

COMMITTEE BILL ANALYSIS

Bill: Senate Bill 894

Printer's No.: 994

Sponsor: Sen. Alloway

Prepared by: Gregg Warner

Synopsis: This bill amends the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, authorizing the Pennsylvania Board of Law Examiners (PBLE) to require criminal history record checks.

Summary: Subchapter G of Chapter 21 of the Judicial Code is added to provide for the PBLE.

Criminal history record checks

Under new section 2161 the PBLE may require that persons applying for admission to the bar and the practice of law in Pennsylvania submit:

- (1) A Federal criminal history record check through the Federal Bureau of Investigation (FBI).
- (2) A State criminal history record check through the Pennsylvania State Police (PSP).

Fingerprints

If an applicant for admission to the bar and the practice of law submits fingerprints to the PSP for the purpose of obtaining criminal history record checks, the PSP shall submit the fingerprints to the FBI for the purpose of verifying the identity of the applicant and obtaining a current record of any criminal arrests and convictions.

Use of information

Any information relating to an applicant obtained under section 2161 may be interpreted by the PBLE to determine the applicant's character, fitness and suitability for admission to the bar and the practice of law.

Inapplicability

The provisions of the Criminal History Record Information Act (18 Pa.C.S. Ch. 91) relating to the dissemination of criminal history record information shall not apply if a request for a criminal history record check is submitted under section 2161.

Effective date

This act takes effect in 60 days.

Background: According to the sponsor “The Board has collaborated with other states on the most efficient and cost-effective ways to obtain comprehensive criminal histories for applicants. The Board believes the best way to achieve this is to require that each applicant be fingerprinted and the board obtain an FBI criminal records check.

Not only will the use of an FBI criminal records check improve the ability of the board to verify criminal histories, it will make it easier for applicants, because it will obviate the need for applicants to obtain criminal records from multiple states. Some applicants have found it difficult to secure criminal history records from certain states in a timely manner. Application for the bar includes a tight timeframe and some applicants have reported that they have been unable to obtain a records check from certain states within that timeframe.

Provisions for admittance to the Pennsylvania Bar are normally covered in bar admission rules approved by the Supreme Court. The FBI however, pursuant to Public Law 92-554, requires that a state pass enabling legislation in order for the FBI to exchange criminal history record information with state officials. The language I am proposing has been approved by the Board, the Supreme Court of Pennsylvania, the State Police and the FBI.”

Companion legislation

The House of Representatives is considering identical legislation, House Bill 1053.