

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 232 Session of
2007

INTRODUCED BY GREENLEAF, COSTA, ERICKSON, FONTANA, O'PAKE,
WOZNIAK, FERLO AND STACK, MARCH 7, 2007

REFERRED TO JUDICIARY, MARCH 7, 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.

18 (3) (i) An individual who is the subject of the

information petitions for expungement of the information
and the individual has been free of arrest or prosecution
following final release from confinement or supervision
for the greater of the following time periods:

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

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

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

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

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

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

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

(D) A violation of section 3129 (relating to
sexual intercourse with animal).

(E) A violation of section 5511 (relating to
cruelty to animals).

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

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual

intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

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

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

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