

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1081 Session of 2015

INTRODUCED BY DAVIS, O'BRIEN, BROWNLIE, PETRARCA, TALLMAN, MILLARD, READSHAW, MURT, SANTARSIERO, DONATUCCI, THOMAS, HANNA, LONGIETTI, BAKER, TOEPEL, STEPHENS, MASSER, WHEELAND, GAINNEY, YOUNGBLOOD, D. COSTA, SNYDER, A. HARRIS, DeLUCA, KINSEY, MULLERY, KOTIK, KORTZ, BARRAR, BRIGGS, HAHN, JOZWIAK, FARINA, DRISCOLL, DEAN, GOODMAN, P. DALEY, BIZZARRO AND CAUSER, APRIL 28, 2015

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 28, 2015

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 23 (Domestic
2 Relations) of the Pennsylvania Consolidated Statutes, in
3 dissemination of criminal history record information, further
4 providing for fees for background checks; and, in child
5 protective services, further providing for employees having
6 contact with children, adoptive and foster parents and for
7 volunteers having contact with children.

8 The General Assembly of the Commonwealth of Pennsylvania
9 hereby enacts as follows:

10 Section 1. Section 9121(b)(1) of Title 18 of the
11 Pennsylvania Consolidated Statutes is amended to read:

12 § 9121. General regulations.

13 * * *

14 (b) Dissemination to noncriminal justice agencies and
15 individuals.--Criminal history record information shall be
16 disseminated by a State or local police department to any
17 individual or noncriminal justice agency only upon request.
18 Except as provided in subsection (b.1):

1 (1) A fee may be charged by a State or local police
2 department for each request for criminal history record
3 information by an individual or noncriminal justice agency,
4 except that no fee shall be charged to an individual who
5 makes the request in order to [apply] do any of the
6 following:

7 (i) Apply to become a volunteer with an affiliate of
8 Big Brothers of America or Big Sisters of America or with
9 a rape crisis center or domestic violence program.

10 (ii) Apply to become, or to remain in his or her
11 position as, a paid or volunteer firefighter or a paid or
12 volunteer emergency medical services provider.

13 * * *

14 Section 2. Section 6344(b) introductory paragraph and (h) of
15 Title 23, amended October 22, 2014 (P.L.2529, No.153), are
16 amended and the section is amended by adding a subsection to
17 read:

18 § 6344. Employees having contact with children; adoptive and
19 foster parents.

20 * * *

21 (b) Information to be submitted.--[An] Except as provided
22 under subsection (b.3), an individual identified in subsection
23 (a)(7) at the time the individual meets the description set
24 forth in subsection (a)(7) and an individual identified in
25 subsection (a)(1), (2), (3), (4), (5) or (6) or (a.1) prior to
26 the commencement of employment or service shall be required to
27 submit the following information to an employer, administrator,
28 supervisor or other person responsible for employment decisions
29 or involved in the selection of volunteers:

30 * * *

1 (b.3) Paid or volunteer firefighter or emergency medical
2 services provider.--A paid or volunteer firefighter and a paid
3 or volunteer emergency medical services provider shall only be
4 required to provide the information under subsection (b)(1) and
5 (2) if the individual has been a resident of this Commonwealth
6 during the entirety of the previous ten-year period.

7 * * *

8 (h) Fees.--The department may charge a fee not to exceed \$10
9 in order to conduct the certification as required in subsection
10 (b)(2), except that no fee shall be charged to an individual who
11 makes the request in order to [apply] do any of the following:

12 (1) Apply to become a volunteer with an affiliate of Big
13 Brothers of America or Big Sisters of America or with a rape
14 crisis center or domestic violence shelter.

15 (2) Apply to become, or to remain in his or her position
16 as, a paid or volunteer firefighter or a paid or volunteer
17 emergency medical services provider.

18 Section 3. Section 6344.2(b) and (b.1)(1) introductory
19 paragraph of Title 23, amended October 22, 2014 (P.L.2529,
20 No.153), are amended to read:

21 § 6344.2. Volunteers having contact with children.

22 * * *

23 (b) Investigation.--Employers, administrators, supervisors
24 or other persons responsible for selection of volunteers shall
25 require an applicant to submit to all requirements set forth in
26 section 6344(b) (relating to employees having contact with
27 children; adoptive and foster parents) except as provided in
28 [subsection (b.1)] subsections (b.1) and (b.3). An employer,
29 administrator, supervisor or other person responsible for
30 selection of volunteers regarding an applicable prospective

1 volunteer under this section that intentionally fails to require
2 the submissions before hiring that individual commits a
3 misdemeanor of the third degree.

4 (b.1) Exception.--

5 (1) A person responsible for the selection of volunteers
6 under this chapter shall require an applicable prospective
7 volunteer, including a paid or volunteer firefighter and a
8 paid or volunteer emergency medical services provider, prior
9 to the commencement of service to submit only the information
10 under section 6344(b) (1) and (2), if the following apply:

11 * * *

12 Section 4. This act shall take effect in 60 days.