

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 391 Session of 2013

INTRODUCED BY SOLOBAY, KITCHEN, FERLO, WILLIAMS, GREENLEAF, FARNESE, VOGEL, MENSCH, FONTANA, TARTAGLIONE, BAKER, BREWSTER, SCHWANK, HUGHES, WHITE AND COSTA, FEBRUARY 4, 2013

SENATOR GREENLEAF, JUDICIARY, AS AMENDED, FEBRUARY 12, 2013

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, further providing for expungement of
3 criminal history record.

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

6 Section 1. Section 9122(b) of Title 18 of the Pennsylvania
7 Consolidated Statutes is amended to read:

8 § 9122. Expungement.

9 * * *

10 (b) Generally.--Criminal history record information may be
11 expunged when:

12 (1) An individual who is the subject of the information
13 reaches 70 years of age and has been free of arrest or
14 prosecution for ten years following final release from
15 confinement or supervision.

16 (2) Any individual who is the subject of the
17 information has been dead for three years.

18 (3) (i) An individual who is the subject of the

1 information, petitions the court for the expungement of a
2 summary offense and has been free of arrest or
3 prosecution for five years following the conviction for
4 that offense.

5 (ii) Expungement under this paragraph shall only be
6 permitted for a conviction of a summary offense.

7 (4) (i) An individual who is the subject of the
8 information petitions for expungement of the information
9 and the individual has been free of arrest or prosecution
10 following final release from confinement or supervision
11 for the following time periods:

12 (A) In the case of a misdemeanor of the third
13 degree or an offense which carries a maximum penalty <--
14 of not less than 90 days and not more than one year
15 DECLARED TO BE A MISDEMEANOR, WITHOUT SPECIFICATION <--
16 OF DEGREE, seven years.

17 (B) In the case of a misdemeanor of the second
18 degree committed when the individual was less than 25
19 years of age or an offense which carries a maximum <--
20 penalty of two years but a minimum penalty of greater
21 than one year, ten years.

22 (ii) This paragraph shall not apply to any
23 individual who has been convicted of:

24 (A) An offense punishable by imprisonment of
25 more than two years.

26 (B) Four or more offenses punishable by
27 imprisonment of one or more years.

28 (C) An offense under section 913 (relating to
29 possession of firearm or other dangerous weapon in
30 court facility) which is graded as a misdemeanor of

1 the third degree.

2 (D) A violation of section 2701 (relating to
3 simple assault), EXCEPT WHEN THE OFFENSE IS GRADED AS <--
4 A MISDEMEANOR OF THE THIRD DEGREE.

5 (E) A violation of section 3129 (relating to
6 sexual intercourse with animal).

7 (F) A violation of section 4912 (relating to
8 impersonating a public servant).

9 (G) A violation of section 4952 (relating to
10 intimidation of witnesses or victims).

11 (H) A violation of section 4953 (relating to
12 retaliation against witness, victim or party).

13 (I) A violation of section 5511 (relating to
14 cruelty to animals).

15 (J) A violation of any provision of Chapter 61
16 (relating to firearms and other dangerous articles).

17 (K) An offense which requires registration under
18 42 Pa.C.S. Ch. 97 Subch. H (relating to registration
19 of sexual offenders).

20 * * *

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