

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 533 Session of 2023

INTRODUCED BY McNEILL, BURGOS, MADDEN, HILL-EVANS, PROBST, KENYATTA, CONKLIN, SCHLOSSBERG, DELLOSO, CEPEDA-FREYTIZ AND KHAN, MARCH 17, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 17, 2023

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:

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

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

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

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

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

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

1 the law of another state:

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

3 (ii) 18 Pa.C.S. § 2702 (relating to aggravated assault).

4 (iii) 18 Pa.C.S. § 2709.1 (relating to stalking).

5 (iv) 18 Pa.C.S. § 2718 (relating to strangulation).

6 (v) 18 Pa.C.S. § 2901 (relating to kidnapping).

7 (vi) 18 Pa.C.S. § 2902 (relating to unlawful restraint).

8 (vii) 18 Pa.C.S. § 3121 (relating to rape).

9 (viii) 18 Pa.C.S. § 3122.1 (relating to statutory sexual
10 assault).

11 (ix) 18 Pa.C.S. § 3123 (relating to involuntary deviate
12 sexual intercourse).

13 (x) 18 Pa.C.S. § 3124.1 (relating to sexual assault).

14 (xi) 18 Pa.C.S. § 3125 (relating to aggravated indecent
15 assault).

16 (xii) 18 Pa.C.S. § 3126 (relating to indecent assault).

17 (xiii) 18 Pa.C.S. § 3127 (relating to indecent exposure).

18 (xiv) 18 Pa.C.S. § 3301 (relating to arson and related
19 offenses).

20 (xv) 18 Pa.C.S. § 4302 (relating to incest).

21 (xvi) 18 Pa.C.S. § 4303 (relating to concealing death of
22 child).

23 (xvii) 18 Pa.C.S. § 4304 (relating to endangering welfare of
24 children).

25 (xviii) 18 Pa.C.S. § 4305 (relating to dealing in infant
26 children).

27 (xix) A felony offense under 18 Pa.C.S. § 5902(b) (relating
28 to prostitution and related offenses).

29 (xx) 18 Pa.C.S. § 5903(c) or (d) (relating to obscene and
30 other sexual materials and performances).

1 (xxi) 18 Pa.C.S. § 6301 (relating to corruption of minors).

2 (xxii) 18 Pa.C.S. § 6312 (relating to sexual abuse of
3 children).

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

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

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

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

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

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

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

27 Section 2. The addition of section 910.1 of the act shall
28 apply to elections held 180 days after the effective date of
29 this section.

30 Section 3. This act shall take effect immediately.