

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1569 Session of
2007

INTRODUCED BY BENNINGHOFF, THOMAS, BUXTON, CARROLL, CREIGHTON,
DENLINGER, FABRIZIO, GEORGE, GIBBONS, GINGRICH, HERSHEY,
JAMES, KIRKLAND, KORTZ, LEACH, McILHATTAN, MELIO, R. MILLER,
MOUL, PRESTON, REICHLEY, ROAE, RUBLEY AND SOLOBAY,
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 criminal history
3 record expungement.

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
17 information has been dead for three years.

1 (3) (i) An individual who is the subject of the
2 information petitions for expungement of the information
3 and the individual has been free of arrest or prosecution
4 following final release from confinement or supervision
5 for five years after conviction of a summary offense.

6 (ii) This paragraph shall not apply to any
7 individual who has been convicted of or has pled down
8 from the following offenses:

9 (A) A violation of section 3126 (relating to
10 indecent assault).

11 (B) A violation of section 3129 (relating to
12 sexual intercourse with animal).

13 (C) A violation of section 5511 (relating to
14 cruelty to animals).

15 (D) Any offense related to an act of domestic
16 abuse or violence or a firearms violation.

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

22 Section 3121 (relating to rape).

23 Section 3122.1 (relating to statutory sexual assault).

24 Section 3123 (relating to involuntary deviate sexual
25 intercourse).

26 Section 3124.1 (relating to sexual assault).

27 Section 3125 (relating to aggravated indecent assault).

28 Section 3126 (relating to indecent assault).

29 Section 3127 (relating to indecent exposure).

30 Section 5902(b) (relating to prostitution and related

1 offenses).

2 Section 5903 (relating to obscene and other sexual
3 materials and performances).

4 * * *

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