 § 9122.5. Effects of expunged records and records subject to
12 limited access.

13 (a) Disclosure.--

14 (1) Except if requested or required by a criminal
15 justice agency, or if disclosure to noncriminal justice
16 agencies is authorized or required by section 9121(b.1) and
17 (b.2) (relating to general regulations), an individual may
18 not be required or requested to disclose information about
19 the individual's criminal history record that has been
20 expunged or provided limited access under section 9122.1
21 (relating to petition for limited access) or 9122.2 (relating
22 to clean slate limited access). An individual required or
23 requested to provide information in violation of this section
24 may respond as if the offense did not occur.

25 (2) This subsection shall not apply if Federal law,
26 including rules and regulations promulgated by a self-
27 regulatory organization that has been created under Federal
28 law, requires the consideration of an applicant's criminal
29 history for purposes of employment.

30 (b) Disqualification by law.--An expunged record or a record

1 subject to limited access under section 9122.1 or 9122.2 may not
2 be considered a conviction that would prohibit the employment of
3 a person under any law of this Commonwealth or under Federal
4 laws that prohibit employment based on State convictions to the
5 extent permitted by Federal law.

6 § 9122.6. Employer immunity from liability.

7 An employer who employs or otherwise engages an individual
8 whose criminal history record has been expunged or to which
9 limited access has been applied under section 9122.1 (relating
10 to petition for limited access) or 9122.2 (relating to clean
11 slate limited access) shall be immune from liability for any
12 claim arising out of the misconduct of the individual, if the
13 misconduct relates to the portion of the criminal history record
14 that has been expunged or provided limited access.

15 SECTION 3. SECTIONS 6307(B) AND 6308(B) OF TITLE 42 ARE <--
16 AMENDED TO READ:

17 § 6307. INSPECTION OF COURT FILES AND RECORDS.

18 * * *

19 (B) PUBLIC AVAILABILITY.--

20 [(1) THE CONTENTS OF COURT RECORDS AND FILES CONCERNING
21 A CHILD SHALL NOT BE DISCLOSED TO THE PUBLIC UNLESS ANY OF
22 THE FOLLOWING APPLY:

23 (I) THE CHILD HAS BEEN ADJUDICATED DELINQUENT BY A
24 COURT AS A RESULT OF AN ACT OR ACTS COMMITTED:

25 (A) WHEN THE CHILD WAS 14 YEARS OF AGE OR OLDER
26 AND THE CONDUCT WOULD BE CONSIDERED A FELONY IF
27 COMMITTED BY AN ADULT; OR

28 (B) WHEN THE CHILD WAS 12 OR 13 YEARS OF AGE AND
29 THE CONDUCT WOULD HAVE CONSTITUTED ONE OR MORE OF THE
30 FOLLOWING OFFENSES IF COMMITTED BY AN ADULT:

1 (I) MURDER.

2 (II) VOLUNTARY MANSLAUGHTER.

3 (III) AGGRAVATED ASSAULT AS DEFINED IN 18
4 PA.C.S. § 2702(A) (1) OR (2) (RELATING TO
5 AGGRAVATED ASSAULT).

6 (IV) ARSON AS DEFINED IN 18 PA.C.S. §
7 3301(A) (1) (RELATING TO ARSON AND RELATED
8 OFFENSES).

9 (V) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

10 (VI) KIDNAPPING.

11 (VII) RAPE.

12 (VIII) ROBBERY AS DEFINED IN 18 PA.C.S. §
13 3701(A) (1) (I), (II) OR (III) (RELATING TO
14 ROBBERY).

15 (IX) ROBBERY OF MOTOR VEHICLE.

16 (X) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF
17 THE OFFENSES IN THIS SUBPARAGRAPH.

18 (II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED
19 ALLEGING THAT THE CHILD HAS COMMITTED AN ACT OR ACTS
20 SUBJECT TO A HEARING PURSUANT TO SECTION 6336(E)
21 (RELATING TO CONDUCT OF HEARINGS) AND THE CHILD
22 PREVIOUSLY HAS BEEN ADJUDICATED DELINQUENT BY A COURT AS
23 A RESULT OF AN ACT OR ACTS COMMITTED:

24 (A) WHEN THE CHILD WAS 14 YEARS OF AGE OR OLDER
25 AND THE CONDUCT WOULD BE CONSIDERED A FELONY IF
26 COMMITTED BY AN ADULT; OR

27 (B) WHEN THE CHILD WAS 12 OR 13 YEARS OF AGE AND
28 THE CONDUCT WOULD HAVE CONSTITUTED ONE OR MORE OF THE
29 FOLLOWING OFFENSES IF COMMITTED BY AN ADULT:

30 (I) MURDER.

1 (II) VOLUNTARY MANSLAUGHTER.

2 (III) AGGRAVATED ASSAULT AS DEFINED IN 18
3 PA.C.S. § 2702(A) (1) OR (2).

4 (IV) ARSON AS DEFINED IN 18 PA.C.S. §
5 3301(A) (1).

6 (V) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

7 (VI) KIDNAPPING.

8 (VII) RAPE.

9 (VIII) ROBBERY AS DEFINED IN 18 PA.C.S. §
10 3701(A) (1) (I), (II) OR (III).

11 (IX) ROBBERY OF MOTOR VEHICLE.

12 (X) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF
13 THE OFFENSES IN THIS SUBPARAGRAPH.]

14 (1.1) THE CONTENTS OF COURT RECORDS AND FILES CONCERNING
15 A CHILD SHALL NOT BE DISCLOSED TO THE PUBLIC UNLESS ANY OF
16 THE FOLLOWING APPLY:

17 (I) THE CHILD HAS BEEN ADJUDICATED DELINQUENT BY A
18 COURT AS A RESULT OF AN ACT OR ACTS COMMITTED WHEN THE
19 CHILD WAS 14 YEARS OF AGE OR OLDER AND THE CONDUCT WOULD
20 HAVE CONSTITUTED ONE OR MORE OF THE FOLLOWING OFFENSES IF
21 COMMITTED BY AN ADULT:

22 (A) MURDER.

23 (B) VOLUNTARY MANSLAUGHTER.

24 (C) AGGRAVATED ASSAULT AS DEFINED IN 18 PA.C.S.
25 § 2702(A) (1) OR (2) (RELATING TO AGGRAVATED ASSAULT).

26 (D) SEXUAL ASSAULT AS DEFINED IN 18 PA.C.S. §
27 3124.1 (RELATING TO SEXUAL ASSAULT).

28 (E) AGGRAVATED INDECENT ASSAULT AS DEFINED IN 18
29 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
30 ASSAULT).

1 (F) ARSON AS DEFINED IN 18 PA.C.S. § 3301(A) (1)
2 (RELATING TO ARSON AND RELATED OFFENSES).

3 (G) BURGLARY AS A FELONY IN THE FIRST DEGREE AS
4 DEFINED IN 18 PA.C.S. § 3502(C) (1) (RELATING TO
5 BURGLARY).

6 (H) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

7 (I) KIDNAPPING.

8 (J) RAPE.

9 (K) ROBBERY AS DEFINED IN 18 PA.C.S. § 3701(A)
10 (1) (I), (II) OR (III) (RELATING TO ROBBERY).

11 (L) ROBBERY OF MOTOR VEHICLE.

12 (M) VIOLATION OF 18 PA.C.S. CH. 61 (RELATING TO
13 FIREARMS AND OTHER DANGEROUS ARTICLES).

14 (N) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF THE
15 OFFENSES IN THIS SUBPARAGRAPH.

16 (II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED
17 ALLEGING THAT THE CHILD HAS COMMITTED AN ACT OR ACTS
18 SUBJECT TO A HEARING PURSUANT TO SECTION 6336(E)
19 (RELATING TO CONDUCT OF HEARINGS) AND THE CHILD
20 PREVIOUSLY HAS BEEN ADJUDICATED DELINQUENT BY A COURT AS
21 A RESULT OF AN ACT OR ACTS COMMITTED WHEN THE CHILD WAS
22 14 YEARS OF AGE OR OLDER AND THE CONDUCT WOULD HAVE
23 CONSTITUTED ONE OR MORE OF THE FOLLOWING OFFENSES IF
24 COMMITTED BY AN ADULT:

25 (A) MURDER.

26 (B) VOLUNTARY MANSLAUGHTER.

27 (C) AGGRAVATED ASSAULT AS DEFINED IN 18 PA.C.S.
28 § 2702(A) (1) OR (2).

29 (D) SEXUAL ASSAULT AS DEFINED IN 18 PA.C.S. §
30 3124.1.

1 (E) AGGRAVATED INDECENT ASSAULT AS DEFINED IN 18
2 PA.C.S. § 3125.

3 (F) ARSON AS DEFINED IN 18 PA.C.S. § 3301(A)(1).

4 (G) BURGLARY AS A FELONY IN THE FIRST DEGREE AS
5 DEFINED IN 18 PA.C.S. § 3502(C)(1).

6 (H) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

7 (I) KIDNAPPING.

8 (J) RAPE.

9 (K) ROBBERY AS DEFINED IN 18 PA.C.S. § 3701(A)
10 (1)(I), (II) OR (III).

11 (L) ROBBERY OF MOTOR VEHICLE.

12 (M) VIOLATION OF 18 PA.C.S. CH. 61.

13 (N) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF THE
14 OFFENSES IN THIS SUBPARAGRAPH.

15 (2) IF THE CONDUCT OF THE CHILD MEETS THE REQUIREMENTS
16 FOR DISCLOSURE AS SET FORTH IN PARAGRAPH [(1)] (1.1), THEN
17 THE COURT SHALL DISCLOSE THE NAME, AGE AND ADDRESS OF THE
18 CHILD, THE OFFENSES CHARGED AND THE DISPOSITION OF THE CASE.
19 THE JUDGE WHO ADJUDICATES A CHILD DELINQUENT SHALL SPECIFY
20 THE PARTICULAR OFFENSES AND COUNTS THEREOF WHICH THE CHILD IS
21 FOUND TO HAVE COMMITTED, AND SUCH INFORMATION SHALL BE
22 INSERTED ON ANY COURT OR LAW ENFORCEMENT RECORDS OR FILES
23 DISCLOSED TO THE PUBLIC AS PROVIDED FOR IN THIS SECTION OR IN
24 SECTION 6308(B)(2) (RELATING TO LAW ENFORCEMENT RECORDS).

25 * * *

26 § 6308. LAW ENFORCEMENT RECORDS.

27 * * *

28 (B) PUBLIC AVAILABILITY.--

29 [(1) THE CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES
30 CONCERNING A CHILD SHALL NOT BE DISCLOSED TO THE PUBLIC

1 UNLESS ANY OF THE FOLLOWING APPLY:

2 (I) THE CHILD HAS BEEN ADJUDICATED DELINQUENT BY A
3 COURT AS A RESULT OF AN ACT OR ACTS COMMITTED:

4 (A) WHEN THE CHILD WAS 14 YEARS OF AGE OR OLDER
5 AND THE CONDUCT WOULD BE CONSIDERED A FELONY IF
6 COMMITTED BY AN ADULT; OR

7 (B) WHEN THE CHILD WAS 12 OR 13 YEARS OF AGE AND
8 THE CONDUCT WOULD HAVE CONSTITUTED ONE OR MORE OF THE
9 FOLLOWING OFFENSES IF COMMITTED BY AN ADULT:

10 (I) MURDER.

11 (II) VOLUNTARY MANSLAUGHTER.

12 (III) AGGRAVATED ASSAULT AS DEFINED IN 18
13 PA.C.S. § 2702(A) (1) OR (2) (RELATING TO
14 AGGRAVATED ASSAULT).

15 (IV) ARSON AS DEFINED IN 18 PA.C.S. §
16 3301(A) (1) (RELATING TO ARSON AND RELATED
17 OFFENSES).

18 (V) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

19 (VI) KIDNAPPING.

20 (VII) RAPE.

21 (VIII) ROBBERY AS DEFINED IN 18 PA.C.S. §
22 3701(A) (1) (I), (II) OR (III) (RELATING TO
23 ROBBERY).

24 (IX) ROBBERY OF MOTOR VEHICLE.

25 (X) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF
26 THE OFFENSES IN THIS SUBPARAGRAPH.

27 (II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED
28 ALLEGING THAT THE CHILD HAS COMMITTED AN ACT OR ACTS
29 SUBJECT TO A HEARING PURSUANT TO SECTION 6336(E)
30 (RELATING TO CONDUCT OF HEARINGS) AND THE CHILD

1 PREVIOUSLY HAS BEEN ADJUDICATED DELINQUENT BY A COURT AS
2 A RESULT OF AN ACT OR ACTS COMMITTED:

3 (A) WHEN THE CHILD WAS 14 YEARS OF AGE OR OLDER
4 AND THE CONDUCT WOULD BE CONSIDERED A FELONY IF
5 COMMITTED BY AN ADULT; OR

6 (B) WHEN THE CHILD WAS 12 OR 13 YEARS OF AGE AND
7 THE CONDUCT WOULD HAVE CONSTITUTED ONE OR MORE OF THE
8 FOLLOWING OFFENSES IF COMMITTED BY AN ADULT:

9 (I) MURDER.

10 (II) VOLUNTARY MANSLAUGHTER.

11 (III) AGGRAVATED ASSAULT AS DEFINED IN 18
12 PA.C.S. § 2702(A) (1) OR (2).

13 (IV) ARSON AS DEFINED IN 18 PA.C.S. §
14 3301(A) (1).

15 (V) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

16 (VI) KIDNAPPING.

17 (VII) RAPE.

18 (VIII) ROBBERY AS DEFINED IN 18 PA.C.S. §
19 3701(A) (1) (I), (II) OR (III).

20 (IX) ROBBERY OF MOTOR VEHICLE.

21 (X) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF
22 THE OFFENSES IN THIS SUBPARAGRAPH.]

23 (1.1) THE CONTENTS OF LAW ENFORCEMENT RECORDS AND FILES
24 CONCERNING A CHILD SHALL NOT BE DISCLOSED TO THE PUBLIC
25 UNLESS ANY OF THE FOLLOWING APPLY:

26 (I) THE CHILD HAS BEEN ADJUDICATED DELINQUENT BY A
27 COURT AS A RESULT OF AN ACT OR ACTS COMMITTED WHEN THE
28 CHILD WAS 14 YEARS OF AGE OR OLDER AND THE CONDUCT WOULD
29 HAVE CONSTITUTED ONE OR MORE OF THE FOLLOWING OFFENSES IF
30 COMMITTED BY AN ADULT:

- 1 (A) MURDER.
- 2 (B) VOLUNTARY MANSLAUGHTER.
- 3 (C) AGGRAVATED ASSAULT AS DEFINED IN 18 PA.C.S.
4 § 2702(A) (1) OR (2) (RELATING TO AGGRAVATED ASSAULT).
- 5 (D) SEXUAL ASSAULT AS DEFINED IN 18 PA.C.S. §
6 3124.1 (RELATING TO SEXUAL ASSAULT).
- 7 (E) AGGRAVATED INDECENT ASSAULT AS DEFINED IN 18
8 PA.C.S. § 3125 (RELATING TO AGGRAVATED INDECENT
9 ASSAULT).
- 10 (F) ARSON AS DEFINED IN 18 PA.C.S. § 3301(A) (1)
11 (RELATING TO ARSON AND RELATED OFFENSES).
- 12 (G) BURGLARY AS A FELONY IN THE FIRST DEGREE AS
13 DEFINED IN 18 PA.C.S. § 3502(C) (1) (RELATING TO
14 BURGLARY).
- 15 (H) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.
- 16 (I) KIDNAPPING.
- 17 (J) RAPE.
- 18 (K) ROBBERY AS DEFINED IN 18 PA.C.S. § 3701(A)
19 (1) (I), (II) OR (III) (RELATING TO ROBBERY).
- 20 (L) ROBBERY OF MOTOR VEHICLE.
- 21 (M) VIOLATION OF 18 PA.C.S. CH. 61 (RELATING TO
22 FIREARMS AND OTHER DANGEROUS ARTICLES).
- 23 (N) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF THE
24 OFFENSES IN THIS SUBPARAGRAPH.
- 25 (II) A PETITION ALLEGING DELINQUENCY HAS BEEN FILED
26 ALLEGING THAT THE CHILD HAS COMMITTED AN ACT OR ACTS
27 SUBJECT TO A HEARING PURSUANT TO SECTION 6336(E)
28 (RELATING TO CONDUCT OF HEARINGS) AND THE CHILD
29 PREVIOUSLY HAS BEEN ADJUDICATED DELINQUENT BY A COURT AS
30 A RESULT OF AN ACT OR ACTS COMMITTED WHEN THE CHILD WAS

1 14 YEARS OF AGE OR OLDER AND THE CONDUCT WOULD HAVE
2 CONSTITUTED ONE OR MORE OF THE FOLLOWING OFFENSES IF
3 COMMITTED BY AN ADULT:

4 (A) MURDER.

5 (B) VOLUNTARY MANSLAUGHTER.

6 (C) AGGRAVATED ASSAULT AS DEFINED IN 18 PA.C.S.
7 § 2702(A) (1) OR (2).

8 (D) SEXUAL ASSAULT AS DEFINED IN 18 PA.C.S. §
9 3124.1.

10 (E) AGGRAVATED INDECENT ASSAULT AS DEFINED IN 18
11 PA.C.S. § 3125.

12 (F) ARSON AS DEFINED IN 18 PA.C.S. § 3301(A) (1).

13 (G) BURGLARY AS A FELONY IN THE FIRST DEGREE AS
14 DEFINED IN 18 PA.C.S. § 3502(C) (1).

15 (H) INVOLUNTARY DEVIATE SEXUAL INTERCOURSE.

16 (I) KIDNAPPING.

17 (J) RAPE.

18 (K) ROBBERY AS DEFINED IN 18 PA.C.S. § 3701(A)
19 (1) (I), (II) OR (III).

20 (L) ROBBERY OF MOTOR VEHICLE.

21 (M) VIOLATION OF 18 PA.C.S. CH. 61.

22 (N) ATTEMPT OR CONSPIRACY TO COMMIT ANY OF THE
23 OFFENSES IN THIS SUBPARAGRAPH.

24 (2) IF THE CONDUCT OF THE CHILD MEETS THE REQUIREMENTS
25 FOR DISCLOSURE AS SET FORTH IN PARAGRAPH [(1)] (1.1), THEN
26 THE LAW ENFORCEMENT AGENCY SHALL DISCLOSE THE NAME, AGE AND
27 ADDRESS OF THE CHILD, THE OFFENSES CHARGED AND THE
28 DISPOSITION OF THE CASE.

29 * * *

30 ~~Section 3 4. This act shall take effect in 365 days.~~

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1 SECTION 4. THE FOLLOWING SHALL APPLY:

2 (1) THE PENNSYLVANIA STATE POLICE AND THE ADMINISTRATIVE
3 OFFICE OF PENNSYLVANIA COURTS SHALL IDENTIFY AND COMPLETE THE
4 PROCESSING OF RECORDS THAT ARE ELIGIBLE, ON THE EFFECTIVE
5 DATE OF THIS PARAGRAPH, FOR LIMITED ACCESS UNDER 18 PA.C.S. §
6 9122.2, WITHIN 365 DAYS FOLLOWING THE EFFECTIVE DATE OF THIS
7 PARAGRAPH.

8 (2) A PETITION FOR LIMITED ACCESS UNDER 18 PA.C.S. §
9 9122.1 MAY BE FILED BEGINNING 180 DAYS AFTER THE EFFECTIVE
10 DATE OF THIS PARAGRAPH.

11 SECTION 5. THIS ACT SHALL TAKE EFFECT AS FOLLOWS:

12 (1) THE FOLLOWING PROVISIONS SHALL TAKE EFFECT
13 IMMEDIATELY:

14 (I) THIS SECTION.

15 (II) SECTION 4(2) OF THIS ACT.

16 (2) THE AMENDMENT OF 18 PA.C.S. § 9122.1 SHALL TAKE
17 EFFECT IN 180 DAYS.

18 (3) THE REMAINDER OF THIS ACT SHALL TAKE EFFECT IN 365
19 DAYS.