

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL  
No. 1736 Session of  
2005

INTRODUCED BY BENNINGHOFF, REICHLEY, BARRAR, CALTAGIRONE,  
CAPPELLI, FABRIZIO, GERGELY, GINGRICH, HERSHEY, LEH, MUNDY,  
PHILLIPS, ROHRER, RUBLEY, SAYLOR, SCAVELLO, SOLOBAY, STERN,  
THOMAS, WHEATLEY, E. Z. TAYLOR AND YOUNGBLOOD, JUNE 15, 2005

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 15, 2005

AN ACT

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

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

6 Section 1. Section 9122(b) and (b.1) of Title 18 of the  
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 9122. Expungement.

9 \* \* \*

10 (b) Generally.--Criminal history record information may be  
11 expunged when:

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

16 (2) [an] An individual who is the subject of the  
17 information has been dead for three years.

1       (3) (i) An individual who is the subject of the  
2       information petitions for expungement of the information  
3       and the individual has been free of arrest or prosecution  
4       following final release from confinement or supervision  
5       for the greater of the following time periods:

6               (A) In the case of a summary offense, five  
7       years.

8               (B) In the case of a misdemeanor of the third  
9       degree, seven years.

10              (C) In the case of a misdemeanor of the second  
11       degree, ten years.

12       (ii) This paragraph shall not apply to any  
13       individual who has been convicted of:

14              (A) An offense punishable by imprisonment of  
15       more than two years.

16              (B) Four or more offenses punishable by  
17       imprisonment of one or more years.

18              (C) A violation of section 3126 (relating to  
19       indecent assault).

20              (D) A violation of section 3129 (relating to  
21       sexual intercourse with animal).

22              (E) A violation of section 5511 (relating to  
23       cruelty to animals).

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

29               Section 3121 (relating to rape).

30               Section 3122.1 (relating to statutory sexual assault).

1           Section 3123 (relating to involuntary deviate sexual  
2 intercourse).

3           Section 3124.1 (relating to sexual assault).

4           Section 3125 (relating to aggravated indecent assault).

5           Section 3126 (relating to indecent assault).

6           Section 3127 (relating to indecent exposure).

7           Section 5902(b) (relating to prostitution and related  
8 offenses).

9           Section 5903 (relating to obscene and other sexual  
10 materials and performances).

11          \* \* \*

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