

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 851 Session of 2021

INTRODUCED BY MULLERY, SCHLOSSBERG, HILL-EVANS, N. NELSON,  
KINSEY, McNEILL, PASHINSKI AND GILLEN, MARCH 10, 2021

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 10, 2021

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled  
2 "An act concerning elections, including general, municipal,  
3 special and primary elections, the nomination of candidates,  
4 primary and election expenses and election contests; creating  
5 and defining membership of county boards of elections;  
6 imposing duties upon the Secretary of the Commonwealth,  
7 courts, county boards of elections, county commissioners;  
8 imposing penalties for violation of the act, and codifying,  
9 revising and consolidating the laws relating thereto; and  
10 repealing certain acts and parts of acts relating to  
11 elections," in nomination of candidates, providing for  
12 background checks for candidates for school district office.

13 The General Assembly of the Commonwealth of Pennsylvania  
14 hereby enacts as follows:

15 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known  
16 as the Pennsylvania Election Code, is amended by adding a  
17 section to read:

18 Section 910.1. Background Checks for Candidates for School  
19 District Office.--(a) At the time of filing a candidate's  
20 nomination petition and a candidate's affidavit, each candidate  
21 for any school district office shall file the following with the  
22 Department of State:

23 (1) Pursuant to 18 Pa.C.S. Ch. 91 (relating to criminal

1 history record information), a report of criminal history record  
2 information from the Pennsylvania State Police or a statement  
3 from the Pennsylvania State Police that the State Police central  
4 repository contains no criminal history information relating to  
5 that candidate. The criminal history record information shall be  
6 limited to that which is disseminated under 18 Pa.C.S. § 9121(b)  
7 (2) (relating to general regulations).

8 (2) A certification from the Department of Health as to  
9 whether the candidate is named in the Statewide database as the  
10 alleged perpetrator in a pending child abuse investigation or as  
11 the perpetrator of a founded report or an indicated report.

12 (3) A report of Federal criminal history record information.  
13 The candidate shall submit a full set of fingerprints to the  
14 Pennsylvania State Police for the purpose of a record check, and  
15 the Pennsylvania State Police or its authorized agent shall  
16 submit the fingerprints to the Federal Bureau of Investigation  
17 for the purpose of verifying the identity of the candidate and  
18 obtaining a current record of any criminal arrests and  
19 convictions.

20 (b) A candidate for any school district office shall be  
21 deemed ineligible for office if:

22 (1) The Department of Health verifies that the candidate is  
23 named in the Statewide database as the perpetrator of a founded  
24 report committed within the five-year period immediately  
25 preceding verification pursuant to this section.

26 (2) The candidate's criminal history record information  
27 indicates the candidate has been convicted of any of the  
28 following offenses or an equivalent crime under Federal law or  
29 the law of another state:

30 (i) 18 Pa.C.S. Ch. 25 (relating to criminal homicide).

- 1     (ii) 18 Pa.C.S. § 2702 (relating to aggravated assault).
- 2     (iii) 18 Pa.C.S. § 2709.1 (relating to stalking).
- 3     (iv) 18 Pa.C.S. § 2718 (relating to strangulation).
- 4     (v) 18 Pa.C.S. § 2901 (relating to kidnapping).
- 5     (vi) 18 Pa.C.S. § 2902 (relating to unlawful restraint).
- 6     (vii) 18 Pa.C.S. § 3121 (relating to rape).
- 7     (viii) 18 Pa.C.S. § 3122.1 (relating to statutory sexual
- 8 assault).
- 9     (ix) 18 Pa.C.S. § 3123 (relating to involuntary deviate
- 10 sexual intercourse).
- 11     (x) 18 Pa.C.S. § 3124.1 (relating to sexual assault).
- 12     (xi) 18 Pa.C.S. § 3125 (relating to aggravated indecent
- 13 assault).
- 14     (xii) 18 Pa.C.S. § 3126 (relating to indecent assault).
- 15     (xiii) 18 Pa.C.S. § 3127 (relating to indecent exposure).
- 16     (xiv) 18 Pa.C.S. § 3301 (relating to arson and related
- 17 offenses).
- 18     (xv) 18 Pa.C.S. § 4302 (relating to incest).
- 19     (xvi) 18 Pa.C.S. § 4303 (relating to concealing death of
- 20 child).
- 21     (xvii) 18 Pa.C.S. § 4304 (relating to endangering welfare of
- 22 children).
- 23     (xviii) 18 Pa.C.S. § 4305 (relating to dealing in infant
- 24 children).
- 25     (xix) A felony offense under 18 Pa.C.S. § 5902(b) (relating
- 26 to prostitution and related offenses).
- 27     (xx) 18 Pa.C.S. § 5903(c) or (d) (relating to obscene and
- 28 other sexual materials and performances).
- 29     (xxi) 18 Pa.C.S. § 6301 (relating to corruption of minors).
- 30     (xxii) 18 Pa.C.S. § 6312 (relating to sexual abuse of

1 children).

2 (xxiii) The attempt, solicitation or conspiracy to commit an  
3 offense under this paragraph.

4 (3) The candidate's criminal history record information  
5 indicates that the candidate has been convicted of a felony  
6 offense under the act of April 14, 1972 (P.L.233, No.64), known  
7 as "The Controlled Substance, Drug, Device and Cosmetic Act,"  
8 committed within the five-year period immediately preceding  
9 verification under this section.

10 (4) The candidate's criminal history record information  
11 indicates that the candidate has been convicted of an offense  
12 under 18 U.S.C. § 2261 (relating to interstate domestic  
13 violence) or 2262 (relating to interstate violation of  
14 protection order).

15 (5) The candidate's name appears on the National Crime  
16 Information Center National Sex Offender Registry or on a  
17 state's sex offender registry.

18 (6) The candidate's name appears on a Statewide database or  
19 its equivalent as a perpetrator of child abuse.

20 (c) A candidate for any school district office deemed  
21 ineligible for office under this section shall not appear on a  
22 ballot for school district office in any election.

23 (d) The Department of State shall promulgate rules and  
24 regulations necessary to carry out this section.

25 Section 2. This act shall apply to elections held 180 days  
26 after the effective date of this section.

27 Section 3. This act shall take effect immediately.