

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 232 Session of
2007INTRODUCED BY GREENLEAF, COSTA, ERICKSON, FONTANA, O'PAKE,
WOZNIAK, FERLO, STACK, WASHINGTON AND KITCHEN, MARCH 7, 2007

AS AMENDED ON SECOND CONSIDERATION, APRIL 7, 2008

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)~~, (B.1) AND (C) of Title <—
7 18 of the Pennsylvania Consolidated Statutes are amended to
8 read:

9 § 9122. Expungement.

10 * * *

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

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

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

1 ~~(3) (i) An individual who is the subject of the~~
2 ~~information petitions for expungement of the information~~ <—
3 ~~and the individual has been free of arrest or prosecution~~
4 ~~following final release from confinement or supervision~~
5 ~~for the greater of the following time periods:~~

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

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

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

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

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

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

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

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

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

24 ~~(F) A violation of any provision of Chapter 61~~
25 ~~(relating to firearms and other dangerous articles).~~

26 ~~(G) A violation of an offense for which~~
27 ~~registration is required under 42 Pa.C.S. § 9795.1~~
28 ~~(relating to registration).~~

29 ~~(H) A violation of an offense involving abuse as~~
30 ~~defined in 23 Pa.C.S. § 6102 (relating to~~

~~definitions).~~ INFORMATION, PETITIONS THE COURT FOR
THE EXPUNGEMENT OF A SUMMARY OFFENSE AND HAS BEEN
FREE OF ARREST OR PROSECUTION FOR FIVE YEARS
FOLLOWING THE CONVICTION FOR THAT OFFENSE.

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(II) EXPUNGEMENT UNDER THIS PARAGRAPH SHALL ONLY BE
PERMITTED FOR A CONVICTION OF A SUMMARY OFFENSE.

(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).

(C) MAINTENANCE OF CERTAIN INFORMATION REQUIRED OR
AUTHORIZED.--NOTWITHSTANDING ANY OTHER PROVISION OF THIS
CHAPTER, THE PROSECUTING ATTORNEY AND THE CENTRAL REPOSITORY
SHALL, AND THE COURT MAY, MAINTAIN A LIST OF THE NAMES AND OTHER
CRIMINAL HISTORY RECORD INFORMATION OF PERSONS WHOSE RECORDS ARE
REQUIRED BY LAW OR COURT RULE TO BE EXPUNGED WHERE THE
INDIVIDUAL HAS SUCCESSFULLY COMPLETED THE CONDITIONS OF ANY

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1 PRETRIAL OR POST-TRIAL DIVERSION OR PROBATION PROGRAM OR WHERE
2 THE COURT HAS ORDERED EXPUNGEMENT UNDER THIS SECTION. SUCH
3 INFORMATION SHALL BE USED SOLELY FOR THE [PURPOSE] PURPOSES OF
4 DETERMINING SUBSEQUENT ELIGIBILITY FOR SUCH PROGRAMS [AND FOR],
5 IDENTIFYING PERSONS IN CRIMINAL INVESTIGATIONS OR DETERMINING
6 THE GRADING OF SUBSEQUENT OFFENSES. [CRIMINAL HISTORY RECORD
7 INFORMATION MAY BE EXPUNGED AS PROVIDED IN SUBSECTION (B)(1) AND
8 (2).] SUCH INFORMATION SHALL BE MADE AVAILABLE TO ANY COURT OR
9 LAW ENFORCEMENT AGENCY UPON REQUEST.

10 * * *

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