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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 2189 Session of  
2021

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INTRODUCED BY CRUZ, McCLINTON, KINSEY, HILL-EVANS, SCHLOSSBERG,  
SANCHEZ, N. NELSON, MERSKI, DELLOSO, HOHENSTEIN AND CIRESI,  
DECEMBER 22, 2021

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REFERRED TO COMMITTEE ON JUDICIARY, DECEMBER 22, 2021

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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 expungement.

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

6 Section 1. Section 9122 of Title 18 of the Pennsylvania  
7 Consolidated Statutes is amended by adding a subsection to read:  
8 § 9122. Expungement.

9 \* \* \*

10 (c.1) Mistaken identity.--The following shall apply to an  
11 individual who is the subject of the information and has been  
12 arrested as a result of mistaken identity if no charges have  
13 been filed against the individual:

14 (1) Not later than 90 days after an investigation by a  
15 law enforcement agency finds that an individual was arrested  
16 as a result of mistaken identity and no charges have been  
17 filed, the law enforcement agency whose officers made the  
18 arrest shall petition the court for the expungement of the

1 individual's criminal history record information made as a  
2 result of mistaken identity, at no cost to the individual.

3 (2) Not later than 90 days after receiving and reviewing  
4 the petition under paragraph (1), the court shall order the  
5 expungement of all criminal history record information and  
6 all administrative records of the law enforcement agency  
7 relating to the individual's arrest as a result of mistaken  
8 identity.

9 \* \* \*

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