
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 473 Session of
2015

INTRODUCED BY ROEBUCK, WATERS, ROZZI, BISHOP, THOMAS, J. HARRIS,
SCHLOSSBERG, SCHWEYER, WHEATLEY, FREEMAN, DAVIDSON, D. COSTA,
KINSEY, CARROLL, FRANKEL, KORTZ, BROWNLEE, V. BROWN, FEE,
GILLEN AND MURT, FEBRUARY 12, 2015

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 12, 2015

AN ACT

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

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

7 Section 1. The definition of "expunge" in section 9102 of
8 Title 18 of the Pennsylvania Consolidated Statutes is amended
9 and the section is amended by adding a definition to read:

10 § 9102. Definitions.

11 The following words and phrases when used in this chapter
12 shall have the meanings given to them in this section unless the
13 context clearly indicates otherwise:

14 * * *

15 "Exoneration."

16 (1) whenever a person is pardoned pursuant to section 9
17 of Article IV of the Constitution of Pennsylvania; or

18 (2) whenever judgment of conviction is reversed or

vacated, or a plea of guilty, no contest or nolo contendere
is withdrawn by leave of court, and the indictment or
information is dismissed or, if a new trial is ordered,
either the claimant is found not guilty at the new trial or
is not retried and the indictment or information dismissed,
provided that the count or counts dismissed are the sole
basis for the imprisonment, and regardless of whether or not
deoxyribonucleic acid (DNA) evidence forms the basis of the
reversal, vacation, withdrawal, dismissal or pardon.

"Expunge."

(1) To remove information so that there is no trace or indication that such information existed;

(2) to eliminate all identifiers which may be used to trace the identity of an individual, allowing remaining data to be used for statistical purposes; [or]

(3) maintenance of certain information required or authorized under the provisions of section 9122(c) (relating to expungement), when an individual has successfully completed the conditions of any pretrial or posttrial diversion or probation program[.]; or

(4) the removal, destruction or erasure of records
possessed by the Commonwealth or any of its political
subdivisions, including, but not limited to:

(i) Fingerprints.

(ii) Photographs.

(iii) Photographic plates.

(iv) Arrest, trial, conviction, sentence or
incarceration data for the crime of which the defendant
has been conclusively proven to be innocent.

* * *

1 Section 2. Section 9122(a) and (b) of Title 18 are amended
2 and the section is amended by adding a subsection to read:

3 § 9122. Expungement.

4 (a) [Specific proceedings.--Criminal history record
5 information] Arrest data.--Notwithstanding any provision of law
6 to the contrary, criminal arrest data shall be expunged in a
7 specific criminal proceeding when:

8 (1) no disposition has been received or, upon request
9 for criminal history record information, no disposition has
10 been recorded in the repository within 18 months after the
11 date of arrest and the court of proper jurisdiction certifies
12 to the director of the repository that no disposition is
13 available and no action is pending. Expungement shall not
14 occur until the certification from the court is received and
15 the director of the repository authorizes such expungement;

16 (2) a court order requires that such [nonconviction]
17 data be expunged; [or]

18 (3) a person 21 years of age or older who has been
19 convicted of a violation of section 6308 (relating to
20 purchase, consumption, possession or transportation of liquor
21 or malt or brewed beverages), which occurred on or after the
22 day the person attained 18 years of age, petitions the court
23 of common pleas in the county where the conviction occurred
24 seeking expungement and the person has satisfied all terms
25 and conditions of the sentence imposed for the violation,
26 including any suspension of operating privileges imposed
27 pursuant to section 6310.4 (relating to restriction of
28 operating privileges). Upon review of the petition, the court
29 shall order the expungement of all criminal history record
30 information and all administrative records of the Department

1 of Transportation relating to said conviction[.]; or

2 (4) a person 18 years of age or older who has been
3 convicted of a crime, other than a violation under section
4 6308, and is later exonerated, has petitioned the court of
5 common pleas having jurisdiction over the conviction seeking
6 expungement. Upon review of the petition, the court may order
7 the expungement of all criminal history record information
8 and all administrative records relating to the conviction.

9 (b) [Generally.--Criminal history record information]

10 Convicted data.--Notwithstanding any provision of law to the
11 contrary, conviction data may be expunged when:

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

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

18 (3) (i) An individual who is the subject of the
19 information petitions the court for the expungement of a
20 summary offense and has been free of arrest or
21 prosecution for five years following the conviction for
22 that offense.

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

25 * * *

26 (b.2) Automatic expungement.--The following shall be grounds
27 for automatic expungement when occurring as a result of the
28 presentation of deoxyribonucleic acid (DNA) evidence:

29 (1) reversal or vacation of a conviction;

30 (2) withdrawal of a guilty, no contest or nolo

1 contendere plea;

2 (3) dismissal of information or indictment; or

3 (4) retrial where the defendant is found not guilty.

4 * * *

5 Section 3. This act shall take effect in 60 days.