
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1828 Session of
2019

INTRODUCED BY WHEATLEY, FRANKEL, A. DAVIS, YOUNGBLOOD,
CALTAGIRONE, KINSEY, CEPHAS, McNEILL, SCHLOSSBERG, HILL-
EVANS, WILLIAMS AND CONKLIN, SEPTEMBER 18, 2019

REFERRED TO COMMITTEE ON JUDICIARY, SEPTEMBER 18, 2019

AN ACT

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

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

7 Section 1. Section 9122.2(a)(1) of Title 18 of the
8 Pennsylvania Consolidated Statutes is amended and the section is
9 amended by adding subsections to read:

10 § 9122.2. Clean slate limited access.

11 (a) General rule.--The following shall be subject to limited
12 access:

13 (1) Subject to the exceptions under section 9122.3
14 (relating to exceptions) or if a court has vacated an order
15 for limited access under section 9122.4 (relating to order to
16 vacate order for limited access), criminal history record
17 information pertaining to a conviction of a misdemeanor of
18 the second degree, a misdemeanor of the third degree or a

1 misdemeanor offense punishable by imprisonment of no more
2 than two years if a person:

3 (i) has been free for 10 years from conviction for any
4 offense punishable by imprisonment of one or more years and
5 if completion of each court-ordered financial obligation of
6 the sentence has occurred[.]; or

7 (ii) is a veteran who suffered from an undiagnosed
8 service-connected mental health disorder or traumatic brain
9 injury at the time of the commission of the crime and who
10 receives a diagnosis of a service-connected mental health
11 disorder or traumatic brain injury after arrest.

12 * * *

13 (d) Determination of diagnosis.--The following shall apply:

14 (1) The Department of Corrections shall promulgate the
15 following:

16 (i) An application for limiting access to a
17 veteran's criminal record under subsection (a)(1)(ii).

18 (ii) Rules and regulations for accepting and
19 approving an application and verifying a veteran's
20 diagnosis of a service-connected mental health disorder
21 or traumatic brain injury.

22 (2) A veteran seeking to limit access to the veteran's
23 criminal record under subsection (a)(1)(ii) shall apply to
24 the Department of Corrections under paragraph (1), which
25 shall include the veteran's diagnosis of a service-connected
26 mental health disorder or traumatic brain injury along with
27 the diagnosing professional's opinion that the veteran was
28 suffering from a service-connected mental health disorder or
29 traumatic brain injury at the time of the commission of the
30 criminal act.

1 (e) Definitions.--As used in this section, the following
2 words and phrases shall have the meanings given to them in this
3 subsection unless the context clearly indicates otherwise:

4 "Veteran." As defined under 51 Pa.C.S. § 7202 (relating to
5 definitions).

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