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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 419 Session of  
2015

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INTRODUCED BY KIRKLAND, COHEN, C. PARKER, FRANKEL, THOMAS,  
GAINNEY, BROWNLEE, V. BROWN, DAVIS, KINSEY, McCARTER, MAHER,  
ROZZI, BISHOP AND McNEILL, FEBRUARY 9, 2015

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REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 9, 2015

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in criminal history record  
3 information, further providing for expungement of criminal  
4 history record information.

5 The General Assembly of the Commonwealth of Pennsylvania  
6 hereby enacts as follows:

7 Section 1. Section 9122(b) and (b.1) of Title 18 of the  
8 Pennsylvania Consolidated Statutes are amended and the section  
9 is amended by adding subsections to read:

10 § 9122. Expungement.

11 \* \* \*

12 (b) Generally.--Criminal history record information may be  
13 expunged when:

14 (1) An individual who is the subject of the information  
15 reaches 70 years of age and has been free of arrest or  
16 prosecution for ten years following final release from  
17 confinement or supervision.

18 (2) An individual who is the subject of the information

1 has been dead for three years.

2 (3) (i) An individual who is the subject of the  
3 information petitions the court for the expungement of a  
4 summary offense and has been free of arrest or  
5 prosecution for five years following the conviction for  
6 that offense.

7 (ii) Expungement under this paragraph shall only be  
8 permitted for a conviction of a summary offense.

9 (4) An individual who was adjudicated delinquent or  
10 convicted and is the subject of the information, reaches 18  
11 years of age and can satisfactorily demonstrate all of the  
12 following:

13 (i) The individual has never been convicted of a  
14 sexual assault under section 3124.1 (relating to sexual  
15 assault), a crime that endangered the public, a violent  
16 criminal offense or a crime that carries a punishment of  
17 life imprisonment. As used in this subparagraph, the term  
18 "violent criminal offense" means a misdemeanor or felony  
19 that includes as an element of the offense the use of a  
20 weapon or violence in its commission.

21 (ii) At least 18 months have elapsed since the  
22 individual was released from court jurisdiction and the  
23 individual has not subsequently been adjudicated  
24 delinquent or convicted as an adult of any felony or  
25 misdemeanor other than a minor traffic violation.

26 (iii) The individual has exhibited good behavior  
27 since the adjudication verified by an affidavit by the  
28 individual.

29 (iv) Two persons not related to the individual or  
30 each other by blood or marriage and know the character

1 and reputation of the individual in the community in  
2 which the individual lives verify by affidavit that the  
3 individual's character and reputation are upstanding.

4 (b.1) Prohibition.--A court shall not have the authority to  
5 order expungement of the defendant's arrest record where the  
6 defendant was placed on Accelerated Rehabilitative Disposition  
7 for a violation of any offense set forth in any of the following  
8 where the victim is under 18 years of age:

9 Section 3121 (relating to rape).

10 Section 3122.1 (relating to statutory sexual assault).

11 Section 3123 (relating to involuntary deviate sexual  
12 intercourse).

13 Section 3124.1 [(relating to sexual assault)].

14 Section 3125 (relating to aggravated indecent assault).

15 Section 3126 (relating to indecent assault).

16 Section 3127 (relating to indecent exposure).

17 Section 5902(b) (relating to prostitution and related  
18 offenses).

19 Section 5903 (relating to obscene and other sexual  
20 materials and performances).

21 \* \* \*

22 (g) Violation.--Any individual, other than the applicant,  
23 who knows or should have known that a conviction was expunged  
24 under subsection (b) (4) and divulges, uses or publishes  
25 information concerning the expungement under this section  
26 commits a misdemeanor punishable by imprisonment for not more  
27 than 90 days or a fine of not more than \$500, or both.

28 (h) Limitation.--An individual may have only one conviction  
29 expunged under subsection (b) (4).

30 Section 2. This act shall take effect in 60 days.