
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 938 Session of
2015

INTRODUCED BY WILLIAMS, JULY 7, 2015

REFERRED TO JUDICIARY, JULY 7, 2015

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in criminal history record information, further
4 providing for general regulations and providing for order for
5 limited access; and, in governance of the system, providing
6 for petition for expungement or order for limited access fee.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 9121(b)(2) of Title 18 of the
10 Pennsylvania Consolidated Statutes is amended and the section is
11 amended by adding a subsection to read:

12 § 9121. General regulations.

13 * * *

14 (b) Dissemination to noncriminal justice agencies and
15 individuals.--Criminal history record information shall be
16 disseminated by a State or local police department to any
17 individual or noncriminal justice agency only upon request.

18 Except as provided in subsection (b.1):

19 * * *

20 (2) Before a State or local police department

1 disseminates criminal history record information to an
2 individual or noncriminal justice agency, it shall extract
3 from the record [all] the following:

4 (i) All notations of arrests, indictments or other
5 information relating to the initiation of criminal
6 proceedings where:

7 [(i) three years have elapsed from the date of
8 arrest;

9 (ii) no conviction has occurred; and

10 (iii) no proceedings are pending seeking a
11 conviction.]

12 (A) three years have elapsed from the date of
13 arrest;

14 (B) no conviction has occurred; and

15 (C) no proceedings are pending seeking a
16 conviction.

17 (ii) All information relating to a conviction and
18 the arrest, indictment or other information leading
19 thereto, which is the subject of a court order for
20 limited access as provided in section 9122.1 (relating to
21 order for limited access).

22 * * *

23 (b.2) Additional exception.--Subsection (b)(2)(ii) shall not
24 apply if the request is made by a State agency to be used only
25 as authorized under section 9124 (relating to use of records by
26 licensing agencies).

27 * * *

28 Section 2. Title 18 is amended by adding a section to read:
29 § 9122.1. Order for limited access.

30 (a) Persons who may file petition.--The following persons

1 may file a petition under this section:

2 (1) A person who was convicted of an offense graded as a
3 misdemeanor of the second degree and has been free of arrest
4 or prosecution following final release from confinement and
5 supervision for a period of 10 years.

6 (2) A person who was convicted of an offense graded as a
7 misdemeanor of the third degree and has been free of arrest
8 or prosecution following final release from confinement and
9 supervision for a period of seven years.

10 (3) A person who was convicted of an ungraded offense
11 that carries a maximum penalty of not more than two years and
12 has been free of arrest or prosecution following final
13 release from confinement and supervision for a period of
14 seven years.

15 (b) Authority of court to issue.--

16 (1) Notwithstanding any other provision of this chapter,
17 upon petition of a person described under subsection (a), the
18 court of common pleas in the jurisdiction where the
19 conviction occurred may enter an order that criminal history
20 record information maintained by a criminal justice agency
21 pertaining to the conviction be disseminated only to a
22 criminal justice agency or a government agency as provided in
23 section 9121(b.1) and (b.2) (relating to general
24 regulations).

25 (2) Except when requested or required by a criminal
26 justice agency, or by and for the official use of a
27 government agency described in section 9121(b.1) or 9124(a)
28 (relating to use of records by licensing agencies), no
29 individual shall be required nor requested to disclose
30 information about the person's criminal history records that

1 are the subject of a court order for limited access granted
2 under this section.

3 (c) Exceptions.--An order for limited access under this
4 section shall not be granted to an individual who has been
5 convicted at any time of any of the following:

6 (1) An offense punishable by imprisonment of more than
7 two years.

8 (2) Four or more offenses punishable by imprisonment of
9 one or more years.

10 (3) A violation of section 2701 (relating to simple
11 assault), except when the offense is graded as a misdemeanor
12 of the third degree.

13 (4) A violation of section 3129 (relating to sexual
14 intercourse with animal).

15 (5) A violation of section 4912 (relating to
16 impersonating a public servant).

17 (6) A violation of section 4952 (relating to
18 intimidation of witnesses or victims).

19 (7) A violation of section 4953 (relating to retaliation
20 against witness, victim or party).

21 (8) A violation of section 4958 (relating to
22 intimidation, retaliation or obstruction in child abuse
23 cases).

24 (9) An offense which requires registration under 42
25 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual
26 offenders).

27 (d) Notice to district attorney.--The court shall provide
28 notice of the filing of a petition under subsection (a) to the
29 district attorney within 10 days. Within 30 days of receipt of
30 notice, the district attorney may file objections to the

1 petition. If no objection is timely filed, the court may grant
2 the petition without further hearing if the requirements of this
3 section have been met.

4 (e) Notice to central repository.--Notice of an order for
5 limited access shall promptly be submitted to the central
6 repository which shall notify all criminal justice agencies
7 which have received criminal history record information related
8 to such conviction that access to such criminal history record
9 has been limited by order of the court.

10 Section 3. Title 42 is amended by adding a section to read:
11 § 1725.7. Petition for expungement or order for limited access
12 fee.

13 (a) General rule.--In addition to any other fee authorized
14 by law, a person who files a petition for expungement under 18
15 Pa.C.S. § 9122 (relating to expungement) or a petition for an
16 order for limited access under 18 Pa.C.S. § 9122.1 (relating to
17 order for limited access) shall pay a fee of \$100 to the clerk
18 of courts at the time of filing.

19 (b) Distribution.--The clerk of courts shall ensure that the
20 fee is distributed as follows:

21 (1) One-third to the Administrative Office of
22 Pennsylvania Courts.

23 (2) One-third to the Pennsylvania State Police.

24 (3) One-third to the district attorney of the county.

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