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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 515 Session of  
2013

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INTRODUCED BY KASUNIC, FONTANA, EICHELBERGER, ERICKSON,  
RAFFERTY, WASHINGTON, BREWSTER, WAUGH, SOLOBAY, COSTA,  
TARTAGLIONE AND FARNESE, FEBRUARY 20, 2013

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REFERRED TO JUDICIARY, FEBRUARY 20, 2013

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, further providing for fees for  
3 background checks.

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

6 Section 1. Section 9121 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended to read:

8 § 9121. General regulations.

9 (a) Dissemination to criminal justice agencies.--Criminal  
10 history record information maintained by any criminal justice  
11 agency shall be disseminated without charge to any criminal  
12 justice agency or to any noncriminal justice agency that is  
13 providing a service for which a criminal justice agency is  
14 responsible.

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

1 Except as provided in subsection (b.1):

2 (1) A fee may be charged by a State or local police  
3 department for each request for criminal history record  
4 information by an individual or noncriminal justice agency,  
5 except that no fee shall be charged to an individual who  
6 makes the request in order to apply to become a volunteer  
7 firefighter as defined in section 2 of the act of June 11,  
8 1968 (P.L.149, No.84), known as the Volunteer Firefighters'  
9 Relief Association Act, or a volunteer with an affiliate of  
10 Big Brothers of America or Big Sisters of America or with a  
11 rape crisis center or domestic violence program.

12 (2) Before a State or local police department  
13 disseminates criminal history record information to an  
14 individual or noncriminal justice agency, it shall extract  
15 from the record all notations of arrests, indictments or  
16 other information relating to the initiation of criminal  
17 proceedings where:

18 (i) three years have elapsed from the date of  
19 arrest;

20 (ii) no conviction has occurred; and

21 (iii) no proceedings are pending seeking a  
22 conviction.

23 (b.1) Exception.--Subsection (b)(1) and (2) shall not apply  
24 if the request is made by a county children and youth agency or  
25 the Department of Public Welfare in the performance of duties  
26 relating to children and youth under the act of June 24, 1937  
27 (P.L.2017, No.396), known as the County Institution District  
28 Law, section 2168 of the act of August 9, 1955 (P.L.323,  
29 No.130), known as The County Code, the act of June 13, 1967  
30 (P.L.31, No.21), known as the Public Welfare Code, 23 Pa.C.S.

1 Ch. 63 (relating to child protective services) or 42 Pa.C.S. Ch.  
2 63 (relating to juvenile matters).

3 (c) Data required to be kept.--Any criminal justice agency  
4 which disseminates criminal history record information must  
5 indicate to the recipient that the information disseminated is  
6 only that information contained in its own file, the date of the  
7 last entry, and that a summary of the Statewide criminal history  
8 record information may be obtained from the central repository.

9 (d) Extracting from the record.--When criminal history  
10 record information is maintained by a criminal justice agency in  
11 records containing investigative information, intelligence  
12 information, treatment information or other nonpublic  
13 information, the agency may extract and disseminate only the  
14 criminal history record information if the dissemination is to  
15 be made to a noncriminal justice agency or individual.

16 (e) Dissemination procedures.--Criminal justice agencies may  
17 establish reasonable procedures for the dissemination of  
18 criminal history record information.

19 (f) Notations on record.--Repositories must enter as a  
20 permanent part of an individual's criminal history record  
21 information file, a listing of all persons and agencies to whom  
22 they have disseminated that particular criminal history record  
23 information and the date and purpose for which the information  
24 was disseminated. Such listing shall be maintained separate from  
25 the record itself.

26 Section 2. This act shall take effect immediately.