
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1618 Session of
2013

INTRODUCED BY CALTAGIRONE, STURLA, GODSHALL, COHEN, CLYMER,
CRUZ, COX, MUNDY, HELM, BISHOP, THOMAS, SWANGER, MCGEEHAN,
QUINN, DeLUCA, MICOZZIE, YOUNGBLOOD, FLECK, READSHAW, TOOHL,
O'BRIEN, ROZZI, V. BROWN, MIRANDA, CLAY, DAVIS, SCHLOSSBERG,
GIBBONS, BROWNLEE, MAHONEY, WHITE, BRADFORD, D. COSTA AND
CARROLL, JULY 15, 2013

REFERRED TO COMMITTEE ON JUDICIARY, JULY 15, 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 information

1 has been dead for three years.

2 (3) (i) An individual who is the subject of the
3 information, petitions the court for the expungement of a
4 summary offense and has been free of arrest or
5 prosecution for five years following the conviction for
6 that offense.

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

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

14 (A) In the case of a misdemeanor of the third
15 degree or an offense declared to be a misdemeanor,
16 without specification 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, ten years.

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

22 (A) An offense punishable by imprisonment of
23 more than two years.

24 (B) Four or more offenses punishable by
25 imprisonment of one or more years.

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

30 (D) A violation of section 2701 (relating to

1 simple assault), except when the offense is graded as
2 a misdemeanor of the third degree.

3 (E) A violation of section 3129 (relating to
4 sexual intercourse with animal).

5 (F) A violation of section 4912 (relating to
6 impersonating a public servant).

7 (G) A violation of section 4952 (relating to
8 intimidation of witnesses or victims).

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

11 (I) A violation of section 5511 (relating to
12 cruelty to animals).

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

15 (K) An offense which requires registration under
16 42 Pa.C.S. Ch. 97 Subch. H (relating to registration
17 of sexual offenders).

18 * * *

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