

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 785 Session of 2023

INTRODUCED BY RABB, KINSEY, MADDEN, FIEDLER, STURLA AND CONKLIN,
MARCH 30, 2023

REFERRED TO COMMITTEE ON STATE GOVERNMENT, MARCH 30, 2023

AN ACT

1 Amending the act of June 3, 1937 (P.L.1333, No.320), entitled
2 "An act concerning elections, including general, municipal,
3 special and primary elections, the nomination of candidates,
4 primary and election expenses and election contests; creating
5 and defining membership of county boards of elections;
6 imposing duties upon the Secretary of the Commonwealth,
7 courts, county boards of elections, county commissioners;
8 imposing penalties for violation of the act, and codifying,
9 revising and consolidating the laws relating thereto; and
10 repealing certain acts and parts of acts relating to
11 elections," in nomination of candidates, providing for
12 candidate background check.

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

15 Section 1. The act of June 3, 1937 (P.L.1333, No.320), known
16 as the Pennsylvania Election Code, is amended by adding a
17 section to read:

18 Section 910.1. Candidate Background Check.--(a) At the time
19 of filing a nomination petition and affidavit, each candidate
20 for any State, county, city, borough, incorporated town,
21 township, ward, school district, poor district, election
22 district, party office, party delegate or alternate, or for the
23 office of United States Senator or Representative in Congress

1 shall file the following with the Department of State:

2 (1) Under 18 Pa.C.S. Ch. 91 (relating to criminal history
3 record information), a report of criminal history record
4 information from the Pennsylvania State Police or a statement
5 from the Pennsylvania State Police that the State Police central
6 repository contains no information relating to that person. The
7 criminal history record information shall be limited to that
8 which is disseminated under 18 Pa.C.S. § 9121(b)(2) (relating to
9 general regulations).

10 (2) A certification from the Department of Human Services as
11 to whether the applicant is named in the Statewide database as
12 the alleged perpetrator in a pending child abuse investigation
13 or as the perpetrator of a founded report or an indicated
14 report.

15 (3) A report of Federal criminal history record information.
16 The applicant shall submit a full set of fingerprints to the
17 Pennsylvania State Police for the purpose of a record check, and
18 the Pennsylvania State Police or its authorized agent shall
19 submit the fingerprints to the Federal Bureau of Investigation
20 for the purpose of verifying the identity of the applicant and
21 obtaining a current record of any criminal arrests and
22 convictions.

23 (b) The Department of State shall develop and maintain a
24 system for making information about a candidate for any State,
25 county, city, borough, incorporated town, township, ward, school
26 district, poor district, election district, party office, party
27 delegate or alternate, or for the office of United States
28 Senator or Representative in Congress publicly available by
29 electronic means via an Internet website if:

30 (1) The Department of Human Services has verified that the

1 candidate is named in the Statewide database as the perpetrator
2 of a founded report committed within the five-year period
3 immediately preceding verification under this section.

4 (2) The candidate's criminal history record information
5 indicates the candidate has been convicted of any of the
6 following offenses under 18 Pa.C.S. (relating to crimes and
7 offenses) or an equivalent crime under Federal law or the law of
8 another state:

9 (i) Chapter 25 (relating to criminal homicide).

10 (ii) Section 2702 (relating to aggravated assault).

11 (iii) Section 2709.1 (relating to stalking).

12 (iv) Section 2718 (relating to strangulation).

13 (v) Section 2901 (relating to kidnapping).

14 (vi) Section 2902 (relating to unlawful restraint).

15 (vii) Section 3121 (relating to rape).

16 (viii) Section 3122.1 (relating to statutory sexual
17 assault).

18 (ix) Section 3123 (relating to involuntary deviate sexual
19 intercourse).

20 (x) Section 3124.1 (relating to sexual assault).

21 (xi) Section 3125 (relating to aggravated indecent assault).

22 (xii) Section 3126 (relating to indecent assault).

23 (xiii) Section 3127 (relating to indecent exposure).

24 (xiv) Section 3301 (relating to arson and related offenses).

25 (xv) Section 4302 (relating to incest).

26 (xvi) Section 4303 (relating to concealing death of child).

27 (xvii) Section 4304 (relating to endangering welfare of
28 children).

29 (xviii) Section 4305 (relating to dealing in infant
30 children).

1 (xix) A felony offense under section 5902(b) (relating to
2 prostitution and related offenses).

3 (xx) Section 5903(c) or (d) (relating to obscene and other
4 sexual materials and performances).

5 (xxi) Section 6301 (relating to corruption of minors).

6 (xxii) Section 6312 (relating to sexual abuse of children).

7 (xxiii) The attempt, solicitation or conspiracy to commit
8 any of the offenses set forth in this paragraph.

9 (3) The candidate's criminal history record information
10 indicates the candidate has been convicted of a felony offense
11 under the act of April 14, 1972 (P.L.233, No.64), known as The
12 Controlled Substance, Drug, Device and Cosmetic Act, committed
13 within the five-year period immediately preceding verification
14 under this section.

15 (4) The candidate's criminal history record information
16 indicates the candidate has been convicted of an offense under
17 18 U.S.C. § 2261 (relating to interstate domestic violence) or
18 2262 (relating to interstate violation of protection order).

19 (5) The candidate's name appears on the National Crime
20 Information Center National Sex Offender Registry or on a
21 state's sex offender registry.

22 (6) The candidate's name appears on a Statewide database or
23 its equivalent as a perpetrator of child abuse.

24 (c) The Department of State shall promulgate rules and
25 regulations necessary to carry out this section.

26 Section 2. This act shall apply to elections held 180 days
27 or later after the effective date of this section.

28 Section 3. This act shall take effect immediately.