

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1197 Session of 2013

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

SENATOR CORMAN, APPROPRIATIONS, RE-REPORTED AS AMENDED, MARCH 10, 2014

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

1 after 30 days' notice to the district attorney whenever the  
2 court upon its own motion or upon the motion of a child or the  
3 parents or guardian finds:

4 \* \* \*

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

16 \* \* \*

17 Section 2. Sections ~~6301(b)(2)~~, 6303(c), 6307(c), 6309(d) <--  
18 and (e) and 6336(g) of Title 42 are amended to read:

19 ~~§ 6301. Short title and purposes of chapter.~~ <--

20 \* \* \*

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

23 \* \* \*

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

1 ~~productive members of the community.~~

2 \* \* \*

3 § 6303. Scope of chapter.

4 \* \* \*

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

16 § 6307. Inspection of court files and records.

17 \* \* \*

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

23 § 6309. Juvenile history record information.

24 \* \* \*

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

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

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

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

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

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

9 § 6336. Conduct of hearings.

10 \* \* \*

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

17 \* \* \*

18 Section 3. The definition of "juvenile offender" in section  
19 9799.12 of Title 42 is amended to read:

20 § 9799.12. Definitions.

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

24 \* \* \*

25 "Juvenile offender." One of the following:

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

1 aggravated indecent assault) or an attempt, solicitation or  
2 conspiracy to commit an offense under 18 Pa.C.S. § 3121, 3123  
3 or 3125 and either:

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

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

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

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

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

26 \* \* \*

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

29 § 9799.23. Court notification and classification requirements.

30 (a) Notice to sexual offenders.--At the time of sentencing,

1 of disposition under section 6352 (relating to disposition of  
2 delinquent child) in the case of a juvenile offender, of  
3 adjudication of delinquency under section 6341 (relating to  
4 adjudication) in the case of a juvenile offender if the  
5 individual was adjudicated delinquent in any county other than  
6 the individual's county of residence and section 9799.19(h)(1)  
7 (i)(B) (relating to initial registration) applies, or of  
8 commitment under section 6403 (relating to court-ordered  
9 involuntary treatment) in the case of a sexually violent  
10 delinquent child, the court shall inform the sexual offender of  
11 the provisions of this subchapter. The court shall:

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

14 (2) Specifically inform the sexual offender of:

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

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

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

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

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

29 (i) Commencement of residence, change of residence,  
30 termination of residence or failure to maintain a

1 residence, thus making the sexual offender a transient.

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

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

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

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

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

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

27 \* \* \*

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