
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 382 Session of
2021

INTRODUCED BY A. DAVIS, SANCHEZ, HILL-EVANS, KRAJEWSKI, HOWARD,
McNEILL, CIRESI, CONKLIN, HARRIS AND KIRKLAND,
FEBRUARY 3, 2021

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 3, 2021

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), (c) and (d) of Title 18 of the
7 Pennsylvania Consolidated Statutes, amended October 29, 2020
8 (P.L.718, No.83), are amended to read:

9 § 9122. Expungement.

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

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

1 occur until the certification from the court is received and
2 the director of the repository authorizes such expungement;

3 (2) a court order requires that such nonconviction data
4 be expunged;

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

19 (4) a judicial determination has been made that a person
20 is acquitted of an offense, if the person has been acquitted
21 of all charges based on the same conduct or arising from the
22 same criminal episode following a trial and a verdict of not
23 guilty. This paragraph shall not apply to a partial
24 acquittal. A judicial determination under this paragraph may
25 only be made after the following:

26 (i) The court provides notice in writing to the
27 person and to the Commonwealth that the person's criminal
28 history record information will be automatically expunged
29 pursuant to this section.

30 (ii) Upon receipt of the notice under subparagraph

1 (i), the Commonwealth shall have 60 days to object to the
2 automatic expungement on the basis that the person has
3 not been acquitted of all charges relating to the same
4 conduct, arising from the same criminal episode or
5 otherwise relating to a partial acquittal.

6 (iii) Upon the filing of an objection, the court
7 shall conduct a hearing to determine whether expungement
8 of the acquittal relates to the same conduct, arises from
9 the same criminal episode or otherwise relates to a
10 partial acquittal. The hearing may be waived by agreement
11 of both parties and the court.

12 (iv) Following the hearing, or if no objection has
13 been filed or the hearing has been waived, the court
14 shall order that the person's criminal history record
15 information be automatically expunged unless the court
16 determines the expungement relates to the same conduct,
17 arises from the same criminal episode or otherwise
18 relates to a partial acquittal. Expungement shall occur
19 no later than 12 months from the date of acquittal[.]; or

20 (5) a person who is the subject of the criminal history
21 record information has received a pardon for the conviction
22 in accordance with Federal or State law. All administrative
23 records of the Department of Transportation relating to a
24 conviction shall be expunged when a person receives a pardon
25 for the conviction in accordance with Federal or State law.

26 * * *

27 (c) Maintenance of certain information required or
28 authorized.--Notwithstanding any other provision of this
29 chapter, the prosecuting attorney and the central repository
30 shall, and the court may, maintain a list of the names and other

1 criminal history record information of persons whose records are
2 required by law or court rule to be expunged where the
3 individual has successfully completed the conditions of any
4 pretrial or post-trial diversion or probation program [or],
5 where the individual has received a pardon for the conviction in
6 accordance with Federal or State law or where the court has
7 ordered expungement under this section. Such information shall
8 be used solely for the purposes of determining subsequent
9 eligibility for such programs, identifying persons in criminal
10 investigations or determining the grading of subsequent
11 offenses. Such information shall be made available to any court
12 or law enforcement agency upon request.

13 (d) Notice of expungement.--Notice of expungement shall
14 promptly be submitted to the central repository which shall
15 notify all criminal justice agencies and the Department of
16 Transportation which have received the criminal history record
17 information to be expunged.

18 * * *

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