

SENATE APPROPRIATIONS COMMITTEE

FISCAL NOTE

BILL NO. Senate Bill 1226

PRINTER NO. 1639

AMOUNT

No Fiscal Impact

FUND

General Fund
Local Government Funds

DATE INTRODUCED

May 9, 2022

PRIME SPONSOR

Senator Baker

DESCRIPTION

Senate Bill 1226 amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to provide for expungement of juvenile records under certain circumstances and to require a Chief Juvenile Probation Officer to notify the court of a juvenile's eligibility for such expungement.

Section 9123 (a)(3) of Title 18 is amended and paragraph (3.1) is added to provide that a court shall expunge the records of juvenile delinquency and of summary offenses committed while a juvenile is under 18, if after 30 days' notice to the district attorney, the court finds on its own motion or the motion of a child or parents or guardian that:

- Two years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral pursuant to an adjudication of delinquency following a determination by a court that the person committed an offense classified as a misdemeanor, other than a misdemeanor under Chapter 61 (relating to firearms and other dangerous articles) or a misdemeanor under section 3126 (a) (2) or (3) (relating to indecent assault) and since such final discharge the person has not been convicted of a felony, misdemeanor or been adjudicated delinquent and no such proceeding is pending; or
- Five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral pursuant to an adjudication of delinquency following a determination by a court that the person committed an offense classified as a felony, a misdemeanor under Chapter 61 or a misdemeanor under section 3126 (a) (2) or (3) and since such final discharge the person has not been convicted of a felony, misdemeanor or been adjudicated delinquent and no such proceeding is pending.

Section 6304 (relating to powers and duties of probation officers) of Title 42 is amended by adding a subsection providing that the Chief Juvenile Probation Officer shall promptly notify the court that the records of a juvenile delinquency case are eligible for expungement and shall request the court to initiate expungement

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proceedings in accordance with section 9123 of Title 18 upon determining that any of the following applies:

- i. A written allegation is not approved for prosecution;
- ii. A petition is dismissed by the court;
- iii. Six months have elapsed since a child's successful completion of an informal adjustment and no proceeding seeking adjudication or conviction is pending;
- iv. Six months have elapsed since the final discharge of a child from supervision under a consent decree, and no proceeding seeking adjudication of conviction is pending;
- v. Two years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral pursuant to an adjudication of delinquency following a determination by a court that the person committed an offense classified as a misdemeanor, other than a misdemeanor under Chapter 61 (relating to firearms and other dangerous articles) or a misdemeanor under section 3126 (a) (2) or (3) (relating to indecent assault) and since such final discharge the person has not been convicted of a felony, misdemeanor or been adjudicated delinquent and no such proceeding is pending;
- vi. Five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral pursuant to an adjudication of delinquency following a determination by a court that the person committed an offense classified as a felony, a misdemeanor under Chapter 61 or a misdemeanor under section 3126 (a) (2) or (3), with the exception of an offense precluded from expungement under section 9123 (a.1) of Title 18, and since such final discharge the person has not been convicted of a felony, misdemeanor or been adjudicated delinquent and no such proceeding is pending; or
- vii. The attorney for the Commonwealth consents to the expungement, unless the offense committed is precluded from expungement under 18 Pa.C.S. § 9123 (a.1).

Section 6323 (relating to informal adjustment) and section 6340 (relating to consent decree) of Title 42 are amended by adding subsections to provide for expungement pursuant to section 9123 of Title 18 of records upon motion or after notice to the court from the Chief Juvenile Probation Officer if the court finds:

- 1) Six months have elapsed since the child's successful discharge from either informal adjustment supervision; and
- 2) No proceeding seeking adjudication or conviction is pending.

Section 6352 (relating to disposition of delinquent child) of Title 42 is amended by adding a subsection to provide for the expungement of records of a delinquent child upon motion or upon notice from the Chief Juvenile Probation Officer if the court finds:

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- 1) Two years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral pursuant to an adjudication of delinquency following a determination by a court that the person committed an offense classified as a misdemeanor, other than a misdemeanor under Chapter 61 (relating to firearms and other dangerous articles) or a misdemeanor under section 3126 (a) (2) or (3) (relating to indecent assault) and since such final discharge the person has not been convicted of a felony, misdemeanor or been adjudicated delinquent and no such proceeding is pending;
- 2) Five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral pursuant to an adjudication of delinquency following a determination by a court that the person committed an offense classified as a felony, a misdemeanor under Chapter 61 or a misdemeanor under section 3126 (a) (2) or (3), with the exception of an offense precluded from expungement under section 9123 (a.1) of Title 18, and since such final discharge the person has not been convicted of a felony, misdemeanor or been adjudicated delinquent and no such proceeding is pending; or
- 3) The attorney for the Commonwealth consents to the expungement unless the offense committed is precluded from expungement by 18 Pa.C.S. § 9123 (a.1).

Section 6373 (relating to powers and duties) of Title 42 is amended to require the Juvenile Court Judges' Commission to develop and implement the technology and case management tools necessary to alert chief juvenile probation officers that records of a juvenile delinquency case are eligible for expungement and to facilitate the notification of courts to initiate the process of expunging juvenile delinquency records.

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Administrative Office of Pennsylvania Courts (AOPC), enactment of this legislation will have no fiscal impact on Commonwealth funds.

Additional responsibilities prescribed in this legislation are assumed to be accommodated within existing staffing and funding levels for the Juvenile Court Judges' Commission (JCJC) and county juvenile probation departments. The enacted FY 2022-23 budget for the Commonwealth includes an appropriation of \$3.1 million for JCJC and \$19 million for Juvenile Probation Services, which will be distributed to political subdivisions through an annual Juvenile Probation Services Grant program.