

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1383 Session of  
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INTRODUCED BY RABB, GUENST, SANCHEZ, WAXMAN, D. WILLIAMS, OTTEN,  
FIEDLER, CEPEDA-FREYTIZ AND K.HARRIS, MAY 28, 2025

REFERRED TO COMMITTEE ON JUDICIARY, MAY 28, 2025

AN ACT

1 Amending Title 42 (Judiciary and Judicial Procedure) of the  
2 Pennsylvania Consolidated Statutes, in juvenile matters,  
3 further providing for definitions, for scope of chapter, for  
4 inspection of court files and records, for transfer from  
5 criminal proceedings, for place of detention and for conduct  
6 of hearings and repealing provisions relating to transfer to  
7 criminal proceedings; and making editorial changes.

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

10 Section 1. The definition of "delinquent act" in section  
11 6302 of Title 42 of the Pennsylvania Consolidated Statutes is  
12 amended to read:

13 § 6302. Definitions.

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

17 \* \* \*

18 "Delinquent [act."

19 (1) The term means an] act." An act designated a crime  
20 under the law of this Commonwealth, or of another state if

1 the act occurred in that state, or under Federal law, or an  
2 act which constitutes indirect criminal contempt under  
3 Chapter 62A (relating to protection of victims of sexual  
4 violence or intimidation) with respect to sexual violence or  
5 23 Pa.C.S. Ch. 61 (relating to protection from abuse) or the  
6 failure of a child to comply with a lawful sentence imposed  
7 for a summary offense, in which event notice of the fact  
8 shall be certified to the court.

9 [(2) The term shall not include:

10 (i) The crime of murder.

11 (ii) Any of the following prohibited conduct where  
12 the child was 15 years of age or older at the time of the  
13 alleged conduct and a deadly weapon as defined in 18  
14 Pa.C.S. § 2301 (relating to definitions) was used during  
15 the commission of the offense which, if committed by an  
16 adult, would be classified as:

17 (A) Rape as defined in 18 Pa.C.S. § 3121  
18 (relating to rape).

19 (B) Involuntary deviate sexual intercourse as  
20 defined in 18 Pa.C.S. § 3123 (relating to involuntary  
21 deviate sexual intercourse).

22 (C) Aggravated assault as defined in 18 Pa.C.S.  
23 § 2702(a)(1) or (2) (relating to aggravated assault).

24 (D) Robbery as defined in 18 Pa.C.S. § 3701(a)  
25 (1)(i), (ii) or (iii) (relating to robbery).

26 (E) Robbery of motor vehicle as defined in 18  
27 Pa.C.S. § 3702 (relating to robbery of motor  
28 vehicle).

29 (F) Aggravated indecent assault as defined in 18  
30 Pa.C.S. § 3125 (relating to aggravated indecent

1 assault).

2 (G) Kidnapping as defined in 18 Pa.C.S. § 2901  
3 (relating to kidnapping).

4 (H) Voluntary manslaughter.

5 (I) An attempt, conspiracy or solicitation to  
6 commit murder or any of these crimes as provided in  
7 18 Pa.C.S. §§ 901 (relating to criminal attempt), 902  
8 (relating to criminal solicitation) and 903 (relating  
9 to criminal conspiracy).

10 (iii) Any of the following prohibited conduct where  
11 the child was 15 years of age or older at the time of the  
12 alleged conduct and has been previously adjudicated  
13 delinquent of any of the following prohibited conduct  
14 which, if committed by an adult, would be classified as:

15 (A) Rape as defined in 18 Pa.C.S. § 3121.

16 (B) Involuntary deviate sexual intercourse as  
17 defined in 18 Pa.C.S. § 3123.

18 (C) Robbery as defined in 18 Pa.C.S. § 3701(a)  
19 (1)(i), (ii) or (iii).

20 (D) Robbery of motor vehicle as defined in 18  
21 Pa.C.S. § 3702.

22 (E) Aggravated indecent assault as defined in 18  
23 Pa.C.S. § 3125.

24 (F) Kidnapping as defined in 18 Pa.C.S. § 2901.

25 (G) Voluntary manslaughter.

26 (H) An attempt, conspiracy or solicitation to  
27 commit murder or any of these crimes as provided in  
28 18 Pa.C.S. §§ 901, 902 and 903.

29 (iv) Summary offenses.

30 (v) A crime committed by a child who has been found

1 guilty in a criminal proceeding for other than a summary  
2 offense.]

3 \* \* \*

4 Section 2. Sections 6303(b), 6307(b)(1.1) and 6308(a)  
5 heading and introductory paragraph and (c)(1) of Title 42 are  
6 amended to read:

7 § 6303. Scope of chapter.

8 \* \* \*

9 (b) Minor judiciary.--No child shall be detained, committed  
10 or sentenced to imprisonment by a magisterial district judge or  
11 a judge of the minor judiciary [unless the child is charged with  
12 an act set forth in paragraph (2)(i), (ii), (iii) or (v) of the  
13 definition of "delinquent act" in section 6302 (relating to  
14 definitions)].

15 \* \* \*

16 § 6307. Inspection of court files and records.

17 \* \* \*

18 (b) Public availability.--

19 (1.1) The contents of court records and files concerning  
20 a child shall not be disclosed to the public. [unless any of  
21 the following apply:

22 (i) The child has been adjudicated delinquent by a  
23 court as a result of an act or acts committed when the  
24 child was 14 years of age or older and the conduct would  
25 have constituted one or more of the following offenses if  
26 committed by an adult:

27 (A) Murder.

28 (B) Voluntary manslaughter.

29 (C) Aggravated assault as defined in 18 Pa.C.S.

30 § 2702(a)(1) or (2) (relating to aggravated assault).

1 (D) Sexual Assault as defined in 18 Pa.C.S. §  
2 3124.1 (relating to sexual assault).

3 (E) Aggravated indecent assault as defined in 18  
4 Pa.C.S. § 3125 (relating to aggravated indecent  
5 assault).

6 (F) Arson as defined in 18 Pa.C.S. § 3301(a)(1)  
7 (relating to arson and related offenses).

8 (G) Burglary as a felony in the first degree as  
9 defined in 18 Pa.C.S. § 3502(c)(1) (relating to  
10 burglary).

11 (H) Involuntary deviate sexual intercourse.

12 (I) Kidnapping.

13 (J) Rape.

14 (K) Robbery as defined in 18 Pa.C.S. § 3701(a)  
15 (1)(i), (ii) or (iii) (relating to robbery).

16 (L) Robbery of motor vehicle.

17 (M) Violation of 18 Pa.C.S. Ch. 61 (relating to  
18 firearms and other dangerous articles).

19 (N) Attempt or conspiracy to commit any of the  
20 offenses in this subparagraph.

21 (ii) A petition alleging delinquency has been filed  
22 alleging that the child has committed an act or acts  
23 subject to a hearing pursuant to section 6336(e)  
24 (relating to conduct of hearings) and the child  
25 previously has been adjudicated delinquent by a court as  
26 a result of an act or acts committed when the child was  
27 14 years of age or older and the conduct would have  
28 constituted one or more of the following offenses if  
29 committed by an adult:

30 (A) Murder.

(B) Voluntary manslaughter.

(C) Aggravated assault as defined in 18 Pa.C.S.

§ 2702(a)(1) or (2).

(D) Sexual Assault as defined in 18 Pa.C.S. §

3124.1.

(E) Aggravated indecent assault as defined in 18

Pa.C.S. § 3125.

(F) Arson as defined in 18 Pa.C.S. § 3301(a)(1).

(G) Burglary as a felony in the first degree as

defined in 18 Pa.C.S. § 3502(c)(1).

(H) Involuntary deviate sexual intercourse.

(I) Kidnapping.

(J) Rape.

(K) Robbery as defined in 18 Pa.C.S. § 3701(a)

(1)(i), (ii) or (iii).

(L) Robbery of motor vehicle.

(M) Violation of 18 Pa.C.S. Ch. 61.

(N) Attempt or conspiracy to commit any of the

offenses in this subparagraph.]

\* \* \*

§ 6308. Law enforcement records.

(a) [General rule] Inspection.--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

1 the records and files is permitted by:

2 \* \* \*

3 (c) Fingerprints and photographs.--

4 (1) Law enforcement officers shall have the authority to  
5 take or cause to be taken the fingerprints or photographs, or  
6 both, of any child who is alleged to have committed an act  
7 designated as a misdemeanor or felony under the laws of this  
8 Commonwealth or of another state if the act occurred in that  
9 state or under Federal law. If a child is found to be a  
10 delinquent child pursuant to section 6341 (relating to  
11 adjudication) on the basis of an act designated as a  
12 misdemeanor or felony [or the child's case is transferred for  
13 criminal prosecution pursuant to section 6355], the law  
14 enforcement agency that alleged the child to be a delinquent  
15 child shall take or cause to be taken the fingerprints and  
16 photographs of the child, if not previously taken pursuant to  
17 this case, and ensure that these records are forwarded to the  
18 central repository pursuant to section 6309(c) (relating to  
19 juvenile history record information). If a child was alleged  
20 to be delinquent by other than a law enforcement agency, the  
21 court shall direct the juvenile probation department to  
22 ensure that the delinquent child's fingerprints and  
23 photographs are taken by a law enforcement agency.

24 \* \* \*

25 Section 3. Section 6322(a) of Title 42 is amended and the  
26 section is amended by adding a subsection to read:

27 § 6322. Transfer from criminal proceedings.

28 (a) [General rule] Transfer.--Except as provided in 75  
29 Pa.C.S. § 6303 (relating to rights and liabilities of minors) or  
30 in the event the child [is charged with murder or any of the

1 offenses excluded by paragraph (2)(ii) or (iii) of the  
2 definition of "delinquent act" in section 6302 (relating to  
3 definitions) or] has been found guilty in a criminal proceeding,  
4 if it appears to the court in a criminal proceeding that the  
5 defendant [is a child] was a child at the time of the offense,  
6 this chapter shall immediately become applicable, and the court  
7 shall forthwith halt further criminal proceedings, and, where  
8 appropriate, transfer the case to the division or a judge of the  
9 court assigned to conduct juvenile hearings, together with a  
10 copy of the accusatory pleading and other papers, documents, and  
11 transcripts of testimony relating to the case. [If it appears to  
12 the court in a criminal proceeding charging murder or any of the  
13 offenses excluded by paragraph (2)(ii) or (iii) of the  
14 definition of "delinquent act" in section 6302, that the  
15 defendant is a child, the case may similarly be transferred and  
16 the provisions of this chapter applied. In determining whether  
17 to transfer a case charging murder or any of the offenses  
18 excluded from the definition of "delinquent act" in section  
19 6302, the child shall be required to establish by a  
20 preponderance of the evidence that the transfer will serve the  
21 public interest. In determining whether the child has so  
22 established that the transfer will serve the public interest,  
23 the court shall consider the factors contained in section  
24 6355(a)(4)(iii) (relating to transfer to criminal proceedings).]

25 \* \* \*

26 (f) Transfer of cases back to juvenile court.--In the case  
27 of an individual who was under 18 years of age at the time of  
28 the offense and whose case has already been transferred or is  
29 otherwise within the adult criminal justice system, the case  
30 shall be returned to juvenile court in accordance with

1 subsection (a).

2 Section 4. Sections 6327(c), (c.1) and (d), 6336(e),  
3 6337.1(b)(3)(ii) and 6339(a) of Title 42 are amended to read:  
4 § 6327. Place of detention.

5 \* \* \*

6 (c) Detention in jail prohibited.--It is unlawful for any  
7 person in charge of or employed by a jail knowingly to receive  
8 for detention or to detain in the jail any person whom he has or  
9 should have reason to believe is a child. [unless, in a criminal  
10 proceeding, the child has been charged with or has been found  
11 guilty of an act set forth in paragraph (2)(i), (ii), (iii) or  
12 (v) of the definition of "delinquent act" in section 6302  
13 (relating to definitions)].

14 (c.1) Detention of child.--

15 (1) A child who is subject to criminal proceedings  
16 having been charged with an act set forth under paragraph  
17 (2)(i), (ii) or (iii) of the definition of "delinquent act"  
18 in section 6302, who has not been released on bail and who  
19 may seek or is seeking transfer to juvenile proceedings under  
20 section 6322 (relating to transfer from criminal proceedings)  
21 may be detained in a secure detention facility approved by  
22 the Department of Public Welfare for the detention of alleged  
23 and adjudicated delinquent children if the attorney for the  
24 Commonwealth has consented to and the court has ordered the  
25 detention.

26 (2) Secure detention ordered under this subsection shall  
27 not affect a child's eligibility for or ability to post bail.

28 (3) For a child held in secure detention under this  
29 subsection, the court shall order the immediate transfer of  
30 the child to the county jail if any of the following apply:

1 (i) The court determines that the child is no longer  
2 seeking transfer under section 6322.

3 (ii) The court denies the motion filed under section  
4 6322.

5 (iii) The child attains 18 years of age. This  
6 subparagraph does not apply if:

7 (A) the court has granted the motion filed under  
8 section 6322; or

9 (B) the child is otherwise under order of  
10 commitment to the secure detention facility pursuant  
11 to the jurisdiction of the court in a delinquency  
12 matter.

13 (d) Transfer of child subject to criminal proceedings.--If a  
14 case is transferred for criminal prosecution the child may be  
15 transferred to the appropriate officer or detention facility in  
16 accordance with the law governing the detention of persons  
17 charged with crime. The court in making the transfer may order  
18 continued detention as a juvenile pending trial if the child is  
19 unable to provide bail.]

20 \* \* \*

21 § 6336. Conduct of hearings.

22 \* \* \*

23 [(e) Open proceedings.--The general public shall not be  
24 excluded from any hearings under this chapter:

25 (1) Pursuant to a petition alleging delinquency where  
26 the child was 14 years of age or older at the time of the  
27 alleged conduct and the alleged conduct would be considered a  
28 felony if committed by an adult.

29 (2) Pursuant to a petition alleging delinquency where  
30 the child was 12 years of age or older at the time of the

1 alleged conduct and where the alleged conduct would have  
2 constituted one or more of the following offenses if  
3 committed by an adult:

4 (i) Murder.

5 (ii) Voluntary manslaughter.

6 (iii) Aggravated assault as defined in 18 Pa.C.S. §  
7 2702(a)(1) or (2) (relating to aggravated assault).

8 (iv) Arson as defined in 18 Pa.C.S. § 3301(a)(1)  
9 (relating to arson and related offenses).

10 (v) Involuntary deviate sexual intercourse.

11 (vi) Kidnapping.

12 (vii) Rape.

13 (viii) Robbery as defined in 18 Pa.C.S. § 3701(a)(1)  
14 (i), (ii) or (iii) (relating to robbery).

15 (ix) Robbery of motor vehicle.

16 (x) Attempt or conspiracy to commit any of the  
17 offenses in this paragraph.

18 Notwithstanding anything in this subsection, the proceedings  
19 shall be closed upon and to the extent of any agreement between  
20 the child and the attorney for the Commonwealth.]

21 \* \* \*

22 § 6337.1. Right to counsel for children in dependency and  
23 delinquency proceedings.

24 \* \* \*

25 (b) Children in delinquency proceedings.--

26 \* \* \*

27 (3) Notwithstanding paragraph (1), a child who is 14  
28 years of age or older may waive the right to counsel if the  
29 court has determined that the waiver is knowingly,  
30 intelligently and voluntarily made after having conducted a

colloquy with the child on the record, in accordance with the Pennsylvania Rules of Juvenile Court Procedure, and the hearing for which waiver is sought is not one of the following:

\* \* \*

[(ii) A hearing to consider transfer to criminal proceedings under section 6355 (relating to transfer to criminal proceedings).]

\* \* \*

§ 6339. Investigation and report.

(a) [General rule] Authorization.--If the allegations of a petition are admitted by a party [or notice of hearing under section 6355 (relating to transfer to criminal proceedings) has been given], the court, prior to the hearing on need for treatment or disposition, may direct that a social study and report in writing to the court be made by an officer of the court or other person designated by the court, concerning the child, his family, his environment, and other matters relevant to disposition of the case. If the allegations of the petition are not admitted [and notice of a hearing under section 6355 has not been given], the court shall not direct the making of the study and report until after the court has held a hearing on the petition upon notice of hearing given pursuant to this chapter and the court has found that the child committed a delinquent act or is a dependent child.

\* \* \*

Section 5. Section 6355 of Title 42 is repealed:

[§ 6355. Transfer to criminal proceedings.]

(a) General rule.--After a petition has been filed alleging delinquency based on conduct which is designated a crime or

1 public offense under the laws, including local ordinances, of  
2 this Commonwealth, the court before hearing the petition on its  
3 merits may rule that this chapter is not applicable and that the  
4 offense should be prosecuted, and transfer the offense, where  
5 appropriate, to the division or a judge of the court assigned to  
6 conduct criminal proceedings, for prosecution of the offense if  
7 all of the following exist:

8 (1) The child was 14 or more years of age at the time of  
9 the alleged conduct.

10 (2) A hearing on whether the transfer should be made is  
11 held in conformity with this chapter.

12 (3) Notice in writing of the time, place, and purpose of  
13 the hearing is given to the child and his parents, guardian,  
14 or other custodian at least three days before the hearing.

15 (4) The court finds:

16 (i) that there is a prima facie case that the child  
17 committed the delinquent act alleged;

18 (ii) that the delinquent act would be considered a  
19 felony if committed by an adult;

20 (iii) that there are reasonable grounds to believe  
21 that the public interest is served by the transfer of the  
22 case for criminal prosecution. In determining whether the  
23 public interest can be served, the court shall consider  
24 the following factors:

25 (A) the impact of the offense on the victim or  
26 victims;

27 (B) the impact of the offense on the community;

28 (C) the threat to the safety of the public or  
29 any individual posed by the child;

30 (D) the nature and circumstances of the offense

1 allegedly committed by the child;

2 (E) the degree of the child's culpability;

3 (F) the adequacy and duration of dispositional  
4 alternatives available under this chapter and in the  
5 adult criminal justice system; and

6 (G) whether the child is amenable to treatment,  
7 supervision or rehabilitation as a juvenile by  
8 considering the following factors:

9 (I) age;

10 (II) mental capacity;

11 (III) maturity;

12 (IV) the degree of criminal sophistication  
13 exhibited by the child;

14 (V) previous records, if any;

15 (VI) the nature and extent of any prior  
16 delinquent history, including the success or  
17 failure of any previous attempts by the juvenile  
18 court to rehabilitate the child;

19 (VII) whether the child can be rehabilitated  
20 prior to the expiration of the juvenile court  
21 jurisdiction;

22 (VIII) probation or institutional reports,  
23 if any;

24 (IX) any other relevant factors; and

25 (iv) that there are reasonable grounds to believe  
26 that the child is not committable to an institution for  
27 the mentally retarded or mentally ill.

28 (b) Chapter inapplicable following transfer.--The transfer  
29 terminates the applicability of this chapter over the child with  
30 respect to the delinquent acts alleged in the petition.

1 (c) Transfer at request of child.--The child may request  
2 that the case be transferred for prosecution in which event the  
3 court may order this chapter not applicable.

4 (d) Effect of transfer from criminal proceedings.--No  
5 hearing shall be conducted where this chapter becomes applicable  
6 because of a previous determination by the court in a criminal  
7 proceeding.

8 (e) Murder and other excluded acts.--Where the petition  
9 alleges conduct which if proven would constitute murder, or any  
10 of the offenses excluded by paragraph (2)(ii) or (iii) of the  
11 definition of "delinquent act" in section 6302 (relating to  
12 definitions), the court shall require the offense to be  
13 prosecuted under the criminal law and procedures, except where  
14 the case has been transferred pursuant to section 6322 (relating  
15 to transfer from criminal proceedings) from the division or a  
16 judge of the court assigned to conduct criminal proceedings.

17 (f) Transfer action interlocutory.--The decision of the  
18 court to transfer or not to transfer the case shall be  
19 interlocutory.

20 (g) Burden of proof.--The burden of establishing by a  
21 preponderance of evidence that the public interest is served by  
22 the transfer of the case to criminal court and that a child is  
23 not amenable to treatment, supervision or rehabilitation as a  
24 juvenile shall rest with the Commonwealth unless the following  
25 apply:

26 (1) (i) a deadly weapon as defined in 18 Pa.C.S. § 2301  
27 (relating to definitions) was used and the child was 14  
28 years of age at the time of the offense; or

29 (ii) the child was 15 years of age or older at the  
30 time of the offense and was previously adjudicated

delinquent of a crime that would be considered a felony  
if committed by an adult; and

(2) there is a prima facie case that the child committed  
a delinquent act which, if committed by an adult, would be  
classified as rape, involuntary deviate sexual intercourse,  
aggravated assault as defined in 18 Pa.C.S. § 2702(a)(1) or  
(2) (relating to aggravated assault), robbery as defined in  
18 Pa.C.S. § 3701(a)(1)(i), (ii) or (iii) (relating to  
robbery), robbery of motor vehicle, aggravated indecent  
assault, kidnapping, voluntary manslaughter, an attempt,  
conspiracy or solicitation to commit any of these crimes or  
an attempt to commit murder as specified in paragraph (2)(ii)  
of the definition of "delinquent act" in section 6302.

If either of the preceding criteria are met, the burden of  
establishing by a preponderance of the evidence that retaining  
the case under this chapter serves the public interest and that  
the child is amenable to treatment, supervision or  
rehabilitation as a juvenile shall rest with the child.]

Section 6. This act shall apply to all proceedings that  
commence on or after the effective date of this section.

Section 7. This act shall take effect in 60 days.