

AN ACT

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

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 and the section
8 is amended by adding subsections to read:

9 § 9122. Expungement.

10 * * *

11 (b) Generally.--Criminal history record information may be
12 expunged when:

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

17 (2) An individual who is the subject of the information
18 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 was adjudicated delinquent or
9 convicted and is the subject of the information, reaches 18
10 years of age and can satisfactorily demonstrate all of the
11 following:

12 (i) The individual has never been convicted of a
13 sexual assault under section 3124.1 (relating to sexual
14 assault), a crime that endangered the public, a violent
15 criminal offense or a crime that carries a punishment of
16 life imprisonment. As used in this subparagraph, the term
17 "violent criminal offense" means a misdemeanor or felony
18 that includes as an element of the offense the use of a
19 weapon or violence in its commission.

20 (ii) At least 18 months have elapsed since the
21 individual was released from court jurisdiction and the
22 individual has not subsequently been adjudicated
23 delinquent or convicted as an adult of any felony or
24 misdemeanor other than a minor traffic violation.

25 (iii) The individual has exhibited good behavior
26 since the adjudication verified by an affidavit by the
27 individual.

28 (iv) Two persons not related to the individual or
29 each other by blood or marriage and know the character
30 and reputation of the individual in the community in

1 which the individual lives verify by affidavit that the
2 individual's character and reputation are upstanding.

3 * * *

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

9 Section 3121 (relating to rape).

10 Section 3122.1 (relating to statutory sexual assault).

11 Section 3123 (relating to involuntary deviate sexual
12 intercourse).

13 Section 3124.1 [(relating to sexual assault)].

14 Section 3125 (relating to aggravated indecent assault).

15 Section 3126 (relating to indecent assault).

16 Section 3127 (relating to indecent exposure).

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

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

21 (g) Violation.--Any individual, other than the applicant,
22 who knows or should have known that a conviction was expunged
23 under subsection (b) (4) and divulges, uses or publishes
24 information concerning the expungement under this section
25 commits a misdemeanor punishable by imprisonment for not more
26 than 90 days or a fine of not more than \$500, or both.

27 (h) Limitation.--An individual may have only one conviction
28 expunged under subsection (b) (4).

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