

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 391 Session of
2021

INTRODUCED BY SCHWANK, FONTANA, COSTA AND COMMITTA,
MARCH 11, 2021

REFERRED TO LAW AND JUSTICE, MARCH 11, 2021

AN ACT

1 Amending Title 53 (Municipalities Generally) of the Pennsylvania
2 Consolidated Statutes, in employees, providing for use of
3 criminal background information.

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

6 Section 1. Title 53 of the Pennsylvania Consolidated
7 Statutes is amended by adding a section to read:

8 § 2172. Use of criminal background information.

9 (a) Authorized use.--A municipal law enforcement agency may
10 use criminal history record information as provided in 18
11 Pa.C.S. Ch. 91 (relating to criminal history record information)
12 to judge the qualifications and suitability of an applicant for
13 employment as a police officer in the municipality.

14 (b) Waiver.--Whenever a municipal law enforcement agency is
15 in receipt of information which is part of an applicant's
16 criminal history record information file that would disqualify
17 the applicant due to a criminal conviction, the municipal law
18 enforcement agency may waive the disqualification based on the

1 criminal conviction if the municipal law enforcement agency does
2 all of the following:

3 (1) Determines that the criminal conviction is not
4 graded as a felony or misdemeanor of the first degree.

5 (2) Investigates the circumstances of the criminal
6 conviction to determine whether and to the extent the
7 criminal conviction relates to the applicant's suitability
8 for employment in the position for which he or she has
9 applied.

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