

No. 1981-41

AN ACT

SB 41

Amending the act of April 28, 1978 (P.L.202, No.53), entitled "A supplement to the act of July 9, 1976 (P.L.586, No.142), entitled 'An act amending Titles 42 (Judiciary and Judicial Procedure), 15 (Corporations and Unincorporated Associations), 18 (Crimes and Offenses) and 71 (State Government) of the Pennsylvania Consolidated Statutes, adding revised, codified and compiled provisions relating to judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities and separately enacting certain related provisions of law,' making revisions, corrections and additions relating to judiciary and judicial procedure, including certain judicially enforceable rights, duties, immunities and liabilities, adding certain provisions of existing law to and making conforming and editorial changes in certain provisions of the Pennsylvania Consolidated Statutes, fixing the general effective date of the act as supplemented hereby and repealing certain acts and parts of acts supplied by the act as supplemented hereby or by other acts or otherwise obsolete," further providing for the repeal of provisions relating to post conviction hearings and further providing for disclosure of information regarding certain children.

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

Section 1. As much as relates to the act of January 25, 1966 (1965 P.L.1580, No.554), known as the "Post Conviction Hearing Act," in section 2(a), act of April 28, 1978 (P.L.202, No.53), known as the "Judiciary Act Repealer Act," amended June 26, 1980 (P.L.265, No.77), is amended to read:

Section 2. Repeals.—(a) Except as otherwise expressly provided in this subsection, the following acts and parts of acts are hereby repealed absolutely:

* * *

Act of January 25, 1966 (1965 P.L.1580, No.554), known as the "Post Conviction Hearing Act." Except for section 11 which was repealed effective June 27, 1978, the remaining provisions of the act are repealed effective June 27, [1981.] 1982.

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Section 2. As much of section 22 of the act as relates to section 6308 of Title 42 is amended to read:

Section 22. Chapter 63 conforming amendments.

* * *

§ 6308. Law enforcement records.

(a) General rule.—Law enforcement records and files concerning a child shall be kept separate from the records and files of arrests of adults. Unless a charge of delinquency is transferred for criminal prosecution under section 6355 (relating to transfer to criminal proceedings), the interest of national security requires, or the court otherwise orders in the

interest of the child, the records and files shall not be open to public inspection or their contents disclosed to the public except as provided in subsection (b); but inspection of the records and files is permitted by:

- (1) The court having the child before it in any proceeding.
- (2) Counsel for a party to the proceeding.
- (3) The officers of institutions or agencies to whom the child is committed.
- (4) Law enforcement officers of other jurisdictions when necessary for the discharge of their official duties.

(5) A court in which the child is convicted of a criminal offense for the purpose of a presentence report or other dispositional proceeding, or by officials of penal institutions and other penal facilities to which he is committed, or by a parole board in considering his parole or discharge or in exercising supervision over him.

(b) Public availability.

(1) The contents of law enforcement records and files concerning a child shall not be disclosed to the public except if the child is 14 or more years of age at the time of the alleged conduct and if:

(i) the child has been adjudicated delinquent by a court as a result of an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm; or

(ii) a petition alleging delinquency has been filed by a law enforcement agency alleging that the child has committed an act or acts which include the elements of rape, kidnapping, murder, robbery, arson, burglary or other act involving the use of or threat of serious bodily harm and the child previously has been adjudicated delinquent by a court as a result of an act or acts which included the elements of one of such crimes.

(2) If the conduct of the child meets the requirements for disclosure as set forth in paragraph (1), then the court or law enforcement agency, as the case may be, shall disclose the name, *age and address* of the child [and the nature of the conduct in question], *the offenses charged and the disposition of the case. The master or judge who adjudicates a child delinquent shall specify the particular offenses and counts thereof which the child is found to have committed and such information shall be inserted on any law enforcement records or files disclosed to the public as provided for in this section.*

Section 3. (a) Section 1 of this act shall take effect immediately. If this act is enacted subsequent to June 27, 1981, section 1 shall be retroactive to June 27, 1981.

(b) Section 2 of this act shall take effect in 60 days.

APPROVED—The 26th day of June, A. D. 1981.

DICK THORNBURGH