

No. 454

AN ACT

To amend the title and the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred fourteen), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," by imposing upon the Pennsylvania Motor Police the duties and powers previously exercised by the Pennsylvania State Police under the act.

Section 1. Be it enacted, &c., That the title of the act, approved the twenty-seventh day of April, one thousand nine hundred twenty-seven (Pamphlet Laws, four hundred fourteen), entitled "An act providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania State Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties," is hereby amended to read as follows:

Title, act of
April 27, 1927
(P. L. 414),
amended.

AN ACT

Providing for a system of recording the identification of persons convicted of crime, and of fugitives from justice, and habitual criminals; conferring powers and imposing duties upon the Pennsylvania [State] *Motor* Police, district attorneys, police officers, wardens or keepers of jails, prisons, workhouses, or other penal institutions, and sheriffs; providing for the payment of certain expenses by the counties; and imposing penalties.

Section 2. That sections one, two, three, four, five and six of said act are hereby amended to read as follows:

Sections 1, 2,
3, 4, 5 and 6,
amended.

Section 1. From and after the passage of this act, the Pennsylvania [State] *Motor* Police shall continue to procure and file for record photographs, pictures, descriptions, finger prints, and such other information as may be pertinent, of all persons who have been, or may hereafter be, convicted of crime within this Commonwealth, and also of all well-known and habitual criminals wherever they may be procured.

Identification
of criminals.
Recording of
identifications of
criminals.

Section 2. It shall be the duty of the persons in charge of any State penal institution, or of any jail, prison, or workhouse within this Commonwealth, to fur-

Persons in
charge of
penal institu-
tions to furnish
information.

nish to the Pennsylvania [State] *Motor* Police, upon request, the finger prints, photographs, and description of any person detained in such institution, jail, prison, or workhouse.

Police officers make take fingerprints or photographs of criminals.

Section 3. The Pennsylvania [State] *Motor* Police, the persons in charge of State penal institutions, the wardens or keepers of jails, prisons, and workhouses within this Commonwealth, and all police officers within the several political subdivisions of this Commonwealth, shall have the authority to take, or cause to be taken, the finger prints or photographs of any person in custody, charged with the commission of crime, or who they have reason to believe is a fugitive from justice or a habitual criminal; and it shall be the duty of the chiefs of bureaus of all cities within this Commonwealth to furnish daily, to the Pennsylvania [State] *Motor* Police, copies of the finger prints and, if possible, photographs, of all persons arrested within their jurisdiction charged with the commission of felony, or who they have reason to believe are fugitives from justice or habitual criminals, such finger prints to be taken on forms furnished or approved by the Pennsylvania [State] *Motor* Police. It shall be the duty of the Pennsylvania [State] *Motor* Police, immediately upon the receipt of such records, to compare them with those already in their files, and, if they find that any person arrested has a previous criminal record or is a fugitive from justice, forthwith to inform the arresting officer, or the officer having the prisoner in charge, of such fact.

Chiefs of bureaus of cities to report fingerprints.

Pennsylvania *Motor* Police to compare fingerprints with files.

Pennsylvania *Motor* Police to cooperate with other agencies and to furnish information.

Section 4. It shall be the duty of the Pennsylvania [State] *Motor* Police to cooperate with agencies of other States and of the United States, having similar powers, to develop and carry on a complete interstate, national, and international system of criminal identification and investigation, and also to furnish, upon request, any information in its possession concerning any person charged with crime to any court, district attorney, or police officer of this Commonwealth, or of another state or of the United States.

District attorneys may employ experts on fingerprints.

Section 5. (a) The district attorneys of the several counties are hereby authorized and empowered, from time to time, to employ the services of experts on fingerprints to assist them in the investigation of pending cases and to testify upon the trial thereof. The compensation of any such expert shall be fixed by the district attorney employing him, with the approval of the court of quarter sessions, and shall be paid from the county treasury upon warrant of the county commissioners in the usual manner.

Compensation of experts.

Power to take fingerprints of prisoner in county jail.

(b) The district attorney of any county, the warden or keeper of the county jail, or any expert employed by the district attorney, or any other person designated by

the district attorney, shall have the power, upon the written order of the district attorney, to take the finger prints of any person confined in the county jail of such county for use in the identification of the prisoner or upon his trial.

(c) The district attorneys of the several counties shall keep and arrange files of the finger prints, taken under the provisions of this act, of persons convicted of crime and shall destroy the finger prints of all persons acquitted. The files of finger prints maintained by the district attorneys shall be open to the inspection of any other district attorney of this Commonwealth, or their representatives, or of the Pennsylvania [State] *Motor* Police, or any sheriff or police or peace officer.

Disposition of files of finger-prints.

Files to be open to officers.

(d) District attorneys shall not be authorized to take finger prints, under this section, of persons arrested for misdemeanors, unless the district attorneys have reason to believe that such persons are old offenders against the penal laws of this Commonwealth.

Persons arrested for misdemeanors.

Section 6. Neglect or refusal of any person mentioned in this act to make the report required herein, or to do or perform any other act on his part to be done or performed in connection with the operation of this act, shall constitute a misdemeanor, and such person shall, upon conviction thereof, be punished by a fine of not less than five nor more than twenty-five dollars, or by imprisonment in the county jail for a period of not exceeding thirty days, or by both, in the discretion of the court. Such neglect or refusal shall also constitute malfeasance in office and subject such person to removal from office. Any person who removes, destroys, or mutilates any of the records of the Pennsylvania [State] *Motor* Police, or of any district attorney, shall be guilty of a misdemeanor, and such person shall, upon conviction thereof, be punished by a fine not exceeding one hundred dollars, or by imprisonment in the county jail for a period of not exceeding one year, or by both, in the discretion of the court.

Violations.

Section 3. This act shall become effective immediately upon its final enactment.

When effective.

APPROVED—The 29th day of June, A. D. 1937.

GEORGE H. EARLE