
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 328 Session of
2013

INTRODUCED BY KITCHEN, SOLOBAY, COSTA, WILLIAMS, GREENLEAF,
FERLO, WASHINGTON, FARNESE, FONTANA, TARTAGLIONE AND HUGHES,
JANUARY 30, 2013

REFERRED TO JUDICIARY, JANUARY 30, 2013

AN ACT

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

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

6 Section 1. 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.

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

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

1 information petitions the court for the expungement of a
2 summary offense and has been free of arrest or
3 prosecution for five years following the conviction for
4 that offense.

5 (ii) Expungement under this paragraph shall only be
6 permitted for a conviction of a summary offense.

7 (4) (i) An individual who is the subject of the
8 information petitions the court for an expungement of a
9 nonviolent offense as defined by this paragraph and that
10 individual has been free from arrest or prosecution for
11 at least five years, following the conviction for that
12 offense.

13 (ii) A nonviolent offense is a criminal offense
14 graded as a felony or misdemeanor that is not a crime of
15 violence under 42 Pa.C.S. § 9714(g) (relating to
16 sentences for second and subsequent offenses) or a
17 personal injury crime under section 103 of the act of
18 November 24, 1998 (P.L.882, No.111), known as the Crime
19 Victims Act. The term shall not include a criminal
20 offense where the victim was a minor or an offense
21 punishable under Chapter 63 (relating to minors).

22 * * *

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