
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1826 Session of
2022

INTRODUCED BY DELOZIER, HARRIS, ECKER, BURGOS, CIRESI, SCHLEGEL
CULVER, DALEY, A. DAVIS, DEASY, FITZGERALD, FRANKEL,
HANBIDGE, HILL-EVANS, HOHENSTEIN, HOWARD, JAMES, KAIL,
KINSEY, LEWIS, McCLINTON, McNEILL, MERSKI, NEILSON,
N. NELSON, SANCHEZ, SAPPEY, SCHLOSSBERG, SHUSTERMAN, SOLOMON
AND ZABEL, MAY 27, 2022

REFERRED TO COMMITTEE ON JUDICIARY, MAY 27, 2022

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in criminal history record
3 information, further providing for definitions, for general
4 regulations, for petition for limited access, for clean slate
5 limited access, for exceptions and for effects of expunged
6 records and records subject to limited access.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 9102 of Title 18 of the Pennsylvania
10 Consolidated Statutes is amended by adding a definition to read:

11 § 9102. Definitions.

12 The following words and phrases when used in this chapter
13 shall have the meanings given to them in this section unless the
14 context clearly indicates otherwise:

15 * * *

16 "Qualifying offense." An offense under section 13 of the act
17 of April 14, 1972 (P.L.233, No.64), known as The Controlled
18 Substance, Drug, Device and Cosmetic Act, or an attempt,

1 conspiracy or solicitation to commit an offense under section 13
2 of The Controlled Substance, Drug, Device and Cosmetic Act,
3 unless a minimum sentence of 30 months or more of imprisonment
4 was imposed on the offense.

5 * * *

6 Section 2. Section 9121(b.2)(2) of Title 18 is amended to
7 read:

8 § 9121. General regulations.

9 * * *

10 (b.2) Additional exceptions.--

11 * * *

12 (2) Subsection (b)(2) shall not apply:

13 (i) To the verification of information provided by
14 an applicant if Federal law, including rules and
15 regulations promulgated by a self-regulatory organization
16 that has been created under Federal law, requires the
17 consideration of an applicant's criminal history for
18 purposes of employment.

19 (ii) To the verification of information provided to
20 the Supreme Court, or an entity of the Supreme Court, in
21 its capacity to govern the practice, procedure and
22 conduct of all courts, the admission to the bar, the
23 practice of law, the administration of all courts and
24 supervision of all officers of the judicial branch.

25 (iii) To the Department of State for verification of
26 information provided by a candidate for public office
27 concerning eligibility under section 7 of Article II of
28 the Constitution of Pennsylvania.

29 * * *

30 Section 3. Section 9122.1(a) and (b)(1)(i) and (2)(ii) and

1 (iii) of Title 18 are amended and the section is amended by
2 adding subsections to read:

3 § 9122.1. Petition for limited access.

4 (a) General rule.--Subject to the exceptions in subsection
5 (b) and notwithstanding any other provision of this chapter,
6 upon petition of a person who has been free from conviction for
7 a period of [10] seven years for an offense punishable by one or
8 more years in prison and has completed payment of all court-
9 ordered restitution and the fee previously authorized to carry
10 out the limited access and clean slate limited access
11 provisions, the court of common pleas in the jurisdiction where
12 a conviction occurred may enter an order that criminal history
13 record information maintained by a criminal justice agency
14 pertaining to a qualifying misdemeanor or an ungraded offense
15 which carries a maximum penalty of no more than five years be
16 disseminated only to a criminal justice agency or as provided in
17 section 9121(b.1) and (b.2) (relating to general regulations). A
18 court may not enter an order under this subsection unless the
19 person who filed the petition, upon payment of all court-ordered
20 restitution, also paid the fee previously authorized to carry
21 out the limited access and clean slate limited access
22 provisions.

23 (a.1) Additional criteria.--Upon petition of a person who
24 has been free from conviction for a period of 10 years for an
25 offense punishable by one or more years in prison and has
26 completed payment of all court-ordered restitution and the fee
27 previously authorized to carry out the limited access and clean
28 slate limited access provisions, the court of common pleas in
29 the jurisdiction where a conviction occurred may enter an order
30 that criminal history record information maintained by a

1 criminal justice agency pertaining to a qualifying felony under
2 this section be disseminated only to a criminal justice agency
3 or as provided in section 9121(b.1) and (b.2). A court may not
4 enter an order under this subsection unless the person who filed
5 the petition, upon payment of all court-ordered restitution,
6 also paid the fee previously authorized to carry out the limited
7 access and clean slate limited access provisions. As used in
8 this subsection, a qualifying felony is any of the following or
9 an attempt, conspiracy or solicitation to commit any of the
10 following, excluding felonies of the first and second degrees:

11 (1) An offense under section 3304 (relating to criminal
12 mischief).

13 (2) An offense under section 3503 (relating to criminal
14 trespass).

15 (3) An offense under section 481 of the act of June 13,
16 1967 (P.L.31, No.21), known as the Human Services Code.

17 (4) An offense under section 13 of the act of April 14,
18 1972 (P.L.233, No.64), known as The Controlled Substance,
19 Drug, Device and Cosmetic Act.

20 (5) An offense under Chapter 39 (relating to theft and
21 related offenses).

22 (6) An offense under Chapter 41 (relating to forgery and
23 fraudulent practices).

24 (b) Exceptions.--An order for limited access under this
25 section shall not be granted for any of the following:

26 (1) A conviction for an offense punishable by more than
27 two years in prison which is any of the following or an
28 attempt, conspiracy or solicitation to commit any of the
29 following:

30 (i) An offense under Article B of Part II (relating

1 to offenses involving danger to the person). This
2 paragraph shall not apply to a misdemeanor offense under
3 section 2706 (relating to terroristic threats).

4 * * *

5 (2) An individual who meets any of the following:

6 * * *

7 (ii) Has been convicted within the previous [20] 15
8 years of:

9 (A) a felony or an offense punishable by
10 imprisonment of seven or more years involving:

11 (I) an offense under Article B of Part II;

12 (II) an offense under Article D of Part II;

13 (III) an offense under Chapter 61; or

14 (IV) an offense specified in 42 Pa.C.S. §§
15 9799.14 and 9799.55; or

16 (B) four or more offenses punishable by
17 imprisonment of two or more years.

18 (C) Any of the following offenses:

19 (I) An offense under section 3127 (relating
20 to indecent exposure).

21 (II) An offense under section 3129 (relating
22 to sexual intercourse with animal).

23 (III) An offense under section 4915.1
24 (relating to failure to comply with registration
25 requirements) or 4915.2 (relating to failure to
26 comply with 42 Pa.C.S. Ch. 97 Subch. I
27 registration requirements).

28 (IV) An offense under section 5122 (relating
29 to weapons or implements for escape).

30 (V) An offense under section 5510 (relating

1 to abuse of corpse).

2 (VI) An offense under section 5515 (relating
3 to prohibiting of paramilitary training).

4 (iii) [Has, within the previous 15 years, been
5 convicted of:

6 (A) two or more offenses punishable by more than
7 two years in prison; or

8 (B) any of the following:

9 (I) An offense under section 3127 (relating
10 to indecent exposure).

11 (II) An offense under section 3129 (relating
12 to sexual intercourse with animal).

13 (III) An offense under section 4915.1
14 (relating to failure to comply with registration
15 requirements) or 4915.2 (relating to failure to
16 comply with 42 Pa.C.S. Ch. 97 Subch. I
17 registration requirements).

18 (IV) An offense under section 5122 (relating
19 to weapons or implements for escape).

20 (V) An offense under section 5510 (relating
21 to abuse of corpse).

22 (VI) An offense under section 5515 (relating
23 to prohibiting of paramilitary training).] Has,
24 within the previous 10 years, been convicted of
25 two or more offenses punishable by more than two
26 years in prison.

27 (b.1) Consolidation.--For the purpose of this section, the
28 conviction of two or more offenses charged in separate counts
29 that are consolidated under one docket number shall be deemed to
30 be one conviction.

1 * * *

2 Section 4. Section 9122.2(a)(1) and (3) of Title 18 are
3 amended and the subsection is amended by adding a paragraph to
4 read:

5 § 9122.2. Clean slate limited access.

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

8 (1) Subject to the exceptions under section 9122.3
9 (relating to exceptions) or if a court has vacated an order
10 for limited access under section 9122.4 (relating to order to
11 vacate order for limited access), criminal history record
12 information pertaining to a conviction of a misdemeanor of
13 the second degree, a misdemeanor of the third degree or a
14 misdemeanor offense punishable by imprisonment of no more
15 than two years if a person has been free for [10] seven years
16 from conviction for any offense punishable by imprisonment of
17 one or more years and if payment of all court-ordered
18 restitution has occurred. Upon payment of all court-ordered
19 restitution, the person whose criminal history record
20 information is subject to limited access under this paragraph
21 shall also pay the fee previously authorized to carry out the
22 limited access and clean slate limited access provisions.

23 (1.1) Subject to the exceptions under section 9122.3 or
24 if a court has vacated an order for limited access under
25 section 9122.4, criminal history record information
26 pertaining to a conviction of a qualifying offense if a
27 person has been free for 10 years from conviction for any
28 offense punishable by imprisonment of one or more years and
29 if payment of all court-ordered restitution has occurred.
30 Upon payment of all court-ordered restitution, the person

1 whose criminal history record information is subject to
2 limited access under this paragraph shall also pay the fee
3 previously authorized to carry out the limited access and
4 clean slate limited access provisions.

5 * * *

6 (3) Criminal history record information pertaining to a
7 conviction for a summary offense when [10] five years have
8 elapsed since entry of the judgment of conviction and payment
9 of all court-ordered restitution has occurred. Upon payment
10 of all court-ordered restitution, the person whose criminal
11 history record information is subject to limited access under
12 this paragraph shall also pay the fee previously authorized
13 to carry out the limited access and clean slate limited
14 access provisions.

15 * * *

16 Section 5. Section 9122.3(a)(2)(i), (b) and (c) of Title 18
17 are amended and the section is amended by adding a subsection to
18 read:

19 § 9122.3. Exceptions.

20 (a) Limited access not applicable.--Limited access to
21 records under section 9122.2(a)(1) (relating to clean slate
22 limited access) shall not be granted for any of the following:

23 * * *

24 (2) An individual who at any time has been convicted of:

25 (i) A felony, excluding a qualifying offense.

26 * * *

27 (a.1) Consolidation.--For the purpose of this section, the
28 conviction of two or more offenses that are charged in separate
29 counts and consolidated under one docket number shall be deemed
30 to be one conviction, except that the docket may not be deemed

1 one conviction if it contains more than two felony convictions.

2 (b) Limited access to same case.--Limited access under this
3 section shall not apply to an otherwise qualifying conviction if
4 a conviction for an offense punishable by imprisonment of five
5 or more years or an offense enumerated in subsection (a) arose
6 out of the same case. This subsection shall not apply to a
7 qualifying offense.

8 (c) Filing.--Nothing in this section shall preclude the
9 filing of a petition for limited access under section 9122.1
10 (relating to petition for limited access) if limited access is
11 available under [that] this section. An offense eligible for
12 clean slate limited access under this section shall also be
13 eligible for petition for limited access under section 9122.1.

14 Section 6. Section 9122.5 of Title 18 is amended by adding
15 subsections to read:

16 § 9122.5. Effects of expunged records and records subject to
17 limited access.

18 * * *

19 (a.1) Use of information.--Except if required by Federal
20 law, criminal history record information that has been expunged
21 or provided limited access may not be used by any individual or
22 noncriminal justice agency for employment, housing or school
23 matriculation purposes.

24 * * *

25 (c.1) Use for eligibility for public office.--
26 Notwithstanding any other provision of this chapter, a record
27 subject to limited access under section 9122.1 or 9122.2 shall
28 remain a part of the individual's criminal history record
29 information and shall be self-disclosed for any relevant purpose
30 required by section 7 of Article II of the Constitution of

1 Pennsylvania.

2 * * *

3 Section 7. This act shall take effect in 60 days.