

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 774 Session of  
2005

INTRODUCED BY GREENLEAF, COSTA, LEMMOND, M. WHITE, O'PAKE,  
STACK, ERICKSON, PILEGGI AND FERLO, JUNE 17, 2005

REFERRED TO JUDICIARY, JUNE 17, 2005

AN ACT

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

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 to read:

8 § 9122. Expungement.

9 \* \* \*

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

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

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

18 (3) (i) An individual who is the subject of the

information petitions for expungement of the information  
and the individual has been free of arrest or prosecution  
following final release from confinement or supervision  
for the greater of the following time periods:

(A) In the case of a summary offense, five  
years.

(B) In the case of a misdemeanor of the third  
degree, seven years.

(C) In the case of a misdemeanor of the second  
degree, ten years.

(ii) This paragraph shall not apply to any  
individual who has been convicted of:

(A) An offense punishable by imprisonment of  
more than two years.

(B) Four or more offenses punishable by  
imprisonment of one or more years.

(C) A violation of section 3126 (relating to  
indecent assault).

(D) A violation of section 3129 (relating to  
sexual intercourse with animal).

(E) A violation of section 5511 (relating to  
cruelty to animals).

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

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual

intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

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

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

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