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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1818 Session of  
2019

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INTRODUCED BY COX, GABLER, HERSHEY, HILL-EVANS, ROTHMAN,  
SCHLOSSBERG AND SIMMONS, SEPTEMBER 12, 2019

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REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 12, 2019

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AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania  
2 Consolidated Statutes, in criminal history record  
3 information, further providing for use of records by  
4 licensing agencies; and making repeals.

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

7 Section 1. Section 9124(b) and (c) of Title 18 of the  
8 Pennsylvania Consolidated Statutes are amended to read:

9 § 9124. Use of records by licensing agencies.

10 \* \* \*

11 (b) Prohibited use of information.--The following  
12 information shall not be used in consideration of an application  
13 for a license, certificate, registration or permit:

14 (1) Records of arrest if there is no conviction of a  
15 crime based on the arrest.

16 (2) Convictions which have been annulled or expunged or  
17 made subject to an order of limited access.

18 (3) Convictions of a summary offense.

19 (4) Convictions for which the individual has received a

1 pardon from the Governor.

2 (5) Convictions which do not relate to the applicant's  
3 suitability for the license, certificate, registration or  
4 permit.

5 (c) State action authorized.--Boards, commissions or  
6 departments of the Commonwealth authorized to license, certify,  
7 register or permit the practice of trades, occupations or  
8 professions may refuse to grant or renew, or may suspend or  
9 revoke any license, certificate, registration or permit for the  
10 following causes:

11 (1) Where the applicant has been convicted of a felony  
12 which relates to the trade, occupation or profession for  
13 which the license, certificate, registration or permit is  
14 sought.

15 (2) Where the applicant has been convicted of a  
16 misdemeanor which relates to the trade, occupation or  
17 profession for which the license, certificate, registration  
18 or permit is sought.

19 \* \* \*

20 Section 2. The amendment of 18 Pa.C.S. § 9124(b) and (c)  
21 shall apply to an individual whose license, certificate,  
22 registration or permit was suspended or revoked on or after the  
23 effective date of this section.

24 Section 3. Repeals are as follows:

25 (1) The General Assembly declares that the repeals under  
26 paragraph (2) are necessary to effectuate the amendment of 18  
27 Pa.C.S. § 9124(b) and (c).

28 (2) The following acts and parts of acts are repealed  
29 insofar as they are inconsistent with this act:

30 (i) Section 3(c) of the act of May 1, 1933 (P.L.216,

1 No.76), known as The Dental Law.

2 (ii) Section 6(c) of the act of May 22, 1951  
3 (P.L.317, No.69), known as The Professional Nursing Law.

4 (iii) Section 5 of the act of March 2, 1956 (1955  
5 P.L.1211, No.376), known as the Practical Nurse Law.

6 (iv) Section 3(a)(6) of the act of September 27,  
7 1961 (P.L.1700, No.699), known as the Pharmacy Act.

8 (v) Section 6(a)(5) of the act of March 23, 1972  
9 (P.L.136, No.52), known as the Professional Psychologists  
10 Practice Act.

11 (vi) Section 9(b)(4) of the act of December 27, 1974  
12 (P.L.995, No.326), known as the Veterinary Medicine  
13 Practice Act.

14 (vii) Section 6 of the act of October 10, 1975  
15 (P.L.383, No.110), known as the Physical Therapy Practice  
16 Act.

17 (viii) Section 6 of the act of October 5, 1978  
18 (P.L.1109, No.261), known as the Osteopathic Medical  
19 Practice Act.

20 (ix) Section 4(d) of the act of June 6, 1980  
21 (P.L.197, No.57), known as the Optometric Practice and  
22 Licensure Act.

23 (x) Section 22(b) of the act of December 20, 1985  
24 (P.L.457, No.112), known as the Medical Practice Act of  
25 1985.

26 (xi) Section 501(a)(7) of the act of December 16,  
27 1986 (P.L.1646, No.188), known as the Chiropractic  
28 Practice Act.

29 (xii) Section 7(a), (b), (d), (e) and (f) of the act  
30 of July 9, 1987 (P.L.220, No.39), known as the Social

1 Workers, Marriage and Family Therapists and Professional  
2 Counselors Act.

3 (xiii) Section 502(c)(1) of the act of October 9,  
4 2008 (P.L.1363, No.100), known as the Crane Operator  
5 Licensure Act.

6 (xiv) Section 5(a)(6) of the act of October 9, 2008  
7 (P.L.1438, No.118), known as the Massage Therapy Law.

8 (xv) All other acts or parts of acts insofar as they  
9 are inconsistent with this act.

10 Section 4. This act shall take effect in 60 days.