

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1543 Session of
2007

INTRODUCED BY SOLOBAY, BLACKWELL, CALTAGIRONE, CAPPELLI,
CARROLL, CREIGHTON, FABRIZIO, GEIST, GEORGE, GIBBONS,
GODSHALL, HENNESSEY, HERSHEY, JOSEPHS, KILLION, KOTIK, KULA,
LEACH, MAHONEY, OLIVER, READSHAW, RUBLEY, SCAVELLO, THOMAS,
WALKO, J. WHITE, WOJNAROSKI, YOUNGBLOOD, DENLINGER, KIRKLAND
AND SONNEY, JUNE 18, 2007

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 18, 2007

AN ACT

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

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

6 Section 1. Section 9122(b) and (b.1) of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 9122. Expungement.

9 * * *

10 (b) Generally.--Criminal history record information may be
11 expunged when:

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

16 (2) [an] An individual who is the subject of the

1 information has been dead for three years.

2 (3) (i) An individual who is the subject of the
3 information petitions for expungement of the information
4 and the individual has been free of arrest or prosecution
5 following final release from confinement or supervision
6 for the greater of the following time periods:

7 (A) In the case of a summary offense, five
8 years.

9 (B) In the case of a misdemeanor of the third
10 degree, seven years.

11 (C) In the case of a misdemeanor of the second
12 degree, ten years.

13 (ii) This paragraph shall not apply to any
14 individual who has been convicted of:

15 (A) An offense punishable by imprisonment of
16 more than two years.

17 (B) Four or more offenses punishable by
18 imprisonment of one or more years.

19 (C) A violation of section 2701 (relating to
20 simple assault).

21 (D) An offense classified as a misdemeanor of
22 the second degree committed when the individual was
23 at least 25 years of age.

24 (E) A violation of section 3126 (relating to
25 indecent assault).

26 (F) A violation of section 3129 (relating to
27 sexual intercourse with animal).

28 (G) A violation of section 5511 (relating to
29 cruelty to animals).

30 (H) A violation of any provision of Chapter 61

1 (relating to firearms and other dangerous articles).

2 (b.1) Prohibition.--A court shall not have the authority to
3 order expungement of the defendant's arrest record where the
4 defendant was placed on Accelerated Rehabilitative Disposition
5 for a violation of any offense set forth in any of the following
6 where the victim is under 18 years of age:

7 Section 3121 (relating to rape).

8 Section 3122.1 (relating to statutory sexual assault).

9 Section 3123 (relating to involuntary deviate sexual
10 intercourse).

11 Section 3124.1 (relating to sexual assault).

12 Section 3125 (relating to aggravated indecent assault).

13 Section 3126 (relating to indecent assault).

14 Section 3127 (relating to indecent exposure).

15 Section 5902(b) (relating to prostitution and related
16 offenses).

17 Section 5903 (relating to obscene and other sexual
18 materials and performances).

19 * * *

20 Section 2. This act shall take effect in 60 days.