

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1419 Session of 2017

INTRODUCED BY DELOZIER, J. HARRIS, MILLARD, DEAN, FRANKEL, KINSEY, PHILLIPS-HILL, D. COSTA, CALTAGIRONE, SOLOMON, V. BROWN, WARREN, COX, GODSHALL, DAVIS, BULLOCK, WHEATLEY, WHEELAND, HILL-EVANS, DeLUCA, A. HARRIS, KIM, ROZZI, McCARTER, ZIMMERMAN, McCLINTON, SCHWEYER, REESE, FEE, DERMODY, SIMS, ROTHMAN, FARRY, HANNA, DALEY, THOMAS, STURLA, NEILSON, KRUEGER-BRANEKY, SCHLOSSBERG, KORTZ AND DEASY, MAY 25, 2017

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF REPRESENTATIVES, AS AMENDED, MARCH 13, 2018

AN ACT

1 ~~Amending Title 18 (Crimes and Offenses) of the Pennsylvania~~ <--  
2 ~~Consolidated Statutes, in dissemination of criminal history~~  
3 ~~record information, further providing for general regulations~~  
4 ~~and for order for limited access, providing for clean slate~~  
5 ~~for convictions of misdemeanors and for charges not leading~~  
6 ~~to convictions, for effects of expunged offenses and offenses~~  
7 ~~provided limited access and for employer immunity from~~  
8 ~~liability and further providing for use of records by~~  
9 ~~licensing agencies; and imposing duties on the Pennsylvania~~  
10 ~~State Police and the Administrative Office of Pennsylvania~~  
11 ~~Courts.~~

12 AMENDING TITLE 18 (CRIMES AND OFFENSES) OF THE PENNSYLVANIA <--  
13 CONSOLIDATED STATUTES, IN CRIMINAL HISTORY RECORD  
14 INFORMATION, FURTHER PROVIDING FOR GENERAL REGULATIONS AND  
15 FOR ORDER FOR LIMITED ACCESS AND PROVIDING FOR CLEAN SLATE  
16 LIMITED ACCESS, FOR EXCEPTIONS, FOR ORDER TO VACATE ORDER FOR  
17 LIMITED ACCESS, FOR EFFECTS OF EXPUNGED RECORDS AND RECORDS  
18 SUBJECT TO LIMITED ACCESS AND FOR EMPLOYER IMMUNITY FROM  
19 LIABILITY.

20 THE GENERAL ASSEMBLY FINDS AND DECLARES AS FOLLOWS:

- 21 (1) INDIVIDUALS WITH CHARGES NOT LEADING TO CONVICTIONS
- 22 MAY BE INHERENTLY HARMED BY THE MAINTENANCE OF THAT RECORD
- 23 AND HAVE A CONSTITUTIONAL PRESUMPTION OF INNOCENCE.

1 (2) INDIVIDUALS CONVICTED OF CRIMES IN THIS COMMONWEALTH  
2 SHOULD SERVE THEIR SENTENCES AS ORDERED BY THE COURTS OF THIS  
3 COMMONWEALTH.

4 (3) AFTER LESS VIOLENT INDIVIDUALS CONVICTED OF CRIMES  
5 HAVE SERVED THEIR SENTENCES AND REMAINED CRIME FREE LONG  
6 ENOUGH TO DEMONSTRATE REHABILITATION, THE INDIVIDUALS' ACCESS  
7 TO EMPLOYMENT, HOUSING, EDUCATION AND OTHER NECESSITIES OF  
8 LIFE SHOULD BE FULLY RESTORED.

9 (4) CRIMINAL JUSTICE AGENCIES NEED ACCESS TO ALL  
10 CRIMINAL HISTORY RECORD INFORMATION IN ORDER TO EFFECTIVELY  
11 CARRY OUT THE AGENCIES' DUTIES TO PROTECT THE PUBLIC.

12 (5) THE COMMONWEALTH SHALL PROVIDE A CLEAN SLATE REMEDY,  
13 AS SET FORTH UNDER THIS ACT, TO:

14 (I) CREATE A STRONG INCENTIVE FOR AVOIDANCE OF  
15 RECIDIVISM BY OFFENDERS.

16 (II) PROVIDE HOPE FOR THE ALLEVIATION OF THE  
17 HARDSHIPS OF HAVING A CRIMINAL RECORD BY OFFENDERS WHO  
18 ARE TRYING TO REHABILITATE THEMSELVES.

19 (III) SAVE THE COMMONWEALTH MONEY THAT MUST BE SPENT  
20 IN THE ADMINISTRATION OF CRIMINAL JUSTICE WHEN OFFENDERS  
21 RECIDIVATE.

22 (IV) ENSURE APPROPRIATE ACCESS TO CRIMINAL HISTORY  
23 INFORMATION BY CRIMINAL JUSTICE AGENCIES.

24 (6) THE CLEAN SLATE REMEDY SHOULD BE IMPLEMENTED WITHOUT  
25 COST TO THE FORMER OFFENDER OF FILING A PETITION WITH A  
26 COURT.

27 The General Assembly of the Commonwealth of Pennsylvania  
28 hereby enacts as follows:

29 ~~Section 1. Sections 9121(b) and (b.2) and 9122.1(a) of Title <--~~  
30 ~~18 of the Pennsylvania Consolidated Statutes are amended to~~

1 read:

2 ~~§ 9121. General regulations.~~

3 ~~\* \* \*~~

4 ~~(b) Dissemination to noncriminal justice agencies and~~  
5 ~~individuals. Criminal history record information shall be~~  
6 ~~disseminated by a State or local police department to any~~  
7 ~~individual or noncriminal justice agency only upon request.~~  
8 ~~Except as provided in subsection (b.1):~~

9 ~~(1) A fee may be charged by a State or local police~~  
10 ~~department for each request for criminal history record~~  
11 ~~information by an individual or noncriminal justice agency,~~  
12 ~~except that no fee shall be charged to an individual who~~  
13 ~~makes the request in order to apply to become a volunteer~~  
14 ~~with an affiliate of Big Brothers of America or Big Sisters~~  
15 ~~of America or with a rape crisis center or domestic violence~~  
16 ~~program.~~

17 ~~(2) Before a State or local police department~~  
18 ~~disseminates criminal history record information to an~~  
19 ~~individual or noncriminal justice agency, it shall extract~~  
20 ~~from the record the following:~~

21 ~~(i) All notations of arrests, indictments or other~~  
22 ~~information relating to the initiation of criminal~~  
23 ~~proceedings where:~~

24 ~~(A) three years have elapsed from the date of~~  
25 ~~arrest;~~

26 ~~(B) no conviction has occurred; and~~

27 ~~(C) no proceedings are pending seeking a~~  
28 ~~conviction.~~

29 ~~(ii) All information relating to a conviction and~~  
30 ~~the arrest, indictment or other information leading~~

1 ~~thereto, or relating to an arrest not leading to a~~  
2 ~~conviction, which is the subject of a court order for~~  
3 ~~limited access as provided in section 9122.1 (relating to~~  
4 ~~order for limited access)[.] or which is automatically~~  
5 ~~provided limited access under section 9122.2 (relating to~~  
6 ~~clean slate for convictions of misdemeanors and for~~  
7 ~~charges not leading to convictions).~~

8 ~~(3) A court or the Administrative Office of Pennsylvania~~  
9 ~~Courts may not disseminate to an individual, a noncriminal~~  
10 ~~justice agency or an Internet website any information~~  
11 ~~relating to a conviction, arrest, indictment or other~~  
12 ~~information leading to a conviction, arrest, indictment or~~  
13 ~~other information, which is the subject of a court order for~~  
14 ~~limited access as provided in section 9122.1 or which is~~  
15 ~~automatically provided limited access under section 9122.2.~~

16 \* \* \*

17 ~~(b.2) Additional exceptions. Subsection (b) (2) (ii) and (3)~~  
18 ~~shall not apply if the request is made [by a State agency to be~~  
19 ~~used only as authorized under section 9124 (relating to use of~~  
20 ~~records by licensing agencies).].~~

21 ~~(1) Pursuant to a court order in a case brought under 23~~  
22 ~~Pa.C.S. Ch. 53 (relating to child custody) or 61 (relating to~~  
23 ~~protection from abuse). All information made available to the~~  
24 ~~court under this exception shall also be made available for~~  
25 ~~examination by the parties.~~

26 ~~(2) To verify information provided by an applicant where~~  
27 ~~Federal law, including rules and regulations promulgated by a~~  
28 ~~self regulatory organization that has been created pursuant~~  
29 ~~to Federal law, requires the consideration of an applicant's~~  
30 ~~criminal history for purposes of employment.~~

1 ~~(3) By an employer against whom a claim of civil~~  
2 ~~liability has been brought as described under section 9122.4~~  
3 ~~(relating to employer immunity from liability) for purposes~~  
4 ~~of defending against a claim of civil liability.~~

5 ~~(4) To verify information provided to the Supreme Court,~~  
6 ~~or an entity thereof, in its capacity to govern the practice,~~  
7 ~~procedure and the conduct of all courts, the admission to the~~  
8 ~~bar and the practice of law and the administration of all~~  
9 ~~courts and supervision of all officers of the judicial~~  
10 ~~branch.~~

11 \* \* \*

12 ~~§ 9122.1. Order for limited access.~~

13 ~~(a) General rule. [The following shall apply:~~

14 ~~(1)] Notwithstanding any other provision of this~~  
15 ~~chapter, upon petition of a person who has been free of~~  
16 ~~[arrest or prosecution] subsequent conviction following~~  
17 ~~conviction or final release from confinement or supervision,~~  
18 ~~whichever is later, for a period of 10 years, the court of~~  
19 ~~common pleas in the jurisdiction where the conviction~~  
20 ~~occurred may enter an order that criminal history record~~  
21 ~~information maintained by any criminal justice agency~~  
22 ~~pertaining to a conviction for a misdemeanor of the second~~  
23 ~~degree, a misdemeanor of the third degree or an ungraded~~  
24 ~~offense which carries a maximum penalty of no more than two~~  
25 ~~years be disseminated only to a criminal justice agency or a~~  
26 ~~government agency as provided in section 9121(b.1) and (b.2)~~  
27 ~~(relating to general regulations).~~

28 ~~[(2) Except when requested or required by a criminal~~  
29 ~~justice agency, or by and for the official use of a~~  
30 ~~government agency described in section 9121(b.1) or 9124(a)~~

1 ~~(relating to use of records by licensing agencies), no~~  
2 ~~individual shall be required nor requested to disclose~~  
3 ~~information about the person's criminal history records that~~  
4 ~~are the subject of a court order for limited access granted~~  
5 ~~under this section.]~~

6 \* \* \*

7 Section 2. Title 18 is amended by adding sections to read:

8 § 9122.2. Clean slate for convictions of misdemeanors and for  
9 charges not leading to convictions.

10 (a) Declaration of policy. The General Assembly finds and  
11 declares as follows:

12 (1) Individuals with charges not leading to convictions  
13 may be inherently harmed by the maintenance of that record  
14 and have a constitutional presumption of innocence.

15 (2) Individuals convicted of crimes in this Commonwealth  
16 shall serve their sentences as ordered by the courts of this  
17 Commonwealth.

18 (3) After less violent individuals convicted of their  
19 crimes have served their sentences and remained crime free  
20 long enough to demonstrate their rehabilitation, their access  
21 to employment, housing, education and other necessities of  
22 life should be fully restored.

23 (4) The Commonwealth shall provide a clean slate remedy,  
24 as set forth under this section, to:

25 (i) create a strong incentive for avoidance of  
26 recidivism by offenders;

27 (ii) provide hope for the alleviation of the  
28 hardships of having a criminal record by offenders who  
29 are trying to rehabilitate themselves; and

30 (iii) save the Commonwealth money that must be spent

1 ~~in the administration of criminal justice when offenders~~  
2 ~~recidivate.~~

3 ~~(5) The clean slate remedy should be implemented without~~  
4 ~~cost to the former offender of filing a petition with a~~  
5 ~~court.~~

6 ~~(b) Misdemeanor conviction.~~

7 ~~(1) Except as provided under paragraphs (2) and (3),~~  
8 ~~criminal history record information of all convictions of~~  
9 ~~misdemeanor offenses shall automatically receive limited~~  
10 ~~access when completion of the court ordered financial~~  
11 ~~obligations of the sentence has occurred and 10 years have~~  
12 ~~passed since the most recent misdemeanor or felony conviction~~  
13 ~~in any court of the unified judicial system.~~

14 ~~(2) Limited access under this subsection shall not be~~  
15 ~~granted to misdemeanor convictions of the following offenses:~~

16 ~~(i) Offenses under Article B (relating to offenses~~  
17 ~~involving danger to the person).~~

18 ~~(ii) Offenses under Article D (relating to offenses~~  
19 ~~against the family).~~

20 ~~(iii) Offenses under Chapter 61 (relating to~~  
21 ~~firearms and other dangerous articles).~~

22 ~~(iv) Offenses that require registration under 42~~  
23 ~~Pa.C.S. Ch. 97 Subch. H (relating to registration of~~  
24 ~~sexual offenders).~~

25 ~~(v) A violation of section 3127 (relating to~~  
26 ~~indecent exposure).~~

27 ~~(vi) A violation of section 4915.1 (relating to~~  
28 ~~failure to comply with registration requirements).~~

29 ~~(vii) A violation of section 5122 (relating to~~  
30 ~~weapons or implements for escape).~~

1 ~~(viii) A violation of section 5511 (relating to~~  
2 ~~cruelty to animals).~~

3 ~~(ix) A violation of section 6301 (relating to~~  
4 ~~corruption of minors).~~

5 ~~(3) Limited access under this subsection shall not be~~  
6 ~~granted to misdemeanor convictions when there is a felony~~  
7 ~~conviction in the same case.~~

8 ~~(c) Charges not leading to conviction. Criminal history~~  
9 ~~record information of charges with a final disposition other~~  
10 ~~than conviction shall automatically receive limited access 60~~  
11 ~~days after entry of the disposition and payment of any court~~  
12 ~~ordered obligations.~~

13 ~~(d) No court petition required.~~

14 ~~(1) Except as provided under paragraph (3), limited~~  
15 ~~access of criminal proceedings under subsections (b) and (c)~~  
16 ~~shall be performed by criminal justice agencies within 30~~  
17 ~~days of the eligibility of such proceedings, without the~~  
18 ~~requirement of a court order.~~

19 ~~(2) Nothing in this section shall preclude the filing of~~  
20 ~~a petition for limited access of criminal proceedings~~  
21 ~~eligible for limited access under subsections (b) and (c) if~~  
22 ~~limited access has not been provided by criminal justice~~  
23 ~~agencies without a petition.~~

24 ~~(3) (i) On a monthly basis, the Administrative Office~~  
25 ~~of Pennsylvania Courts shall transmit to the Pennsylvania~~  
26 ~~State Police central repository any case eligible for~~  
27 ~~limited access under this section.~~

28 ~~(ii) If the Pennsylvania State Police central~~  
29 ~~repository determines through a validation process that a~~  
30 ~~case transmitted is not eligible for limited access~~

1 ~~relief or does not match data held in the repository, the~~  
2 ~~Pennsylvania State Police shall notify the Administrative~~  
3 ~~Office of Pennsylvania Courts of this determination~~  
4 ~~within 30 days of receiving the information.~~

5 ~~(iii) Upon the expiration of the 30 day period, the~~  
6 ~~Administrative Office of Pennsylvania Courts shall remove~~  
7 ~~from the list of eligible cases any case for which the~~  
8 ~~Administrative Office of Pennsylvania Courts received a~~  
9 ~~notification of ineligibility or nonmatch with repository~~  
10 ~~data.~~

11 ~~(iv) Thereafter, each court of common pleas shall~~  
12 ~~issue monthly an order granting limited access to any~~  
13 ~~case in its judicial district for which no notification~~  
14 ~~of ineligibility was received by the Administrative~~  
15 ~~Office of Pennsylvania Courts.~~

16 ~~(4) The Pennsylvania State Police may object to a case~~  
17 ~~as not eligible for limited access under paragraph (3) in~~  
18 ~~which the defendant:~~

19 ~~(i) was convicted of a misdemeanor or felony in a~~  
20 ~~court of the unified judicial system during the~~  
21 ~~applicable period of time under subsection (b) that must~~  
22 ~~elapse before a case becomes eligible for limited access~~  
23 ~~relief;~~

24 ~~(ii) was convicted of a misdemeanor and a felony~~  
25 ~~within the same case; or~~

26 ~~(iii) has not completed all obligations of the~~  
27 ~~sentence or been discharged from court supervision.~~

28 ~~(e) Elimination.~~

29 ~~(1) If an individual's case receives limited access not~~  
30 ~~in accordance with this section or an individual receiving~~

1 ~~limited access is subsequently convicted of a misdemeanor or~~  
2 ~~felony, the district attorney of the county in which the~~  
3 ~~underlying or subsequent conviction took place or, if the~~  
4 ~~Office of Attorney General obtained the conviction for the~~  
5 ~~underlying conviction, the Office of Attorney General shall~~  
6 ~~have standing to challenge the limited access granted by the~~  
7 ~~court.~~

8 ~~(2) If the court that granted the limited access~~  
9 ~~sustains the challenge, the court and the Pennsylvania State~~  
10 ~~Police shall undo the limited access.~~

11 ~~§ 9122.3. Effects of expunged offenses and offenses provided~~  
12 ~~limited access.~~

13 ~~(a) Disclosure.~~

14 ~~(1) Except when requested or required by a criminal~~  
15 ~~justice agency, the Supreme Court or entity thereof, or~~  
16 ~~pursuant to an order under section 9121(b.2) (relating to~~  
17 ~~general regulations), no individual shall be required or~~  
18 ~~requested to disclose information about the individual's~~  
19 ~~criminal history records that have been expunged or provided~~  
20 ~~limited access under section 9122.1 (relating to order for~~  
21 ~~limited access) or 9122.2 (relating to clean slate for~~  
22 ~~convictions of misdemeanors and for charges not leading to~~  
23 ~~convictions). An individual required or requested to provide~~  
24 ~~information in violation of this section may respond as if~~  
25 ~~the offense did not occur.~~

26 ~~(2) This subsection shall not apply where Federal law,~~  
27 ~~including rules and regulations promulgated by a self-~~  
28 ~~regulatory organization that has been created pursuant to~~  
29 ~~Federal law, requires the consideration of an applicant's~~  
30 ~~criminal history for purposes of employment.~~

1 ~~(b) Disqualification by law. An expunged offense or an~~  
2 ~~offense provided limited access under section 9122.1 or 9122.2~~  
3 ~~may not be considered a conviction that would prohibit the~~  
4 ~~employment of a person under any law of this Commonwealth or~~  
5 ~~under Federal laws that prohibit employment based on state~~  
6 ~~convictions to the extent permitted by Federal law.~~

7 ~~§ 9122.4. Employer immunity from liability.~~

8 ~~An employer who employs or otherwise engages an individual~~  
9 ~~whose criminal history record has been expunged or provided~~  
10 ~~limited access under section 9122.1 (relating to order for~~  
11 ~~limited access) or 9122.2 (relating to clean slate for~~  
12 ~~convictions of misdemeanors and for charges not leading to~~  
13 ~~convictions) shall be immune from liability in a civil action~~  
14 ~~based, in whole or in part, upon damages suffered to a person or~~  
15 ~~property as a result of criminal or other unlawful conduct of~~  
16 ~~the individual employee when the portion of the criminal history~~  
17 ~~record that has been expunged or provided limited access is~~  
18 ~~related to:~~

19 ~~(1) the criminal or other unlawful conduct; and~~

20 ~~(2) the individual's suitability for employment in the~~  
21 ~~position for which the individual was hired or engaged.~~

22 ~~Section 3. Section 9124(b) of Title 18 is amended to read:~~

23 ~~§ 9124. Use of records by licensing agencies.~~

24 ~~\* \* \*~~

25 ~~(b) Prohibited use of information. The following~~  
26 ~~information shall not be used in consideration of an application~~  
27 ~~for a license, certificate, registration or permit:~~

28 ~~(1) Records of arrest if there is no conviction of a~~  
29 ~~crime based on the arrest.~~

30 ~~(2) Convictions which have been annulled [or],~~

1 ~~expunged[.] or provided limited access under section 9122.1~~  
2 ~~(relating to order for limited access) or 9122.2 (relating to~~  
3 ~~clean slate for convictions of misdemeanors and for charges~~  
4 ~~not leading to convictions).~~

5 ~~(3) Convictions of a summary offense.~~

6 ~~(4) Convictions for which the individual has received a~~  
7 ~~pardon from the Governor.~~

8 ~~(5) Convictions which do not relate to the applicant's~~  
9 ~~suitability for the license, certificate, registration or~~  
10 ~~permit.~~

11 \* \* \*

12 ~~Section 4. The Pennsylvania State Police and the~~  
13 ~~Administrative Office of Pennsylvania Courts shall process the~~  
14 ~~backlog of existing cases in which the provisions of this act~~  
15 ~~are applicable within one year from the effective date of this~~  
16 ~~section.~~

17 ~~Section 5. Petitions for limited access of criminal~~  
18 ~~proceedings eligible for limited access under 18 Pa.C.S. §~~  
19 ~~9122.2(b) and (c) may be filed beginning 90 days after the~~  
20 ~~effective date of this section.~~

21 ~~Section 6. This act shall take effect as follows:~~

22 ~~(1) Section 5 of this act shall take effect immediately.~~

23 ~~(2) This section shall take effect immediately.~~

24 ~~(3) The remainder of this act shall take effect in 270~~  
25 ~~days.~~

26 SECTION 1. SECTIONS 9121(B) INTRODUCTORY PARAGRAPH, (2) AND <--  
27 (3), (B.1) AND (B.2) AND 9122.1 HEADING, (A) AND (B) OF TITLE 18  
28 OF THE PENNSYLVANIA CONSOLIDATED STATUTES ARE AMENDED TO READ:  
29 § 9121. GENERAL REGULATIONS.

30 \* \* \*

1 (B) DISSEMINATION TO NONCRIMINAL JUSTICE AGENCIES AND  
2 INDIVIDUALS.--CRIMINAL HISTORY RECORD INFORMATION SHALL BE  
3 DISSEMINATED BY A STATE OR LOCAL POLICE DEPARTMENT TO ANY  
4 INDIVIDUAL OR NONCRIMINAL JUSTICE AGENCY ONLY UPON REQUEST.  
5 [EXCEPT AS PROVIDED IN SUBSECTION (B.1):] THE FOLLOWING APPLY:

6 \* \* \*

7 (2) [BEFORE] EXCEPT AS PROVIDED FOR IN SUBSECTIONS (B.1)  
8 AND (B.2), BEFORE A STATE OR LOCAL POLICE DEPARTMENT  
9 DISSEMINATES CRIMINAL HISTORY RECORD INFORMATION TO AN  
10 INDIVIDUAL OR NONCRIMINAL JUSTICE AGENCY, IT SHALL EXTRACT  
11 FROM THE RECORD THE FOLLOWING:

12 (I) ALL NOTATIONS OF ARRESTS, INDICTMENTS OR OTHER  
13 INFORMATION RELATING TO THE INITIATION OF CRIMINAL  
14 PROCEEDINGS WHERE:

15 (A) THREE YEARS HAVE ELAPSED FROM THE DATE OF  
16 ARREST;

17 (B) NO [CONVICTION HAS OCCURRED] DISPOSITION IS  
18 INDICATED IN THE RECORD; AND

19 (C) [NO PROCEEDINGS ARE PENDING SEEKING A  
20 CONVICTION.] NOTHING IN THE RECORD INDICATES THAT  
21 PROCEEDINGS SEEKING CONVICTION REMAIN PENDING.

22 (II) ALL INFORMATION RELATING TO A CONVICTION AND  
23 THE ARREST, INDICTMENT OR OTHER INFORMATION LEADING  
24 THERETO, WHICH IS THE SUBJECT OF A COURT ORDER FOR  
25 LIMITED ACCESS AS PROVIDED IN SECTION 9122.1 (RELATING TO  
26 ORDER FOR LIMITED ACCESS).

27 (III) ALL INFORMATION RELATING TO A CONVICTION OR  
28 NONCONVICTION FINAL DISPOSITION, AND THE ARREST,  
29 INDICTMENT OR OTHER INFORMATION LEADING TO THE ARREST OR  
30 INDICTMENT WHICH IS SUBJECT TO A COURT ORDER FOR LIMITED

1           ACCESS AS PROVIDED FOR IN SECTION 9122.2 (RELATING TO  
2           CLEAN SLATE LIMITED ACCESS).

3           (3) A COURT OR THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA  
4 COURTS MAY NOT DISSEMINATE TO AN INDIVIDUAL, A NONCRIMINAL  
5 JUSTICE AGENCY OR AN INTERNET WEBSITE ANY INFORMATION  
6 [RELATING TO A CONVICTION, ARREST, INDICTMENT OR OTHER  
7 INFORMATION LEADING TO A CONVICTION, ARREST, INDICTMENT OR  
8 OTHER INFORMATION,] WHICH IS THE SUBJECT OF A COURT ORDER FOR  
9 LIMITED ACCESS AS PROVIDED IN SECTION 9122.1 OR 9122.2.

10          (B.1) EXCEPTION.--SUBSECTION (B) (1) AND (2) SHALL NOT APPLY  
11 IF THE REQUEST IS MADE BY A COUNTY CHILDREN AND YOUTH AGENCY OR  
12 THE DEPARTMENT OF [PUBLIC WELFARE] HUMAN SERVICES IN THE  
13 PERFORMANCE OF DUTIES RELATING TO CHILDREN AND YOUTH UNDER THE  
14 ACT OF JUNE 24, 1937 (P.L.2017, NO.396), KNOWN AS THE COUNTY  
15 INSTITUTION DISTRICT LAW, SECTION 2168 OF THE ACT OF AUGUST 9,  
16 1955 (P.L.323, NO.130), KNOWN AS THE COUNTY CODE, THE ACT OF  
17 JUNE 13, 1967 (P.L.31, NO.21), KNOWN AS THE [PUBLIC WELFARE]  
18 HUMAN SERVICES CODE, 23 PA.C.S. CH. 63 (RELATING TO CHILD  
19 PROTECTIVE SERVICES) OR 42 PA.C.S. CH. 63 (RELATING TO JUVENILE  
20 MATTERS).

21          (B.2) ADDITIONAL EXCEPTIONS.--

22           (1) SUBSECTION (B) (2) (II) AND [(3)] (III) SHALL NOT  
23           APPLY IF THE REQUEST IS MADE [BY A STATE AGENCY TO BE USED  
24           ONLY AS AUTHORIZED UNDER SECTION 9124 (RELATING TO USE OF  
25           RECORDS BY LICENSING AGENCIES).] UNDER A COURT ORDER:

26           (I) IN A CASE BROUGHT UNDER 23 PA.C.S. CH. 53  
27           (RELATING TO CHILD CUSTODY) OR 61 (RELATING TO PROTECTION  
28           FROM ABUSE).

29           (II) BY AN EMPLOYER AGAINST WHOM A CLAIM OF CIVIL  
30           LIABILITY HAS BEEN BROUGHT AS DESCRIBED UNDER SECTION

1 9122.6 (RELATING TO EMPLOYER IMMUNITY FROM LIABILITY) FOR  
2 PURPOSES OF DEFENDING AGAINST A CLAIM OF CIVIL LIABILITY.

3 (2) SUBSECTION (B) (2) SHALL NOT APPLY:

4 (I) TO THE VERIFICATION OF INFORMATION PROVIDED BY  
5 AN APPLICANT IF FEDERAL LAW, INCLUDING RULES AND  
6 REGULATIONS PROMULGATED BY A SELF-REGULATORY ORGANIZATION  
7 THAT HAS BEEN CREATED UNDER FEDERAL LAW, REQUIRES THE  
8 CONSIDERATION OF AN APPLICANT'S CRIMINAL HISTORY FOR  
9 PURPOSES OF EMPLOYMENT.

10 (II) TO THE VERIFICATION OF INFORMATION PROVIDED TO  
11 THE SUPREME COURT, OR AN ENTITY OF THE SUPREME COURT, IN  
12 ITS CAPACITY TO GOVERN THE PRACTICE, PROCEDURE AND  
13 CONDUCT OF ALL COURTS, THE ADMISSION TO THE BAR, THE  
14 PRACTICE OF LAW, THE ADMINISTRATION OF ALL COURTS AND  
15 SUPERVISION OF ALL OFFICERS OF THE JUDICIAL BRANCH.

16 \* \* \*

17 § 9122.1. [ORDER] PETITION FOR LIMITED ACCESS.

18 (A) GENERAL RULE.--[THE FOLLOWING SHALL APPLY:

19 (1) NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER,  
20 UPON PETITION OF A PERSON WHO HAS BEEN FREE OF ARREST OR  
21 PROSECUTION FOLLOWING CONVICTION OR FINAL RELEASE FROM  
22 CONFINEMENT OR SUPERVISION, WHICHEVER IS LATER, FOR A PERIOD  
23 OF 10 YEARS, THE COURT OF COMMON PLEAS IN THE JURISDICTION  
24 WHERE THE CONVICTION OCCURRED MAY ENTER AN ORDER THAT  
25 CRIMINAL HISTORY RECORD INFORMATION MAINTAINED BY ANY  
26 CRIMINAL JUSTICE AGENCY PERTAINING TO A CONVICTION FOR A  
27 MISDEMEANOR OF THE SECOND DEGREE, A MISDEMEANOR OF THE THIRD  
28 DEGREE OR AN UNGRADED OFFENSE WHICH CARRIES A MAXIMUM PENALTY  
29 OF NO MORE THAN TWO YEARS BE DISSEMINATED ONLY TO A CRIMINAL  
30 JUSTICE AGENCY OR A GOVERNMENT AGENCY AS PROVIDED IN SECTION

1 9121(B.1) AND (B.2) (RELATING TO GENERAL REGULATIONS).

2 (2) EXCEPT WHEN REQUESTED OR REQUIRED BY A CRIMINAL  
3 JUSTICE AGENCY, OR BY AND FOR THE OFFICIAL USE OF A  
4 GOVERNMENT AGENCY DESCRIBED IN SECTION 9121(B.1) OR 9124(A)  
5 (RELATING TO USE OF RECORDS BY LICENSING AGENCIES), NO  
6 INDIVIDUAL SHALL BE REQUIRED NOR REQUESTED TO DISCLOSE  
7 INFORMATION ABOUT THE PERSON'S CRIMINAL HISTORY RECORDS THAT  
8 ARE THE SUBJECT OF A COURT ORDER FOR LIMITED ACCESS GRANTED  
9 UNDER THIS SECTION.] SUBJECT TO THE EXCEPTIONS IN SUBSECTION

10 (B) AND NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER,  
11 UPON PETITION OF A PERSON WHO HAS BEEN FREE FROM CONVICTION  
12 FOR A PERIOD OF 10 YEARS FOR AN OFFENSE PUNISHABLE BY ONE OR  
13 MORE YEARS IN PRISON AND HAS COMPLETED COURT-ORDERED  
14 FINANCIAL OBLIGATIONS OF THE SENTENCE, THE COURT OF COMMON  
15 PLEAS IN THE JURISDICTION IF A CONVICTION OCCURRED MAY ENTER  
16 AN ORDER THAT CRIMINAL HISTORY RECORD INFORMATION MAINTAINED  
17 BY A CRIMINAL JUSTICE AGENCY PERTAINING TO A QUALIFYING  
18 MISDEMEANOR OR AN UNGRADED OFFENSE WHICH CARRIES A MAXIMUM  
19 PENALTY OF NO MORE THAN FIVE YEARS BE DISSEMINATED ONLY TO A  
20 CRIMINAL JUSTICE AGENCY OR AS PROVIDED IN SECTION 9121(B.1)  
21 AND (B.2) (RELATING TO GENERAL REGULATIONS).

22 (B) EXCEPTIONS.--AN ORDER FOR LIMITED ACCESS UNDER THIS  
23 SECTION SHALL NOT BE GRANTED [TO AN INDIVIDUAL WHO HAS BEEN  
24 CONVICTED AT ANY TIME OF ANY OF THE FOLLOWING:

25 (1) AN OFFENSE PUNISHABLE BY IMPRISONMENT OF MORE THAN  
26 TWO YEARS.

27 (2) FOUR OR MORE OFFENSES PUNISHABLE BY IMPRISONMENT OF  
28 ONE OR MORE YEARS.

29 (3) A VIOLATION OF SECTION 2701 (RELATING TO SIMPLE  
30 ASSAULT), EXCEPT WHEN THE OFFENSE IS GRADED AS A MISDEMEANOR

1 OF THE THIRD DEGREE.

2 (4) A VIOLATION OF SECTION 3129 (RELATING TO SEXUAL  
3 INTERCOURSE WITH ANIMAL) .

4 (5) A VIOLATION OF SECTION 4912 (RELATING TO  
5 IMPERSONATING A PUBLIC SERVANT) .

6 (6) A VIOLATION OF SECTION 4952 (RELATING TO  
7 INTIMIDATION OF WITNESSES OR VICTIMS) .

8 (7) A VIOLATION OF SECTION 4953 (RELATING TO RETALIATION  
9 AGAINST WITNESS, VICTIM OR PARTY) .

10 (8) A VIOLATION OF SECTION 4958 (RELATING TO  
11 INTIMIDATION, RETALIATION OR OBSTRUCTION IN CHILD ABUSE  
12 CASES) .

13 (9) AN OFFENSE WHICH REQUIRES REGISTRATION UNDER 42  
14 PA.C.S. CH. 97 SUBCH. H (RELATING TO REGISTRATION OF SEXUAL  
15 OFFENDERS) .] FOR ANY OF THE FOLLOWING:

16 (1) A CONVICTION FOR AN OFFENSE PUNISHABLE BY MORE THAN  
17 TWO YEARS IN PRISON WHICH IS ANY OF THE FOLLOWING:

18 (I) AN OFFENSE UNDER PT. II ARTICLE B (RELATING TO  
19 OFFENSES INVOLVING DANGER TO THE PERSON) .

20 (II) AN OFFENSE UNDER PT. II ARTICLE D (RELATING TO  
21 OFFENSES AGAINST THE FAMILY) .

22 (III) AN OFFENSE UNDER CHAPTER 61 (RELATING TO  
23 FIREARMS AND OTHER DANGEROUS ARTICLES) .

24 (IV) AN OFFENSE SPECIFIED IN 42 PA.C.S. § 9799.14  
25 (RELATING TO SEXUAL OFFENSES AND TIER SYSTEM) .

26 (2) AN INDIVIDUAL WHO MEETS ANY OF THE FOLLOWING:

27 (I) HAS BEEN CONVICTED OF MURDER, A FELONY OF THE  
28 FIRST DEGREE OR AN OFFENSE PUNISHABLE BY IMPRISONMENT OF  
29 20 OR MORE YEARS. .

30 (II) HAS BEEN CONVICTED WITHIN THE PREVIOUS 20 YEARS

1           OF:

2                   (A) A FELONY OR AN OFFENSE PUNISHABLE BY  
3                   IMPRISONMENT OF SEVEN OR MORE YEARS INVOLVING:

4                           (I) AN OFFENSE UNDER PT. II ARTICLE B;

5                           (II) AN OFFENSE UNDER PT. II ARTICLE D;

6                           (III) AN OFFENSE UNDER CHAPTER 61; OR

7                           (IV) AN OFFENSE SPECIFIED IN 42 PA.C.S. §

8                   9799.14; OR

9                           (B) FOUR OR MORE OFFENSES PUNISHABLE BY  
10                   IMPRISONMENT OF TWO OR MORE YEARS.

11                   (III) HAS, WITHIN THE PREVIOUS 15 YEARS, BEEN

12           CONVICTED OF:

13                   (A) TWO OR MORE OFFENSES PUNISHABLE BY MORE THAN  
14                   TWO YEARS IN PRISON; OR

15                   (B) ANY OF THE FOLLOWING:

16                           (I) AN OFFENSE UNDER SECTION 3127 (RELATING  
17                   TO INDECENT EXPOSURE).

18                           (II) AN OFFENSE UNDER SECTION 3129 (RELATING  
19                   TO SEXUAL INTERCOURSE WITH ANIMAL).

20                           (III) AN OFFENSE UNDER SECTION 4915.1  
21                   (RELATING TO FAILURE TO COMPLY WITH REGISTRATION  
22                   REQUIREMENTS).

23                           (IV) AN OFFENSE UNDER SECTION 5122 (RELATING  
24                   TO WEAPONS OR IMPLEMENTS FOR ESCAPE).

25                           (V) AN OFFENSE UNDER SECTION 5510 (RELATING  
26                   TO ABUSE OF CORPSE).

27                           (VI) AN OFFENSE UNDER SECTION 5515 (RELATING  
28                   TO PROHIBITING OF PARAMILITARY TRAINING).

29           \* \* \*

30           SECTION 2. TITLE 18 IS AMENDED BY ADDING SECTIONS TO READ:

1 § 9122.2. CLEAN SLATE LIMITED ACCESS.

2 (A) GENERAL RULE.--THE FOLLOWING SHALL BE SUBJECT TO LIMITED  
3 ACCESS:

4 (1) SUBJECT TO THE EXCEPTIONS UNDER SECTION 9122.3  
5 (RELATING TO EXCEPTIONS) OR IF A COURT HAS VACATED AN ORDER  
6 FOR LIMITED ACCESS UNDER SECTION 9122.4 (RELATING TO ORDER TO  
7 VACATE ORDER FOR LIMITED ACCESS), CRIMINAL HISTORY RECORD  
8 INFORMATION PERTAINING TO A CONVICTION OF A MISDEMEANOR OF  
9 THE SECOND DEGREE, A MISDEMEANOR OF THE THIRD DEGREE OR A  
10 MISDEMEANOR OFFENSE PUNISHABLE BY IMPRISONMENT OF NO MORE  
11 THAN TWO YEARS IF A PERSON HAS BEEN FREE FOR 10 YEARS FROM  
12 CONVICTION FOR ANY OFFENSE PUNISHABLE BY IMPRISONMENT OF ONE  
13 OR MORE YEARS AND IF COMPLETION OF THE COURT-ORDERED  
14 FINANCIAL OBLIGATIONS OF THE SENTENCE HAS OCCURRED.

15 (2) CRIMINAL HISTORY RECORD INFORMATION PERTAINING TO  
16 CHARGES WHICH RESULTED IN A FINAL DISPOSITION OTHER THAN A  
17 CONVICTION.

18 (3) CRIMINAL HISTORY RECORD INFORMATION PERTAINING TO A  
19 CONVICTION FOR A SUMMARY OFFENSE WHEN 10 YEARS HAVE ELAPSED  
20 SINCE ENTRY OF THE JUDGMENT OF CONVICTION AND COMPLETION OF  
21 ALL COURT-ORDERED FINANCIAL OBLIGATIONS OF THE SENTENCE HAS  
22 OCCURRED.

23 (B) PROCEDURES.--

24 (1) ON A MONTHLY BASIS, THE ADMINISTRATIVE OFFICE OF  
25 PENNSYLVANIA COURTS SHALL TRANSMIT TO THE PENNSYLVANIA STATE  
26 POLICE CENTRAL REPOSITORY THE RECORD OF ANY CONVICTION  
27 ELIGIBLE FOR LIMITED ACCESS UNDER SUBSECTION (A) (1).

28 (2) THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS  
29 SHALL TRANSMIT TO THE PENNSYLVANIA STATE POLICE REPOSITORY:

30 (I) THE RECORD OF CHARGES SUBJECT TO LIMITED ACCESS

1 UNDER SUBSECTION (A) (2) WITHIN 30 DAYS AFTER ENTRY OF THE  
2 DISPOSITION AND PAYMENT OF COURT-ORDERED OBLIGATIONS.

3 (II) THE RECORD OF ANY CONVICTION UNDER SUBSECTION  
4 (A) (3) WITHIN 30 DAYS AFTER THE RECORD BECOMES SUBJECT TO  
5 LIMITED ACCESS.

6 (3) IF THE PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY  
7 DETERMINES THROUGH A VALIDATION PROCESS THAT A RECORD  
8 TRANSMITTED IS NOT ELIGIBLE FOR LIMITED ACCESS RELIEF UNDER  
9 SUBSECTION (A) OR DOES NOT MATCH DATA HELD IN THE REPOSITORY,  
10 THE PENNSYLVANIA STATE POLICE SHALL NOTIFY THE ADMINISTRATIVE  
11 OFFICE OF PENNSYLVANIA COURTS OF THIS DETERMINATION WITHIN 30  
12 DAYS OF RECEIVING THE INFORMATION.

13 (4) UPON THE EXPIRATION OF THE 30-DAY PERIOD, THE  
14 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS SHALL REMOVE  
15 FROM THE LIST OF ELIGIBLE RECORDS ANY RECORD FOR WHICH THE  
16 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS RECEIVED A  
17 NOTIFICATION OF INELIGIBILITY OR NONMATCH WITH REPOSITORY  
18 DATA.

19 (5) EACH COURT OF COMMON PLEAS SHALL ISSUE MONTHLY AN  
20 ORDER FOR LIMITED ACCESS FOR ANY RECORD IN ITS JUDICIAL  
21 DISTRICT FOR WHICH NO NOTIFICATION OF INELIGIBILITY WAS  
22 RECEIVED BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS.

23 (C) LIMITATION ON RELEASE OF RECORDS.--A CRIMINAL HISTORY  
24 RECORD THAT IS THE SUBJECT OF AN ORDER FOR LIMITED ACCESS UNDER  
25 THIS SECTION SHALL BE MADE AVAILABLE TO A NONCRIMINAL JUSTICE  
26 AGENCY ONLY AS PROVIDED FOR IN SECTION 9121(B), (B.1) AND (B.2)  
27 (RELATING TO GENERAL REGULATIONS).

28 § 9122.3. EXCEPTIONS.

29 (A) LIMITED ACCESS NOT APPLICABLE.--LIMITED ACCESS TO  
30 RECORDS UNDER SECTION 9122.2(A) (1) (RELATING TO CLEAN SLATE

1 LIMITED ACCESS) SHALL NOT BE GRANTED FOR ANY OF THE FOLLOWING:

2 (1) A CONVICTION FOR ANY OF THE FOLLOWING:

3 (I) AN OFFENSE UNDER PT. II ARTICLE B (RELATING TO  
4 OFFENSES INVOLVING DANGER TO THE PERSON).

5 (II) AN OFFENSE UNDER PT. II ARTICLE D (RELATING TO  
6 OFFENSES AGAINST THE FAMILY).

7 (III) AN OFFENSE UNDER CHAPTER 61 (RELATING TO  
8 FIREARMS AND OTHER DANGEROUS ARTICLES).

9 (IV) AN OFFENSE UNDER 42 PA.C.S. § 9799.14 (RELATING  
10 TO SEXUAL OFFENSES AND TIER SYSTEM).

11 (V) AN OFFENSE UNDER SECTION 5533 (RELATING TO  
12 CRUELTY TO ANIMAL).

13 (VI) AN OFFENSE UNDER SECTION 6301 (RELATING TO  
14 CORRUPTION OF MINORS).

15 (2) AN INDIVIDUAL WHO AT ANY TIME HAS BEEN CONVICTED OF:

16 (I) A FELONY.

17 (II) TWO OR MORE OFFENSES PUNISHABLE BY IMPRISONMENT  
18 OF MORE THAN TWO YEARS.

19 (III) FOUR OR MORE OFFENSES PUNISHABLE BY  
20 IMPRISONMENT OF ONE OR MORE YEARS.

21 (IV) AN OFFENSE UNDER THE FOLLOWING:

22 (A) SECTION 3127 (RELATING TO INDECENT  
23 EXPOSURE).

24 (B) SECTION 3129 (RELATING TO SEXUAL INTERCOURSE  
25 WITH ANIMAL).

26 (C) SECTION 4915.1 (RELATING TO FAILURE TO  
27 COMPLY WITH REGISTRATION REQUIREMENTS).

28 (D) SECTION 5122 (RELATING TO WEAPONS OR  
29 IMPLEMENTS FOR ESCAPE).

30 (E) SECTION 5510 (RELATING TO ABUSE OF CORPSE).

1                   (F) SECTION 5515 (RELATING TO PROHIBITING OF  
2                   PARAMILITARY TRAINING).

3           (B) LIMITED ACCESS TO SAME CASE.--LIMITED ACCESS UNDER THIS  
4 SECTION SHALL NOT APPLY TO AN OTHERWISE QUALIFYING CONVICTION IF  
5 A CONVICTION FOR AN OFFENSE PUNISHABLE BY IMPRISONMENT OF FIVE  
6 OR MORE YEARS OR AN OFFENSE ENUMERATED IN SUBSECTION (A) AROSE  
7 OUT OF THE SAME CASE.

8           (C) FILING.--NOTHING IN THIS SECTION SHALL PRECLUDE THE  
9 FILING OF A PETITION FOR LIMITED ACCESS UNDER SECTION 9122.1  
10 (RELATING TO PETITION FOR LIMITED ACCESS) IF LIMITED ACCESS IS  
11 AVAILABLE UNDER THAT SECTION.

12 § 9122.4. ORDER TO VACATE ORDER FOR LIMITED ACCESS.

13           (A) GENERAL RULE.--UPON PETITION OF THE PROSECUTING ATTORNEY  
14 TO THE COURT WITH JURISDICTION OVER A CONVICTION, AND WITH  
15 NOTICE TO THE DEFENDANT AND OPPORTUNITY TO BE HEARD, THE COURT  
16 SHALL VACATE AN ORDER FOR LIMITED ACCESS GRANTED UNDER SECTION  
17 9122.2 (RELATING TO CLEAN SLATE LIMITED ACCESS) IF THE COURT  
18 DETERMINES THAT THE ORDER WAS ERRONEOUSLY ENTERED AND NOT IN  
19 ACCORDANCE WITH SECTION 9122.2.

20           (B) CONVICTION.--UPON CONVICTION OF A MISDEMEANOR OR FELONY  
21 OFFENSE AND MOTION OF THE PROSECUTING ATTORNEY, THE COURT SHALL  
22 ENTER AN ORDER VACATING ANY PRIOR ORDER FOR LIMITED ACCESS  
23 PERTAINING TO A RECORD OF THE DEFENDANT, EXCEPT UNDER SECTION  
24 9122.2 (A) (2).

25           (C) TRANSMISSION TO REPOSITORY.--AN ORDER UNDER SUBSECTION  
26 (A) OR (B) SHALL BE TRANSMITTED TO THE CENTRAL REPOSITORY OF THE  
27 PENNSYLVANIA STATE POLICE.

28 § 9122.5. EFFECTS OF EXPUNGED RECORDS AND RECORDS SUBJECT TO  
29 LIMITED ACCESS.

30           (A) DISCLOSURE.--

1           (1) EXCEPT IF REQUESTED OR REQUIRED BY A CRIMINAL  
2 JUSTICE AGENCY, OR IF DISCLOSURE TO NONCRIMINAL JUSTICE  
3 AGENCIES IS AUTHORIZED OR REQUIRED BY SECTION 9121(B.1) AND  
4 (B.2) (RELATING TO GENERAL REGULATIONS), AN INDIVIDUAL MAY  
5 NOT BE REQUIRED OR REQUESTED TO DISCLOSE INFORMATION ABOUT  
6 THE INDIVIDUAL'S CRIMINAL HISTORY RECORD THAT HAS BEEN  
7 EXPUNGED OR PROVIDED LIMITED ACCESS UNDER SECTION 9122.1  
8 (RELATING TO PETITION FOR LIMITED ACCESS) OR 9122.2 (RELATING  
9 TO CLEAN SLATE LIMITED ACCESS). AN INDIVIDUAL REQUIRED OR  
10 REQUESTED TO PROVIDE INFORMATION IN VIOLATION OF THIS SECTION  
11 MAY RESPOND AS IF THE OFFENSE DID NOT OCCUR.

12           (2) THIS SUBSECTION SHALL NOT APPLY IF FEDERAL LAW,  
13 INCLUDING RULES AND REGULATIONS PROMULGATED BY A SELF-  
14 REGULATORY ORGANIZATION THAT HAS BEEN CREATED UNDER FEDERAL  
15 LAW, REQUIRES THE CONSIDERATION OF AN APPLICANT'S CRIMINAL  
16 HISTORY FOR PURPOSES OF EMPLOYMENT.

17           (B) DISQUALIFICATION BY LAW.--AN EXPUNGED RECORD OR A RECORD  
18 SUBJECT TO LIMITED ACCESS UNDER SECTION 9122.1 OR 9122.2 MAY NOT  
19 BE CONSIDERED A CONVICTION THAT WOULD PROHIBIT THE EMPLOYMENT OF  
20 A PERSON UNDER ANY LAW OF THIS COMMONWEALTH OR UNDER FEDERAL  
21 LAWS THAT PROHIBIT EMPLOYMENT BASED ON STATE CONVICTIONS TO THE  
22 EXTENT PERMITTED BY FEDERAL LAW.

23 § 9122.6. EMPLOYER IMMUNITY FROM LIABILITY.

24           AN EMPLOYER WHO EMPLOYS OR OTHERWISE ENGAGES AN INDIVIDUAL  
25 WHOSE CRIMINAL HISTORY RECORD HAS BEEN EXPUNGED OR TO WHICH  
26 LIMITED ACCESS HAS BEEN APPLIED UNDER SECTION 9122.1 (RELATING  
27 TO PETITION FOR LIMITED ACCESS) OR 9122.2 (RELATING TO CLEAN  
28 SLATE LIMITED ACCESS) SHALL BE IMMUNE FROM LIABILITY FOR ANY  
29 CLAIM ARISING OUT OF THE MISCONDUCT OF THE INDIVIDUAL, IF THE  
30 MISCONDUCT RELATES TO THE PORTION OF THE CRIMINAL HISTORY RECORD

1 THAT HAS BEEN EXPUNGED OR PROVIDED LIMITED ACCESS.

2 SECTION 3. THIS ACT SHALL TAKE EFFECT IN 365 DAYS.