



Senate Aging and Youth Committee

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Background Information on SB651

The Pennsylvania Supreme Court in *Nixon v. Commonwealth of Pa* (2003), 839 A.2d 277, held the criminal records provision in the Older Adult Protective Services Act was unconstitutional because it infringed on certain employees' rights to pursue an occupation. The court determined that the right to engage in a particular occupation was not a fundamental right but that the state must show that the prohibition had a real and substantial relationship to the protection of the care dependent population from victimization. While the court found the goal of protecting this population legitimate, it held there was no basis to distinguish between those who held a job for a year before the effective date of the chapter and those who did not. This legislation attempts to treat current and prospective employees similarly.