

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 908 Session of
2013

INTRODUCED BY J. HARRIS, WATERS, KIM, SCHLOSSBERG, CLAY,
BROWNLEE, KINSEY, PARKER, YOUNGBLOOD, THOMAS, DeLUCA,
McGEEHAN, SIMS, V. BROWN, MATZIE, FRANKEL, FLYNN AND
M. DALEY, MARCH 11, 2013

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 11, 2013

AN ACT

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

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

5 Section 1. Section 9122(b) of Title 18 of the Pennsylvania
6 Consolidated Statutes is amended and the section is amended by
7 adding a subsection to read:

8 § 9122. Expungement.

9 * * *

10 (b) Generally.--Criminal history record information may be
11 expunged [when] if any of the following apply:

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

16 (2) An individual who is the subject of the information
17 has been dead for three years.

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

6 (ii) Expungement under this paragraph shall only be
7 permitted for a conviction of a summary offense.

8 (4) An individual who is the subject of the information
9 petitions the court for the expungement of an offense and has
10 been free of arrest or prosecution for seven years following
11 the completion of the sentence for that offense. A person is
12 prohibited from having his record expunged under this
13 paragraph if the person has been convicted of any of the
14 following offenses:

15 Section 2502 (relating to murder).

16 Section 2503 (relating to voluntary manslaughter).

17 Section 2702 (relating to aggravated assault).

18 Section 2703 (relating to assault by prisoner).

19 Section 2901 (relating to kidnapping).

20 Section 3121 (relating to rape).

21 Section 3122.1 (relating to statutory sexual
22 assault).

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

25 Section 3124.1 (relating to sexual assault).

26 Section 3124.2 (relating to institutional sexual
27 assault).

28 Section 3125 (relating to aggravated indecent
29 assault).

30 Section 3126 (relating to indecent assault).

1 Section 3127 (relating to indecent exposure).

2 Section 3502 (relating to burglary).

3 Section 3701 (relating to robbery).

4 Section 3923 (relating to theft by extortion).

5 Section 3926 (relating to theft of services).

6 Section 4304 (relating to endangering welfare of
7 children).

8 Section 4701 (relating to bribery in official and
9 political matters).

10 Section 4902 (relating to perjury).

11 Section 6312 (relating to sexual abuse of children).

12 Section 6319 (relating to solicitation of minors to
13 traffic drugs).

14 Section 6320 (relating to sexual exploitation of
15 children).

16 * * *

17 (d.1) Civil liability.--Notwithstanding any other provision
18 of law, if a repository fails to expunge an individual's
19 criminal record within six months after receiving court
20 certification, a court order or notice of the expungement, the
21 repository shall be liable for civil damages.

22 * * *

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