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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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SENATE BILL

No. 1226 Session of  
2022

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INTRODUCED BY BAKER, SANTARSIERO, COSTA, PHILLIPS-HILL,  
BARTOLOTTA, FONTANA, COLLETT, A. WILLIAMS, GORDNER,  
CAPPELLETTI, LAUGHLIN, KEARNEY, MENSCH, KANE AND SCHWANK,  
MAY 9, 2022

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REFERRED TO JUDICIARY, MAY 9, 2022

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AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and  
2 Judicial Procedure) of the Pennsylvania Consolidated  
3 Statutes, in criminal history record information, further  
4 providing for juvenile records; and, in juvenile matters,  
5 further providing for powers and duties of probation  
6 officers, for informal adjustment, for consent decree, for  
7 adjudication, for disposition of delinquent child and for  
8 powers and duties.

9 The General Assembly of the Commonwealth of Pennsylvania  
10 hereby enacts as follows:

11 Section 1. Section 9123(a)(3) of Title 18 of the  
12 Pennsylvania Consolidated Statutes is amended and the subsection  
13 is amended by adding a paragraph to read:

14 § 9123. Juvenile records.

15 (a) Expungement of juvenile records.--Notwithstanding the  
16 provisions of section 9105 (relating to other criminal justice  
17 information) and except as provided under subsection (a.1),  
18 expungement of records of juvenile delinquency cases and cases  
19 involving summary offenses committed while the individual was  
20 under 18 years of age, wherever kept or retained, shall occur

1 after 30 days' notice to the district attorney whenever the  
2 court upon its own motion or upon the motion of a child or the  
3 parents or guardian finds:

4 \* \* \*

5 (3) [five] two years have elapsed since the final  
6 discharge of the person from commitment, placement, probation  
7 or any other disposition and referral, pursuant to an  
8 adjudication of delinquency following a determination by the  
9 court that the person committed an offense classified as a  
10 misdemeanor, other than a misdemeanor under Chapter 61  
11 (relating to firearms and other dangerous articles) or a  
12 misdemeanor under section 3126(a)(2) or (3) (relating to  
13 indecent assault), and since such final discharge, the person  
14 has not been convicted of a felony, misdemeanor or  
15 adjudicated delinquent and no proceeding is pending seeking  
16 such conviction or adjudication; [or]

17 (3.1) five years have elapsed since the final discharge  
18 of the person from commitment, placement, probation or any  
19 other disposition and referral, pursuant to an adjudication  
20 of delinquency following a determination by the court that  
21 the person committed an offense classified as a felony, an  
22 offense classified as a misdemeanor under Chapter 61 or an  
23 offense classified as a misdemeanor under section 3126(a)(2)  
24 or (3), and since such final discharge, the person has not  
25 been convicted of a felony, misdemeanor or adjudicated  
26 delinquent and no proceeding is pending seeking such  
27 conviction or adjudication; or

28 \* \* \*

29 Section 2. Sections 6304, 6323 and 6340 of Title 42 are  
30 amended by adding subsections to read:

1 § 6304. Powers and duties of probation officers.

2 \* \* \*

3 (a.2) Notification of court to initiate expungement of  
4 juvenile records.--

5 (1) The Chief Juvenile Probation Officer or designee  
6 shall promptly notify the court that the records of a  
7 juvenile delinquency case are eligible for expungement and  
8 shall request the court to initiate expungement proceedings  
9 in accordance with 18 Pa.C.S. § 9123 (relating to juvenile  
10 records) and the Pennsylvania Rules of Juvenile Court  
11 Procedure, upon determining that any of the following  
12 applies:

13 (i) a written allegation is not approved for  
14 prosecution;

15 (ii) a petition is dismissed by the court;

16 (iii) six months have elapsed since a child's  
17 successful completion of an informal adjustment and no  
18 proceeding seeking adjudication or conviction is pending;

19 (iv) six months have elapsed since the final  
20 discharge of a child from supervision under a consent  
21 decree and no proceeding seeking adjudication or  
22 conviction is pending;

23 (v) two years have elapsed since the final discharge  
24 of a child from commitment, placement, probation or any  
25 other disposition and referral, pursuant to an  
26 adjudication of delinquency following a determination by  
27 the court that the child committed an offense classified  
28 as a misdemeanor, other than a misdemeanor under 18  
29 Pa.C.S. Ch. 61 (relating to firearms and other dangerous  
30 articles) or a misdemeanor under 18 Pa.C.S. § 3126(a)(2)

1 or (3) (relating to indecent assault), and since such  
2 final discharge, the individual has not been convicted of  
3 a felony, misdemeanor or adjudicated delinquent and no  
4 proceeding is pending seeking such conviction or  
5 adjudication;

6 (vi) five years have elapsed since the final  
7 discharge of a child from commitment, placement,  
8 probation or any other disposition and referral, pursuant  
9 to an adjudication of delinquency following a  
10 determination by the court that the child committed an  
11 offense classified as a felony, an offense classified as  
12 a misdemeanor under 18 Pa.C.S. Ch. 61 or an offense  
13 classified as a misdemeanor under 18 Pa.C.S. § 3126(a)(2)  
14 or (3), with the exception of an offense precluded from  
15 expungement under 18 Pa.C.S. § 9123(a.1), and since such  
16 final discharge, the individual has not been convicted of  
17 a felony, misdemeanor or adjudicated delinquent and no  
18 proceeding is pending seeking such conviction or  
19 adjudication; or

20 (vii) the attorney for the Commonwealth consents to  
21 the expungement, unless the offense committed by the  
22 juvenile is precluded from expungement under 18 Pa.C.S. §  
23 9123(a.1).

24 \* \* \*

25 § 6323. Informal adjustment.

26 \* \* \*

27 (g) Expungement of records.--Upon motion, or sua sponte,  
28 including upon receiving notice under section 6304(a.2)  
29 (relating to powers and duties of probation officers), the court  
30 shall commence expungement proceedings under 18 Pa.C.S. § 9123

1 (relating to juvenile records) and the Pennsylvania Rules of  
2 Juvenile Court Procedure if the court finds:

3 (1) six months have elapsed since the child's successful  
4 discharge from informal adjustment supervision; and

5 (2) no proceeding seeking adjudication or conviction is  
6 pending.

7 § 6340. Consent decree.

8 \* \* \*

9 (f) Expungement of records.--Upon motion, or sua sponte,  
10 including upon receiving notice under section 6304(a.2)  
11 (relating to powers and duties of probation officers), the court  
12 shall commence expungement proceedings under 18 Pa.C.S. § 9123  
13 (relating to juvenile records) and the Pennsylvania Rules of  
14 Juvenile Court Procedure if the court finds:

15 (1) six months have elapsed since the child's successful  
16 discharge from consent decree supervision; and

17 (2) no proceeding seeking adjudication or conviction is  
18 pending.

19 Section 3. Section 6341(a) and (b) of Title 42 are amended  
20 to read:

21 § 6341. Adjudication.

22 (a) General rule.--After hearing the evidence on the  
23 petition the court shall make and file its findings as to  
24 whether the child is a dependent child. If the petition alleges  
25 that the child is delinquent, within seven days of hearing the  
26 evidence on the petition, the court shall make and file its  
27 findings whether the acts ascribed to the child were committed  
28 by him. This time limitation may only be extended pursuant to  
29 the agreement of the child and the attorney for the  
30 Commonwealth. The court's failure to comply with the time

1 limitations stated in this section shall not be grounds for  
2 discharging the child or dismissing the proceeding. If the court  
3 finds that the child is not a dependent child or that the  
4 allegations of delinquency have not been established it shall  
5 dismiss the petition and order the child discharged from any  
6 detention or other restriction theretofore ordered in the  
7 proceeding. For cases involving allegations of delinquency where  
8 fingerprints or photographs or both have been taken by a law  
9 enforcement agency and where it is determined that acts ascribed  
10 to the child were not committed by him, the court shall direct  
11 that those records be immediately destroyed by law enforcement  
12 agencies[.] and shall commence expungement proceedings in  
13 accordance with 18 Pa.C.S. § 9123 (relating to juvenile records)  
14 and the Pennsylvania Rules of Juvenile Court Procedure.

15 (b) Finding of delinquency.--If the court finds on proof  
16 beyond a reasonable doubt that the child committed the acts by  
17 reason of which he is alleged to be delinquent it shall enter  
18 such finding on the record and shall specify the particular  
19 offenses, including the grading and counts thereof which the  
20 child is found to have committed. The court shall then proceed  
21 immediately or at a postponed hearing, which shall occur not  
22 later than 20 days after such finding if the child is in  
23 detention or not more than 60 days after such finding if the  
24 child is not in detention, to hear evidence as to whether the  
25 child is in need of treatment, supervision or rehabilitation, as  
26 established by a preponderance of the evidence, and to make and  
27 file its findings thereon. This time limitation may only be  
28 extended pursuant to the agreement of the child and the attorney  
29 for the Commonwealth. The court's failure to comply with the  
30 time limitations stated in this section shall not be grounds for

1 discharging the child or dismissing the proceeding. In the  
2 absence of evidence to the contrary, evidence of the commission  
3 of acts which constitute a felony shall be sufficient to sustain  
4 a finding that the child is in need of treatment, supervision or  
5 rehabilitation. If the court finds that the child is not in need  
6 of treatment, supervision or rehabilitation it shall dismiss the  
7 proceeding [and], discharge the child from any detention or  
8 other restriction theretofore ordered[.] and commence  
9 expungement proceedings in accordance with 18 Pa.C.S. § 9123 and  
10 the Pennsylvania Rules of Juvenile Court Procedure.

11 \* \* \*

12 Section 4. Section 6352 of Title 42 is amended by adding a  
13 subsection to read:

14 § 6352. Disposition of delinquent child.

15 \* \* \*

16 (d) Expungement of records.--Upon motion, or sua sponte,  
17 including upon receiving notice under section 6304(a.2)  
18 (relating to powers and duties of probation officers), the court  
19 shall commence expungement proceedings under 18 Pa.C.S. § 9123  
20 (relating to juvenile records) and the Pennsylvania Rules of  
21 Juvenile Court Procedure if the court finds:

22 (1) two years have elapsed since the final discharge of  
23 a child from commitment, placement, probation or any other  
24 disposition and referral, pursuant to an adjudication of  
25 delinquency following a determination by the court that the  
26 child committed an offense classified as a misdemeanor, other  
27 than a misdemeanor under 18 Pa.C.S. Ch. 61 (relating to  
28 firearms and other dangerous articles) or a misdemeanor under  
29 18 Pa.C.S. § 3126(a)(2) or (3) (relating to indecent  
30 assault), and since such final discharge, the individual has

1 not been convicted of a felony, misdemeanor or adjudicated  
2 delinquent and no proceeding is pending seeking such  
3 conviction or adjudication;

4 (2) five years have elapsed since the final discharge of  
5 a child from commitment, placement, probation or any other  
6 disposition and referral, pursuant to an adjudication of  
7 delinquency following a determination by the court that the  
8 child committed an offense classified as a felony, an offense  
9 classified as a misdemeanor under 18 Pa.C.S. Ch. 61 or an  
10 offense classified as a misdemeanor under 18 Pa.C.S. §  
11 3126(a)(2) or (3), with the exception of an offense precluded  
12 from expungement under 18 Pa.C.S. § 9123(a.1), and since such  
13 final discharge, the individual has not been convicted of a  
14 felony, misdemeanor or adjudicated delinquent and no  
15 proceeding is pending seeking such conviction or  
16 adjudication; or

17 (3) the attorney for the Commonwealth consents to the  
18 expungement, unless the offense committed by the juvenile is  
19 precluded from expungement pursuant to 18 Pa.C.S. §  
20 9123(a.1).

21 Section 5. Section 6373 of Title 42 is amended by adding a  
22 paragraph to read:

23 § 6373. Powers and duties.

24 The commission shall have the power and is required to do the  
25 following:

26 \* \* \*

27 (2.1) Develop and implement the technology and case  
28 management tools necessary to alert chief juvenile probation  
29 officers that the records of a juvenile delinquency case are  
30 eligible for expungement, to facilitate the notification of



1 courts to initiate the process of expunging juvenile  
2 delinquency records in accordance with section 6304(a.2)  
3 (relating to powers and duties of probation officers).

4 \* \* \*

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