
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 402 Session of
2003

INTRODUCED BY GREENLEAF, HELFRICK, COSTA, RAFFERTY, O'PAKE,
LEMMOND, LAVALLE, PUNT, WOZNIAK, WONDERLING, THOMPSON AND
STACK, MARCH 5, 2003

REFERRED TO JUDICIARY, MARCH 5, 2003

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) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 9122. Expungement.

9 * * *

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

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; [or]

16 (2) an individual who is the subject of the information
17 has been dead for three years[.]; or

18 (3) an individual who is the subject of the information

1 applies for expungement of the information at least five
2 years from the date of the completion of his sentence in the
3 case of a summary offense, ten years from the date of the
4 completion of his sentence in the case of a misdemeanor or at
5 least 15 years from the date of the completion of his
6 sentence in the case of a felony and, in any case, the
7 individual has not been convicted of a misdemeanor or a
8 felony during the period between the completion of his
9 sentence and the application for expungement. This provision
10 shall apply only to first time offenders and shall not apply
11 to any offenders convicted of an offense listed under 42
12 Pa.C.S. § 9795.1 (relating to registration) or defined as a
13 "crime of violence" under 42 Pa.C.S. § 9714(g) (relating to
14 sentences for second and subsequent offenses). For the
15 purposes of this provision, a first time offender shall mean
16 a person who is convicted of a misdemeanor or felony offense
17 and, prior to that conviction, was not previously convicted
18 of a misdemeanor or felony offense.

19 * * *

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