
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 841 Session of
2023

INTRODUCED BY HOWARD, SANCHEZ, MADDEN, KHAN AND KRAJEWSKI,
APRIL 4, 2023

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 4, 2023

AN ACT

1 Amending Title 44 (Law and Justice) of the Pennsylvania
2 Consolidated Statutes, in DNA data and testing, further
3 providing for policy, for definitions, for DNA sample
4 required upon conviction, delinquency adjudication and
5 certain ARD cases, for collection from persons accepted from
6 other jurisdictions, for expungement and for mandatory cost.

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

9 Section 1. Section 2302(4) of Title 44 of the Pennsylvania
10 Consolidated Statutes, amended February 3, 2022 (P.L.16, No.4),
11 is amended to read:

12 § 2302. Policy.

13 The General Assembly finds and declares that:

14 * * *

15 (4) It is in the best interest of the Commonwealth to
16 establish a DNA data base and a DNA data bank containing DNA
17 samples submitted by individuals convicted of, adjudicated
18 delinquent for or accepted into ARD for felony sex offenses
19 and other specified offenses of adults and of juveniles and
20 containing DNA samples collected as part of an investigation

1 into missing persons or unidentified decedents.

2 * * *

3 Section 2. The definition of "other specified offense" in
4 section 2303 of Title 44 is amended and the section is amended
5 by adding a definition to read:

6 § 2303. Definitions.

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

10 * * *

11 "Other specified offense of an adult." Any of the following:

12 (1) A felony offense, other than a felony sex offense.

13 (2) (Reserved).

14 (3) (Reserved).

15 (4) An offense under 18 Pa.C.S. (relating to crimes and
16 offenses) or 75 Pa.C.S. (relating to vehicles) that is graded
17 as a misdemeanor of the first degree.

18 (5) A misdemeanor offense requiring registration under
19 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of
20 sexual offenders).

21 (6) An offense graded as a misdemeanor of the second
22 degree under any of the following:

23 18 Pa.C.S. § 2701 (relating to simple assault).

24 18 Pa.C.S. § 2903 (relating to false imprisonment).

25 18 Pa.C.S. § 3127 (relating to indecent exposure).

26 18 Pa.C.S. Ch. 39 (relating to theft and related
27 offenses).

28 18 Pa.C.S. § 4105 (relating to bad checks).

29 18 Pa.C.S. § 4106 (relating to access device fraud).

30 18 Pa.C.S. § 4952 (relating to intimidation of

1 witnesses or victims).

2 18 Pa.C.S. § 4953 (relating to retaliation against
3 witness, victim or party).

4 18 Pa.C.S. § 4958 (relating to intimidation,
5 retaliation or obstruction in child abuse cases).

6 18 Pa.C.S. § 5121 (relating to escape).

7 18 Pa.C.S. § 5126 (relating to flight to avoid
8 apprehension, trial or punishment).

9 18 Pa.C.S. § 5131 (relating to recruiting criminal
10 gang members).

11 18 Pa.C.S. § 5510 (relating to abuse of corpse).

12 18 Pa.C.S. Ch. 55 Subch. B (relating to cruelty to
13 animals).

14 18 Pa.C.S. § 5902 (relating to prostitution and
15 related offenses).

16 "Other specified offense of a juvenile." An offense under
17 any of the following for which a juvenile has been tried as an
18 adult or adjudicated delinquent:

19 (1) 18 Pa.C.S. § 2502 (relating to murder).

20 (2) 18 Pa.C.S. § 2503 (relating to voluntary
21 manslaughter).

22 (3) 18 Pa.C.S. § 2507 (relating to criminal homicide of
23 law enforcement officer).

24 (4) 18 Pa.C.S. § 2702 (relating to aggravated assault).

25 (5) 18 Pa.C.S. § 2702.1 (relating to assault of law
26 enforcement officer).

27 (6) 18 Pa.C.S. § 2707.1 (relating to discharge of a
28 firearm into an occupied structure).

29 (7) 18 Pa.C.S. § 2716 (relating to weapons of mass
30 destruction).

1 (8) 18 Pa.C.S. § 2717 (relating to terrorism).

2 (9) 18 Pa.C.S. § 2718 (relating to strangulation).

3 * * *

4 Section 3. Sections 2316(a) introductory paragraph, (b) and
5 (c) and 2316.1(a) of Title 44 are amended to read:

6 § 2316. DNA sample required upon conviction, delinquency
7 adjudication and certain ARD cases.

8 (a) General rule.--A person who is convicted or adjudicated
9 delinquent for a felony sex offense [or], other specified
10 offense of an adult or other specified offense of a juvenile or
11 who is or remains incarcerated for a felony sex offense [or],
12 other specified offense of an adult or other specified offense
13 of a juvenile on or after the effective date of this chapter
14 shall have a DNA sample collected as follows:

15 * * *

16 (b) Condition of release, probation or parole.--

17 (1) A person who has been convicted or adjudicated
18 delinquent for a felony sex offense or other specified
19 offense of an adult and who serves a term of confinement in
20 connection therewith after June 18, 2002, shall not be
21 released in any manner unless and until a DNA sample has been
22 collected.

23 (2) This chapter shall apply to incarcerated persons
24 convicted or adjudicated delinquent for a felony sex offense
25 or other specified offense of an adult prior to June 19,
26 2002.

27 (3) The following shall apply:

28 (i) Except as provided under subparagraph (ii), this
29 chapter shall apply to incarcerated persons and persons
30 on probation or parole who were convicted or adjudicated

1 delinquent for a felony sex offense or other specified
2 [offenses] offense of an adult prior to the effective
3 date of this paragraph.

4 (ii) Subparagraph (i) shall not apply to persons
5 convicted or adjudicated delinquent of an offense
6 enumerated under paragraph (4) or (6) of the definition
7 of "other specified offense of an adult" in section 2303
8 (relating to definitions).

9 (c) Certain ARD cases.--Acceptance into ARD as a result of a
10 criminal charge for a felony sex offense or other specified
11 offense of an adult, other than an offense enumerated under
12 paragraph (4) or (6) of the definition of "other specified
13 offense of an adult" in section 2303 filed after June 18, 2002,
14 may be conditioned upon the collection of a DNA sample.

15 * * *

16 § 2316.1. Collection from persons accepted from other
17 jurisdictions.

18 (a) Conditional acceptance.--When a person is accepted into
19 this Commonwealth for supervision from another jurisdiction
20 under the Interstate Compact for Supervision of Adult Offenders,
21 other reciprocal agreement with a Federal, state or county
22 agency, or a provision of law, whether or not the person is
23 confined or released, the acceptance shall be conditioned on the
24 offender providing a DNA sample under this chapter and
25 fingerprints if the offender has a past or present Federal,
26 state or military court conviction or adjudication that is
27 equivalent to a felony sex offense or other specified offense of
28 an adult as determined by the Pennsylvania Parole Board [of
29 Probation and Parole]. Additional DNA samples may be collected
30 but shall not be required if the supervising agency or place of

1 confinement confirms that a DNA sample is currently on file with
2 the State DNA Data Bank and a DNA record for the person exists
3 in the State DNA Data Base.

4 * * *

5 Section 4. Section 2321(c)(2) of Title 44 is amended and the
6 section is amended by adding a subsection to read:

7 § 2321. Expungement.

8 * * *

9 (a.1) Automatic expungement of juvenile record.--A DNA
10 sample, record or profile of a juvenile that has been included
11 in the State DNA Data Bank or the State DNA Data Base under the
12 former DNA Act, former provisions of 42 Pa.C.S. Ch. 47 or this
13 chapter shall be automatically expunged at the time the
14 applicable offense would be eligible for expungement.

15 * * *

16 (c) Limitations.--

17 * * *

18 (2) A person may not seek expungement of a DNA sample,
19 record or profile on the ground that that person was
20 convicted or adjudicated delinquent for [one of the other]
21 another specified [offenses] offense of an adult prior to the
22 effective date of the former DNA Act or this chapter.

23 * * *

24 Section 5. Section 2322 of Title 44 is amended to read:

25 § 2322. Mandatory cost.

26 Unless the court finds that undue hardship would result, a
27 mandatory cost of \$250, which shall be in addition to any other
28 costs imposed pursuant to statutory authority, shall
29 automatically be assessed on any person convicted, adjudicated
30 delinquent or granted ARD for a felony sex offense or other

1 specified offense of an adult, and all proceeds derived from
2 this section shall be transmitted to the fund.

3 Section 6. This act shall take effect in 60 days.