
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 20

Special Session No. 1 of
1995

INTRODUCED BY HECKLER, GREENLEAF, FISHER, SHAFFER, BRIGHTBILL,
O'PAKE, ANDREZESKI, WAGNER, JUBELIRER, LOEPER, WENGER,
TILGHMAN, PETERSON, MELLOW, BODACK, HOLL, SHUMAKER,
SALVATORE, BAKER, CORMAN, LAVALLE, PORTERFIELD, MUSTO,
MOWERY, MADIGAN, ARMSTRONG, ROBBINS, STOUT, HART, PUNT, DELP,
KASUNIC, GERLACH, TOMLINSON, ULIANA, STEWART, TARTAGLIONE,
STAPLETON, SCHWARTZ, LEMMOND AND AFFLERBACH, JANUARY 24, 1995

AS REPORTED FROM COMMITTEE ON JUDICIARY, HOUSE OF
REPRESENTATIVES, AS AMENDED, FEBRUARY 7, 1995

AN ACT

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

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

6 Section 1. Section 9123 of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 9123. Juvenile records.

9 (a) Expungement of juvenile records.--Notwithstanding the
10 provisions of section 9105 (relating to other criminal justice
11 information) and except upon cause shown, expungement of records
12 of juvenile delinquency cases wherever kept or retained shall
13 occur after [ten days] 30 days' notice to the district attorney,
14 whenever the court upon its motion or upon the motion of a child
15 or the parents or guardian finds:

1 (1) a complaint is filed which is not substantiated or
2 the petition which is filed as a result of a complaint is
3 dismissed by the court;

4 (2) six months have elapsed since the final discharge of
5 the person from supervision under a consent decree and no
6 proceeding seeking adjudication or conviction is pending; or

7 (3) five years have elapsed since the final discharge of
8 the person from commitment, placement, probation or any other
9 disposition and referral and since such final discharge, the
10 person has not been convicted of a felony, misdemeanor or
11 adjudicated delinquent and no proceeding is pending seeking
12 such conviction or adjudication; or

13 (4) the individual is [21] 18 years of age or older, the <—
14 attorney for the Commonwealth consents to the expungement and
15 a court orders the expungement[.] after giving consideration
16 to the following factors:

17 (i) the type of offense;

18 (ii) the individual's age, history of employment,
19 criminal activity and drug or alcohol problems;

20 (iii) adverse consequences that the individual may
21 suffer if the records are not expunged; and

22 (iv) whether retention of the record is required for
23 purposes of protection of the public safety.

24 (b) Notice to prosecuting attorney.--The court shall give
25 notice of the applications for the expungement of juvenile
26 records to the prosecuting attorney.

27 (c) Dependent children.--All records of children alleged to
28 be or adjudicated dependent may be expunged upon court order
29 after the child is 21 years of age or older.

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