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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1905 Session of  
2015

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INTRODUCED BY MCCLINTON, D. PARKER, BULLOCK, MILLARD, GODSHALL,  
W. KELLER, DAVIS, THOMAS, ACOSTA, WHEATLEY, SCHREIBER,  
DAWKINS, GIBBONS, SIMS, V. BROWN, READSHAW, KIM, KINSEY,  
COHEN, MAHONEY, DeLUCA AND J. HARRIS, MARCH 17, 2016

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REFERRED TO COMMITTEE ON JUDICIARY, MARCH 17, 2016

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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 and for  
4 juvenile records.

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

7 Section 1. Section 9122(a) of Title 18 of the Pennsylvania  
8 Consolidated Statutes is amended and the section is amended by  
9 adding a subsection to read:

10 § 9122. Expungement.

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

14 (1) no disposition has been received or, upon request  
15 for criminal history record information, no disposition has  
16 been recorded in the repository within 18 months after the  
17 date of arrest and the court of proper jurisdiction certifies  
18 to the director of the repository that no disposition is

1 available and no action is pending. Expungement shall not  
2 occur until the certification from the court is received and  
3 the director of the repository authorizes such expungement;

4 (2) a court order requires that such nonconviction data  
5 be expunged; [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, reaches the age of  
11 21 [petitions the court of common pleas in the county where  
12 the conviction occurred seeking expungement] and the person  
13 has satisfied all terms and conditions of the sentence  
14 imposed for the violation, including any suspension of  
15 operating privileges imposed pursuant to section 6310.4  
16 (relating to restriction of operating privileges) [. Upon  
17 review of the petition, the court shall order the expungement  
18 of all criminal history record information and all  
19 administrative records of the Department of Transportation  
20 relating to said conviction.]. The court shall:

21 (i) Within 6 to 12 months of the person attaining 21  
22 years of age, automatically expunge criminal history  
23 record information under this paragraph.

24 (ii) Provide notice in writing to the person that  
25 the person's criminal history record information will be  
26 automatically expunged within 6 to 12 months of the  
27 person attaining 21 years of age. The Supreme Court shall  
28 promulgate regulations regarding the form and content of  
29 the notice.

30 (iii) Order the expungement of all administrative

1 records of the Department of Transportation relating to a  
2 conviction under this paragraph; or  
3 (4) a person is acquitted of an offense. This paragraph  
4 shall not apply to a person who has been acquitted of a crime  
5 of violence. The court shall:

6 (i) Within 6 to 12 months of disposition of the  
7 criminal proceeding, automatically expunge criminal  
8 history record information relating to any offense of  
9 which the person was acquitted.

10 (ii) Provide notice in writing to the person that  
11 the person's criminal history record information will be  
12 automatically expunged within 6 to 12 months of  
13 disposition of the criminal proceeding. The Supreme Court  
14 shall promulgate regulations regarding the form and  
15 content of the notice.

16 \* \* \*

17 (g) Definitions.--As used in this section, the term "crime of  
18 violence" shall include:

19 (1) Any of the following offenses:

20 (i) Murder in any degree as defined in section 2502  
21 (relating to murder).

22 (ii) Voluntary manslaughter as defined in section  
23 2503 (relating to voluntary manslaughter).

24 (iii) Drug delivery resulting in death as defined in  
25 section 2506(a) (relating to drug delivery resulting in  
26 death).

27 (iv) Criminal homicide of a law enforcement officer  
28 as defined in section 2507(a), (b), (c) or (d) (relating  
29 to criminal homicide of law enforcement officer).

30 (v) Murder of an unborn child in any degree as

1 defined in section 2604 (relating to murder of unborn  
2 child).

3 (vi) Aggravated assault of an unborn child as  
4 defined in section 2606(a) (relating to aggravated  
5 assault of unborn child).

6 (vii) Aggravated assault as defined in section  
7 2702(a) (1) or (2) (relating to aggravated assault).

8 (viii) Assault of law enforcement officer as defined  
9 in section 2702.1 (relating to assault of law enforcement  
10 officer).

11 (ix) Use of weapons of mass destruction as defined  
12 in section 2716(b) (relating to weapons of mass  
13 destruction).

14 (x) Terrorism as defined in section 2717(a)  
15 (relating to terrorism) that is graded as a felony of the  
16 first degree under subsection (b) (2).

17 (xi) Kidnapping as defined in section 2901(a) or  
18 (a.1) (relating to kidnapping).

19 (xii) Trafficking of individuals as defined in  
20 section 3011 (relating to trafficking in individuals).

21 (xiii) Rape as defined in section 3121(a), (c) or  
22 (d) (relating to rape).

23 (xiv) Involuntary deviate sexual intercourse as  
24 defined in section 3123(a), (b) or (c) (relating to  
25 involuntary deviate sexual intercourse).

26 (xv) Sexual assault as defined in section 3124.1  
27 (relating to sexual assault).

28 (xvi) Aggravated indecent assault as defined in  
29 section 3125(a) or (b) (relating to aggravated indecent  
30 assault).

1           (xvii) Arson endangering persons or aggravated arson  
2           as defined in section 3301(a) or (a.1) (relating to arson  
3           and related offenses).

4           (xviii) Ecoterrorism as defined in section 3311(a)  
5           (relating to ecoterrorism) that is graded as a felony of  
6           the first degree under subsection (b) (3).

7           (xix) Burglary as defined in section 3502(a) (1)  
8           (relating to burglary).

9           (xx) Robbery as defined in section 3701(a) (1) (i),  
10           (ii) or (iii) (relating to robbery) or robbery of a motor  
11           vehicle as defined in section 3702(a) (relating to  
12           robbery of motor vehicle).

13           (xxi) Incest as defined in section 4302(a) or (b)  
14           (relating to incest).

15           (xxii) Criminal attempt as defined in section 901(a)  
16           (relating to criminal attempt), criminal solicitation as  
17           defined in section 902(a) (relating to criminal  
18           solicitation) or criminal conspiracy as defined in  
19           section 903(a) (relating to criminal conspiracy) to  
20           commit any of the offenses specified in this definition.

21           (2) Any offense equivalent to an offense under paragraph  
22           (1) under the laws of this Commonwealth in effect at the time  
23           of the commission of that offense or under the laws of  
24           another jurisdiction.

25       Section 2. Section 9123 of Title 18 is amended by adding  
26 subsections to read:

27       § 9123. Juvenile records.

28       \* \* \*

29       (a.2) Automatic expungement of juvenile records.--Criminal  
30       history record information shall be expunged when a person who

1 was charged with being delinquent of an offense is acquitted of  
2 that offense. This paragraph shall not apply to a person who has  
3 been acquitted of an offense which, if committed by an adult,  
4 would be a crime of violence. The court shall:

5 (1) Within 6 to 12 months of disposition of the  
6 delinquency proceeding, automatically expunge criminal  
7 history record information relating to any offense of which  
8 the person was acquitted.

9 (2) Provide notice in writing to the person if the  
10 person is 18 years of age or older, or to the person's parent  
11 or guardian if the individual is less than 18 years of age,  
12 that the person's criminal history record information will be  
13 automatically expunged within 6 to 12 months of disposition  
14 of the delinquency proceeding. The Supreme Court shall  
15 promulgate regulations regarding the form and content of the  
16 notice.

17 \* \* \*

18 (d) Definitions.--As used in this section, the term "crime  
19 of violence" shall include:

20 (1) Any of the following offenses:

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24 2503 (relating to voluntary manslaughter).

25 (iii) Drug delivery resulting in death as defined in  
26 section 2506(a) (relating to drug delivery resulting in  
27 death).

28 (iv) Criminal homicide of a law enforcement officer  
29 as defined in section 2507(a), (b), (c) or (d) (relating  
30 to criminal homicide of law enforcement officer).

1           (v) Murder of an unborn child in any degree as  
2 defined in section 2604 (relating to murder of unborn  
3 child).

4           (vi) Aggravated assault of an unborn child as  
5 defined in section 2606(a) (relating to aggravated  
6 assault of unborn child).

7           (vii) Aggravated assault as defined in section  
8 2702(a) (1) or (2) (relating to aggravated assault).

9           (viii) Assault of law enforcement officer as defined  
10 in section 2702.1 (relating to assault of law enforcement  
11 officer).

12           (ix) Use of weapons of mass destruction as defined  
13 in section 2716(b) (relating to weapons of mass  
14 destruction).

15           (x) Terrorism as defined in section 2717(a)  
16 (relating to terrorism) that is graded as a felony of the  
17 first degree under subsection (b) (2).

18           (xi) Kidnapping as defined in section 2901(a) or  
19 (a.1) (relating to kidnapping).

20           (xii) Trafficking of individuals as defined in  
21 section 3011 (relating to trafficking in individuals).

22           (xiii) Rape as defined in section 3121(a), (c) or  
23 (d) (relating to rape).

24           (xiv) Involuntary deviate sexual intercourse as  
25 defined in section 3123(a), (b) or (c) (relating to  
26 involuntary deviate sexual intercourse).

27           (xv) Sexual assault as defined in section 3124.1  
28 (relating to sexual assault).

29           (xvi) Aggravated indecent assault as defined in  
30 section 3125(a) or (b) (relating to aggravated indecent

1 assault).

2 (xvii) Arson endangering persons or aggravated arson  
3 as defined in section 3301(a) or (a.1) (relating to arson  
4 and related offenses).

5 (xviii) Ecoterrorism as defined in section 3311(a)  
6 (relating to ecoterrorism) that is graded as a felony of  
7 the first degree under subsection (b) (3).

8 (xix) Burglary as defined in section 3502(a) (1)  
9 (relating to burglary).

10 (xx) Robbery as defined in section 3701(a) (1) (i),  
11 (ii) or (iii) (relating to robbery) or robbery of a motor  
12 vehicle as defined in section 3702(a) (relating to  
13 robbery of motor vehicle).

14 (xxi) Incest as defined in section 4302(a) or (b)  
15 (relating to incest).

16 (xxii) Criminal attempt as defined in section 901(a)  
17 (relating to criminal attempt), criminal solicitation as  
18 defined in section 902(a) (relating to criminal  
19 solicitation) or criminal conspiracy as defined in  
20 section 903(a) (relating to criminal conspiracy) to  
21 commit any of the offenses specified in this definition.

22 (2) Any offense equivalent to an offense under paragraph  
23 (1) under the laws of this Commonwealth in effect at the time  
24 of the commission of that offense or under the laws of  
25 another jurisdiction.

26 Section 3. This act shall take effect in 60 days.