
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1273 Session of
2018

INTRODUCED BY GREENLEAF, REGAN, RESCHENTHALER, HUGHES AND
SCHWANK, OCTOBER 9, 2018

REFERRED TO JUDICIARY, OCTOBER 9, 2018

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in criminal history record
3 information, further providing for use of records by
4 licensing agencies; and making repeals.

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

7 Section 1. Section 9124(b) and (c) of Title 18 of the
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 9124. Use of records by licensing agencies.

10 * * *

11 (b) Prohibited use of information.--The following
12 information shall not be used in consideration of an application
13 for a license, certificate, registration or permit:

14 (1) Records of arrest if there is no conviction of a
15 crime based on the arrest.

16 (2) Convictions which have been annulled or expunged or
17 made subject to an order of limited access.

18 (3) Convictions of a summary offense.

19 (4) Convictions for which the individual has received a

1 pardon from the Governor.

2 (5) Convictions which do not relate to the applicant's
3 suitability for the license, certificate, registration or
4 permit.

5 (c) State action authorized.--Boards, commissions or
6 departments of the Commonwealth authorized to license, certify,
7 register or permit the practice of trades, occupations or
8 professions may refuse to grant or renew, or may suspend or
9 revoke any license, certificate, registration or permit for the
10 following causes:

11 (1) Where the applicant has been convicted of a felony
12 which relates to the trade, occupation or profession for
13 which the license, certificate, registration or permit is
14 sought.

15 (2) Where the applicant has been convicted of a
16 misdemeanor which relates to the trade, occupation or
17 profession for which the license, certificate, registration
18 or permit is sought.

19 * * *

20 Section 2. The amendment of 18 Pa.C.S. § 9124(b) and (c)
21 shall apply to an individual whose license, certificate,
22 registration or permit was suspended or revoked on or after the
23 effective date of this act.

24 Section 3. Repeals are as follows:

25 (1) The General Assembly declares that the repeals under
26 paragraph (2) are necessary to effectuate the amendment of 18
27 Pa.C.S. § 9124(b) and (c).

28 (2) The following acts and parts of acts are repealed
29 insofar as they are inconsistent with this act:

30 (i) Section 3(c) of the act of May 1, 1933 (P.L.216,

1 No.76), known as The Dental Law.

2 (ii) Section 6(c) of the act of May 22, 1951
3 (P.L.317, No.69), known as The Professional Nursing Law.

4 (iii) Section 5 of the act of March 2, 1956 (1955
5 P.L.1211, No.376), known as the Practical Nurse Law.

6 (iv) Section 3(a)(6) of the act of September 27,
7 1961 (P.L.1700, No.699), known as the Pharmacy Act.

8 (v) Section 6(a)(5) of the act of March 23, 1972
9 (P.L.136, No.52), known as the Professional Psychologists
10 Practice Act.

11 (vi) Section 9(b)(4) of the act of December 27, 1974
12 (P.L.995, No.326), known as the Veterinary Medicine
13 Practice Act.

14 (vii) Section 6 of the act of October 10, 1975
15 (P.L.383, No.110), known as the Physical Therapy Practice
16 Act.

17 (viii) Section 6 of the act of October 5, 1978
18 (P.L.1109, No.261), known as the Osteopathic Medical
19 Practice Act.

20 (ix) Section 4(d) of the act of June 6, 1980
21 (P.L.197, No.57), known as the Optometric Practice and
22 Licensure Act.

23 (x) Section 22(b) of the act of December 20, 1985
24 (P.L.457, No.112), known as the Medical Practice Act of
25 1985.

26 (xi) Section 501(a)(7) of the act of December 16,
27 1986 (P.L.1646, No.188), known as the Chiropractic
28 Practice Act.

29 (xii) Section 7(a), (b), (d), (e) and (f) of the act
30 of July 9, 1987 (P.L.220, No.39), known as the Social

1 Workers, Marriage and Family Therapists and Professional
2 Counselors Act.

3 (xiii) Section 502(c)(1) of the act of October 9,
4 2008 (P.L.1363, No.100), known as the Crane Operator
5 Licensure Act.

6 (xiv) Section 5(a)(6) of the act of October 9, 2008
7 (P.L.1438, No.118), known as the Massage Therapy Law.

8 (xv) All other acts or parts of acts insofar as they
9 are inconsistent with this act.

10 Section 4. This act shall take effect in 60 days.