

AMENDMENTS TO HOUSE BILL NO. 440

Sponsor: REPRESENTATIVE KAUFFMAN

Printer's No. 426

1 Amend Bill, page 1, line 1, by striking out "Title" and

2 inserting

3 Titles

4 Amend Bill, page 1, line 1, by inserting after "Offenses)"

5 and 42 (Judiciary and Judicial Procedure)

6 Amend Bill, page 1, line 3, by striking out the period after

7 "expungement" and inserting

8 , for petition for limited access, for clean slate limited

9 access and for effects of expunged records and records

10 subject to limited access; and, in administration of justice,

11 further providing for attachment and summary punishment for
12 contempts.

13 Amend Bill, page 2, line 6, by striking out "pardoned" and

14 inserting

15 granted an unconditional pardon

16 Amend Bill, page 2, line 25, by inserting after "episode"

17 following a trial and a verdict of not guilty

18 Amend Bill, page 4, by inserting between lines 8 and 9

19 Section 2. Sections 9122.1(a) and 9122.2(a)(1) and (3) and
20 (b)(2)(i) of Title 18 are amended to read:

21 § 9122.1. Petition for limited access.

22 (a) General rule.--Subject to the exceptions in subsection

23 (b) and notwithstanding any other provision of this chapter,

24 upon petition of a person who has been free from conviction for

25 a period of 10 years for an offense punishable by one or more

26 years in prison and has completed [each court-ordered financial

27 obligation of the sentence] payment of all court-ordered

28 restitution and the fee previously authorized to carry out the

29 limited access and clean slate limited access provisions, the

30 court of common pleas in the jurisdiction where a conviction

1 occurred may enter an order that criminal history record
2 information maintained by a criminal justice agency pertaining
3 to a qualifying misdemeanor or an ungraded offense which carries
4 a maximum penalty of no more than five years be disseminated
5 only to a criminal justice agency or as provided in section
6 9121(b.1) and (b.2) (relating to general regulations).

7 * * *

8 § 9122.2. Clean slate limited access.

9 (a) General rule.--The following shall be subject to limited
10 access:

11 (1) Subject to the exceptions under section 9122.3
12 (relating to exceptions) or if a court has vacated an order
13 for limited access under section 9122.4 (relating to order to
14 vacate order for limited access), criminal history record
15 information pertaining to a conviction of a misdemeanor of
16 the second degree, a misdemeanor of the third degree or a
17 misdemeanor offense punishable by imprisonment of no more
18 than two years if a person has been free for 10 years from
19 conviction for any offense punishable by imprisonment of one
20 or more years and if [completion of each court-ordered
21 financial obligation of the sentence] payment of all court-
22 ordered restitution and the fee previously authorized to
23 carry out the limited access and clean slate limited access
24 provisions has occurred.

25 * * *

26 (3) Criminal history record information pertaining to a
27 conviction for a summary offense when 10 years have elapsed
28 since entry of the judgment of conviction and [completion of
29 all court-ordered financial obligations of the sentence]
30 payment of all court-ordered restitution and the fee
31 previously authorized to carry out the limited access and
32 clean slate limited access provisions has occurred.

33 (b) Procedures.--

34 * * *

35 (2) The Administrative Office of Pennsylvania Courts
36 shall transmit to the Pennsylvania State Police repository:

37 (i) The record of charges subject to limited access
38 under subsection (a)(2) within 30 days after entry of the
39 disposition and payment of [each court-ordered
40 obligation] any ordered restitution.

41 * * *

42 Section 3. Section 9122.5 of Title 18 is amended by adding a
43 subsection to read:

44 § 9122.5. Effects of expunged records and records subject to
45 limited access.

46 * * *

47 (c) Use for sentencing.--Notwithstanding any other provision
48 of this chapter, a record subject to limited access under
49 section 9122.1 or 9122.2 shall remain part of a person's
50 criminal history record information and shall be disclosed to a
51 court for any relevant purpose in accordance with law, including

1 sentencing.

2 Section 4. Section 4132 of Title 42 is amended by adding a
3 paragraph to read:

4 § 4132. Attachment and summary punishment for contempts.

5 The power of the several courts of this Commonwealth to issue
6 attachments and to impose summary punishments for contempts of
7 court shall be restricted to the following cases:

8 (1) The official misconduct of the officers of such
9 courts respectively.

10 (1.1) The willful failure of the officers of such courts
11 to disclose a person's complete criminal history record
12 information when requested.

13 (2) Disobedience or neglect by officers, parties, jurors
14 or witnesses of or to the lawful process of the court.

15 (3) The misbehavior of any person in the presence of the
16 court, thereby obstructing the administration of justice.

17 Section 5. Within 365 days of the effective date of this
18 section, the Administrative Office of Pennsylvania Courts and
19 the Pennsylvania State Police shall identify and complete the
20 processing of records that are eligible for expungement under 18
21 Pa.C.S. § 9122(a)(4), limited access under 18 Pa.C.S. §
22 9122.2(a) and clean slate limited access under 18 Pa.C.S. §
23 9122.2(a)(1) and (3).

24 Amend Bill, page 4, line 9, by striking out "2" and inserting

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