

## **COMMITTEE BILL ANALYSIS**

**Bill:** Senate Bill 1197

**Printer's No.:** 1617

**Sponsor:** Senator Greenleaf

**Prepared by:** Gregg Warner

**Synopsis:** This bill amends the Crimes Code, Title 18, and the Judicial Code, Title 42 of the Pennsylvania Consolidated Statutes, to make changes affecting Pennsylvania's juvenile justice system.

### **Summary:**

#### **Title 18 amendment**

Section 9123 of the Crimes Code relating to the expungement of juvenile summary offense convictions is amended to make clear that the records of an individual now 18 years of age or older, where six months have elapsed since the individual satisfied all terms and conditions of the sentence imposed following the summary offense conviction, may be expunged if the individual has not been convicted of another offense since satisfying the terms and conditions of the sentence received for the summary offense.

#### **Title 42 amendments--Juvenile Act**

The bill makes the following changes to the Juvenile Act, Chapter 63 of the Judicial Code.

#### **Purpose clause**

Section 6301 lists the purposes of the Juvenile Act. The bill amends the section to further emphasize the need to employ evidence-based practices by using the least restrictive intervention that is consistent with the protection of the community, the imposition of developmentally appropriate accountability for offenses committed, and the rehabilitation, supervision and treatment needs of the child.

#### **Summary offenses**

The bill amends sections 6303, 6307 and 6336 to add the Philadelphia Municipal Court so that juveniles in Philadelphia receive the same protections as juveniles appearing before a magisterial district judge and to add the courts of common pleas for summary offense convictions that are appealed to common pleas court because those cases on appeal would not be heard in juvenile court.

**Juvenile history record information**

Section 6309 is amended to require that the disposition of cases where a child has been alleged to be delinquent, including the disposition of cases resulting in an adjudication of delinquency shall be provided to the Pennsylvania State Police for inclusion in the central repository. The Juvenile Court Judges' Commission shall be provided with information pertaining to the cases of children who have been alleged to be delinquent.

**Title 42 amendments--Sex offender registration**

The bill amends the definition of "juvenile offender" in section 9799.12 to treat out-of-state adjudications of delinquency the same as in-state adjudications by ensuring that the only out-of-state adjudications of delinquency that fall within this definition are those that result from equivalent offenses committed in the other state on or after December 20, 2012 (the effective date of the provision) by individuals age 14 years of age or older.

The bill amends section 9799.23 to ensure that if a juvenile is required to initially register at the time he is adjudicated delinquent because he was adjudicated delinquent in a county other than his county of residence and the court intends to transfer the case for disposition to the juvenile's county of residence, the court should classify the individual as a "juvenile offender" at that time as well.

**Effective date**

This act takes effect in 60 days.

**Background:** Senate Bill 1197 clarifies 18 Pa.C.S. §9123 to make this provision consistent with other expungement provisions by specifying that the time period being looked at is limited to the period since the completion of the sentence for the initial offense. The amendment relating to the expungement of juvenile records is a clarification of 2012 Act 204.

The bill clarifies sections 42 Pa.C.S. §§6303, 6307 and 6336 which were amended by 2012 Act 204. In Act 204 juveniles were provided with the same protections when they appear in magisterial district court on a summary offense charge that they would have had if they had a more serious case before a juvenile court. Senate Bill 1197 provides juveniles with the same protections in the Philadelphia Municipal Court and the courts of common pleas.

The changes relating to juvenile history record information in 42 Pa.C.S. §6309 are needed to implement the statewide juvenile case management system. The Administrative Office of Pennsylvania Courts (AOPC) is developing a statewide case management system within the Common Pleas Case Management System (CPCMS) where all juvenile delinquency cases will be managed. The electronic records system will allow court personnel to establish case files to track case details throughout the life of the case, including the creation of the case, case event outcomes, case dispositions, and the collection of fines, costs and restitution.

While CPCMS will be used as the court case management system for juvenile cases, the Juvenile Case Management System of the Juvenile Court Judges' Commission will remain available for juvenile probation purposes. Because CPCMS will be used by the court to enter outcomes and dispositions for juvenile cases, it is more efficient for CPCMS to transfer the information electronically to the Pennsylvania State Police and the bill provides for this transfer.

The changes to 42 Pa.C.S. §§ 9799.12 and 9799.23 of the Judicial Code clarify provisions of 2011 Act 111 and 2012 Act 91, which implemented provisions of the federal Adam Walsh Child Protection and Safety Act.