

No. 2000-129

AN ACT

HB 877

Amending Title 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes, further providing for inspection of court files and records, for juvenile history record information, for place of detention and for the definition of "local agency" for purposes of matters affecting governmental units.

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

Section 1. The definition of "shelter care" in section 6302 of Title 42 of the Pennsylvania Consolidated Statutes is amended and the section is amended by adding a definition to read:

§ 6302. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

"Facility designed or operated for the benefit of delinquent children." A facility that either identifies itself by charter, articles of incorporation or program description as solely for delinquent children.

* * *

"Shelter care." Temporary care of a child in physically unrestricted facilities. ***A facility approved by the Department of Public Welfare to provide shelter care may be located in the same building as a facility approved to provide secure detention services provided that children receiving shelter care services are segregated from the children receiving secure detention services as required by the department.***

Section 2. Section 6307 of Title 42 is amended by adding a paragraph to read:

§ 6307. Inspection of court files and records.

All files and records of the court in a proceeding under this chapter are open to inspection only by:

* * *

(6.1) The judges, officers and professional staff of courts of other jurisdictions when necessary for the discharge of their official duties.

* * *

Section 3. Sections 6309 and 6327(e) of Title 42 are amended to read:

§ 6309. Juvenile history record information.

(a) Applicability of Criminal History Record Information Act.—Except for 18 Pa.C.S. §§ 9105 (relating to other criminal justice information), 9112(a) and (b) (relating to mandatory fingerprinting), 9113 (relating to disposition reporting by criminal justice agencies) and 9121(b) (relating to general regulations), the remaining provisions of 18 Pa.C.S. Ch. 91

(relating to criminal history record information) shall apply to all alleged delinquents *and adjudicated delinquents* whose fingerprints and photographs are taken pursuant to section 6308(c) (relating to law enforcement records) and to any juvenile justice agency which collects, maintains, disseminates or receives juvenile history record information. The disclosure to the public of the contents of law enforcement records and files concerning a child shall be governed by section 6308(b).

(b) Central repository.—The Pennsylvania State Police shall establish a Statewide central repository of fingerprints, photographs and juvenile history record information of alleged delinquents *and adjudicated delinquents* whose fingerprints and photographs are taken pursuant to section 6308(c).

(c) Fingerprints and photographs.—The arresting authority shall ensure that the fingerprints and photographs of [an] alleged [delinquent] *and adjudicated delinquents* whose fingerprints and photographs [which] have been taken by [an] *the* arresting authority pursuant to section 6308(c) are forwarded to the central repository as required by the Pennsylvania State Police.

(d) Disposition reporting.—The division or judge of the court assigned to conduct juvenile hearings shall, within seven days after disposition of a case where the child has been alleged to be delinquent, notify the arresting authority of the disposition of the case. In addition, it shall collect and submit *to the Juvenile Court Judges' Commission* the disposition of cases *where a child has been alleged to be delinquent, including the disposition of cases* resulting in adjudication of delinquency *which shall be submitted* for inclusion in the central repository within 90 days of an adjudication of delinquency as required by the Juvenile Court Judges' Commission.

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

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

“Juvenile history record information.” Information collected pursuant to this section concerning alleged delinquents *and adjudicated delinquents* whose fingerprints and photographs are taken pursuant to section 6308(c) and arising from the filing of a petition of delinquency, consisting of identifiable descriptions, dates and notations of arrests[, **indictments, information**] or other delinquency charges and any adjudication of delinquency[, **informal adjustment, consent decree**] or preadjudication disposition other than dismissal arising therefrom. *This information shall also include the last known location and the juvenile court jurisdiction status of each adjudicated delinquent.* Juvenile history record information shall not include intelligence information, investigative information, treatment information, including medical and psychiatric information, caution indicator information, modus operandi information, wanted persons

information, stolen property information, missing persons information, employment history information, personal history information or presentence investigation information.

§ 6327. Place of detention.

* * *

(e) Detention of dependent child.—A child alleged to be dependent may be detained or placed only in a Department of Public Welfare approved shelter care facility as stated in subsection (a)(1), (2) and (4), and shall not be detained in a jail or other facility intended or used for the detention of adults charged with criminal offenses, but may be detained in the same shelter care facilities with alleged *or adjudicated* delinquent children.

* * *

Section 4. The definition of “local agency” in section 8501 of Title 42 is amended to read:

§ 8501. Definitions.

The following words and phrases when used in this chapter shall have, unless the context clearly indicates otherwise, the meanings given to them in this section:

* * *

“Local agency.” A government unit other than the Commonwealth government. The term includes, *but is not limited to*, an intermediate unit[.]; *municipalities cooperating in the exercise or performance of governmental functions, powers or responsibilities under 53 Pa.C.S. Ch. 23 Subch. A (relating to intergovernmental cooperation); and councils of government and other entities created by two or more municipalities under 53 Pa.C.S. Ch. 23 Subch. A.*

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

APPROVED—The 20th day of December, A.D. 2000.

THOMAS J. RIDGE