
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1197 Session of
2013

INTRODUCED BY GREENLEAF, WASHINGTON, STACK, FONTANA, PILEGGI,
SOLOBAY AND COSTA, NOVEMBER 26, 2013

REFERRED TO JUDICIARY, NOVEMBER 26, 2013

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in criminal history record information, further
4 providing for juvenile records; in juvenile matters, further
5 providing for short title and purposes of chapter, for scope
6 of chapter, for inspection of court files and records, for
7 juvenile history record information and for conduct of
8 hearings; and, in registration of sexual offenders, further
9 providing for definitions and for court notification and
10 classification requirements.

11 The General Assembly of the Commonwealth of Pennsylvania
12 hereby enacts as follows:

13 Section 1. Section 9123(a)(2.1) of Title 18 of the
14 Pennsylvania Consolidated Statutes is amended to read:

15 § 9123. Juvenile records.

16 (a) Expungement of juvenile records.--Notwithstanding the
17 provisions of section 9105 (relating to other criminal justice
18 information) and except as provided under subsection (a.1),
19 expungement of records of juvenile delinquency cases and cases
20 involving summary offenses committed while the individual was
21 under 18 years of age, wherever kept or retained, shall occur
22 after 30 days' notice to the district attorney whenever the

1 court upon its own motion or upon the motion of a child or the
2 parents or guardian finds:

3 * * *

4 (2.1) the individual is 18 years of age or older and six
5 months have elapsed since the individual has satisfied all
6 terms and conditions of the sentence imposed following a
7 conviction for a summary offense, with the exception of a
8 violation of section 6308 (relating to purchase, consumption,
9 possession or transportation of liquor or malt or brewed
10 beverages), committed while the individual was under 18 years
11 of age and since satisfying all terms and conditions of the
12 sentence the individual has not been convicted of a felony,
13 misdemeanor or adjudicated delinquent and no proceeding is
14 pending to seek such conviction and adjudication;

15 * * *

16 Section 2. Sections 6301(b)(2), 6303(c), 6307(c), 6309(d)
17 and (e) and 6336(g) of Title 42 are amended to read:
18 § 6301. Short title and purposes of chapter.

19 * * *

20 (b) Purposes.--This chapter shall be interpreted and
21 construed as to effectuate the following purposes:

22 * * *

23 (2) Consistent with the protection of the public
24 interest, to provide for children committing delinquent acts
25 programs of supervision, care and rehabilitation which
26 provide balanced attention to the protection of the
27 community, the imposition of developmentally appropriate
28 accountability for offenses committed and the development of
29 competencies to enable children to become responsible and
30 productive members of the community.

1 * * *

2 § 6303. Scope of chapter.

3 * * *

4 (c) Summary offenses generally.--In addition to the
5 provisions of subsection (a) (5) and notwithstanding the
6 exclusion of summary offenses generally from the definition of
7 "delinquent act" under section 6302, the provisions of sections
8 6307 (relating to inspection of court files and records) and
9 6336(d) (relating to conduct of hearings), insofar as section
10 6336(d) relates to the exclusion of the general public from the
11 proceedings, shall apply to proceedings involving a child
12 charged with a summary offense when the proceedings are before a
13 judge of the minor judiciary, the Philadelphia Municipal Court
14 or a court of common pleas.

15 § 6307. Inspection of court files and records.

16 * * *

17 (c) Summary offenses.--The provisions of this section shall
18 apply to proceedings involving a child charged with a summary
19 offense when the proceedings are before a judge of the minor
20 judiciary, the Philadelphia Municipal Court or a court of common
21 pleas.

22 § 6309. Juvenile history record information.

23 * * *

24 (d) Disposition reporting.--The division or judge of the
25 court assigned to conduct juvenile hearings shall, within seven
26 days after disposition of a case where the child has been
27 alleged to be delinquent, notify the arresting authority of the
28 disposition of the case. [In addition, it shall collect and
29 submit to the Juvenile Court Judges' Commission the] The
30 disposition of cases where a child has been alleged to be

1 delinquent, including the disposition of cases resulting in an
2 adjudication of delinquency [which] shall be [submitted]
3 provided to the Pennsylvania State Police for inclusion in the
4 central repository [within 90 days of an adjudication of
5 delinquency as required by] as determined by the Administrative
6 Office of Pennsylvania Courts in consultation with the Juvenile
7 Court Judges' Commission. In addition, the Juvenile Court
8 Judges' Commission shall be provided with information pertaining
9 to the cases of children who have been alleged to be delinquent
10 as the commission determines necessary to fulfill its
11 responsibilities under section 6373 (relating to powers and
12 duties).

13 (e) Definitions.--As used in this section, the following
14 words and phrases shall have the meanings given to them in this
15 subsection:

16 "Criminal history record information." In addition to the
17 meaning in 18 Pa.C.S. § 9102 (relating to definitions), the term
18 includes the meaning of juvenile history record information as
19 defined in this subsection.

20 "Juvenile history record information." Information collected
21 pursuant to this section concerning alleged delinquents and
22 adjudicated delinquents whose fingerprints and photographs are
23 taken pursuant to section 6308(c) and arising from [the filing
24 of a petition] an allegation of delinquency, consisting of
25 identifiable descriptions, dates and notations of arrests or
26 other delinquency charges and any adjudication of delinquency or
27 preadjudication disposition other than dismissal arising
28 therefrom. This information shall also include the last known
29 location and the juvenile court jurisdiction status of each
30 adjudicated delinquent. Juvenile history record information

1 shall not include intelligence information, investigative
2 information, treatment information, including medical and
3 psychiatric information, caution indicator information, modus
4 operandi information, wanted persons information, stolen
5 property information, missing persons information, employment
6 history information, personal history information or presentence
7 investigation information.

8 § 6336. Conduct of hearings.

9 * * *

10 (g) Summary offenses.--The provisions of subsection (d),
11 insofar as subsection (d) relates to the exclusion of the
12 general public from the proceedings, shall apply to proceedings
13 involving a child charged with a summary offense when the
14 proceedings are before a judge of the minor judiciary, the
15 Philadelphia Municipal Court or a court of common pleas.

16 * * *

17 Section 3. The definition of "juvenile offender" in section
18 9799.12 of Title 42 is amended to read:

19 § 9799.12. Definitions.

20 The following words and phrases when used in this subchapter
21 shall have the meanings given to them in this section unless the
22 context clearly indicates otherwise:

23 * * *

24 "Juvenile offender." One of the following:

25 (1) An individual who was 14 years of age or older at
26 the time the individual committed an offense which, if
27 committed by an adult, would be classified as an offense
28 under 18 Pa.C.S. § 3121 (relating to rape), 3123 (relating to
29 involuntary deviate sexual intercourse) or 3125 (relating to
30 aggravated indecent assault) or an attempt, solicitation or

1 conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123
2 or 3125 and either:

3 (i) is adjudicated delinquent for such offense on or
4 after the effective date of this section; or

5 (ii) has been adjudicated delinquent for such
6 offense and on the effective date of this section is
7 subject to the jurisdiction of the court on the basis of
8 that adjudication of delinquency, including commitment to
9 an institution or facility set forth in section
10 6352(a) (3) (relating to a disposition of delinquent
11 child).

12 (2) An individual who, on or after the effective date of
13 this paragraph, was 14 years of age or older at the time the
14 individual committed an offense similar to an offense under
15 18 Pa.C.S. § 3121, 3123 or 3125 or an attempt, solicitation
16 or conspiracy to commit an offense similar to an offense
17 under 18 Pa.C.S. § 3121, 3123 or 3125 under the laws of the
18 United States, another jurisdiction or a foreign country and
19 was adjudicated delinquent for such an offense.

20 (3) An individual who, on or after the effective date of
21 this paragraph, was required to register in a sexual offender
22 registry in another jurisdiction or foreign country based
23 upon an adjudication of delinquency.

24 The term does not include a sexually violent delinquent child.

25 * * *

26 Section 4. Section 9799.23(a) of Title 42 is amended to
27 read:

28 § 9799.23. Court notification and classification requirements.

29 (a) Notice to sexual offenders.--At the time of sentencing,
30 of disposition under section 6352 (relating to disposition of

1 delinquent child) in the case of a juvenile offender, of
2 adjudication of delinquency under section 6341 (relating to
3 adjudication) in the case of a juvenile offender if the
4 individual was adjudicated delinquent in any county other than
5 the individual's county of residence and section 9799.19(h)(1)
6 (i)(B) (relating to initial registration) applies, or of
7 commitment under section 6403 (relating to court-ordered
8 involuntary treatment) in the case of a sexually violent
9 delinquent child, the court shall inform the sexual offender of
10 the provisions of this subchapter. The court shall:

11 (1) Specifically inform the sexual offender of the duty
12 to register under this subchapter.

13 (2) Specifically inform the sexual offender of:

14 (i) the duty to register in accordance with sections
15 9799.15 (relating to period of registration), 9799.16(b)
16 (relating to registry), 9799.19 [(relating to initial
17 registration)] and 9799.25 (relating to verification by
18 sexual offenders and Pennsylvania State Police); and

19 (ii) the duty to attend counseling in accordance
20 with:

21 (A) section 9799.36 (relating to counseling of
22 sexually violent predators) if applicable; or

23 (B) section 6404.2(g) (relating to duration of
24 outpatient commitment and review) if applicable.

25 (3) Specifically inform the sexual offender of the duty
26 to register with authorities in another jurisdiction within
27 three business days of:

28 (i) Commencement of residence, change of residence,
29 termination of residence or failure to maintain a
30 residence, thus making the sexual offender a transient.

1 (ii) Commencement of employment, a change in the
2 location or entity in which the sexual offender is
3 employed or termination of employment.

4 (iii) Commencement of enrollment as a student, a
5 change in enrollment as a student or termination of
6 enrollment as a student.

7 (4) In accordance with section 9799.16(c), order that
8 the fingerprints, palm prints, DNA sample and photograph of
9 the sexual offender be provided to the Pennsylvania State
10 Police upon sentencing.

11 (5) Require the sexual offender to read and sign a form
12 stating that the duty to register under this subchapter has
13 been explained. If the sexual offender is incapable of
14 speaking, reading or writing the English language, the court
15 shall certify the duty to register was explained to the
16 sexual offender, and the sexual offender indicated an
17 understanding of the duty.

18 (6) Specifically classify the individual as one of the
19 following:

- 20 (i) An individual convicted of a Tier I offense.
- 21 (ii) An individual convicted of a Tier II offense.
- 22 (iii) An individual convicted of a Tier III offense.
- 23 (iv) A sexually violent predator.
- 24 (v) A juvenile offender.
- 25 (vi) A sexually violent delinquent child.

26 * * *

27 Section 5. This act shall take effect in 60 days.