

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 883 Session of 2017

INTRODUCED BY GREENLEAF, LEACH, BROWNE, HUGHES, McILHINNEY, COSTA AND SCHWANK, SEPTEMBER 11, 2017

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, SEPTEMBER 19, 2017

AN ACT

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

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

6 Section 1. Section 9122(a) and (c) of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended to read:

8 § 9122. Expungement.

9 (a) Specific proceedings.--Criminal history record
10 information shall be expunged in a specific criminal proceeding
11 when:

12 (1) no disposition has been received or, upon request
13 for criminal history record information, no disposition has
14 been recorded in the repository within 18 months after the
15 date of arrest and the court of proper jurisdiction certifies
16 to the director of the repository that no disposition is
17 available and no action is pending. Expungement shall not
18 occur until the certification from the court is received and

1 the director of the repository authorizes such expungement;

2 (2) a court order requires that such nonconviction data
3 be expunged; [or]

4 (2.1) a person is pardoned UNCONDITIONALLY FOR THE <--
5 OFFENSE AT ISSUE in accordance with law; or

6 (3) a person 21 years of age or older who has been
7 convicted of a violation of section 6308 (relating to
8 purchase, consumption, possession or transportation of liquor
9 or malt or brewed beverages), which occurred on or after the
10 day the person attained 18 years of age, petitions the court
11 of common pleas in the county where the conviction occurred
12 seeking expungement and the person has satisfied all terms
13 and conditions of the sentence imposed for the violation,
14 including any suspension of operating privileges imposed
15 pursuant to section 6310.4 (relating to restriction of
16 operating privileges). Upon review of the petition, the court
17 shall order the expungement of all criminal history record
18 information and all administrative records of the Department
19 of Transportation relating to said conviction.

20 * * *

21 (c) Maintenance of certain information required or
22 authorized.--Notwithstanding any other provision of this
23 chapter, the prosecuting attorney and the central repository
24 shall, and the court may, maintain a list of the names and other
25 criminal history record information of persons whose records are
26 required by law or court rule to be expunged where the
27 [individual] person has successfully completed the conditions of
28 any pretrial or post-trial diversion or probation program [or],
29 where the person has been pardoned or where the court has
30 ordered expungement under this section. Such information shall

1 be used solely for the purposes of determining subsequent
2 eligibility for such programs, identifying persons in criminal
3 investigations or determining the grading of subsequent
4 offenses. Such information shall be made available to any court
5 or law enforcement agency upon request.

6 * * *

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