
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 512 Session of
2017

INTRODUCED BY McCLINTON, FITZGERALD, V. BROWN, YOUNGBLOOD,
J. HARRIS, VITALI, KINSEY, WHEATLEY, SCHLOSSBERG, BULLOCK,
READSHAW, MILLARD, FREEMAN, D. COSTA, SOLOMON, WARD, DAWKINS,
NEILSON, GROVE, DeLUCA AND THOMAS, FEBRUARY 15, 2017

REFERRED TO COMMITTEE ON JUDICIARY, FEBRUARY 15, 2017

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 any of the following occurs:

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

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

5 (2) [a] A court order requires that such nonconviction
6 data be expunged[; or].

7 (3) [a] A person [21 years of age or older] who has been
8 convicted of a violation of section 6308 (relating to
9 purchase, consumption, possession or transportation of liquor
10 or malt or brewed beverages), which occurred on or after the
11 day the person attained 18 years of age, [petitions the court
12 of common pleas in the county where the conviction occurred
13 seeking expungement and the person] reaches the age of 21 and
14 has satisfied all terms and conditions of the sentence
15 imposed for the violation, including any suspension of
16 operating privileges imposed pursuant to section 6310.4
17 (relating to restriction of operating privileges). [Upon
18 review of the petition, the court shall order the expungement
19 of all criminal history record information and all
20 administrative records of the Department of Transportation
21 relating to said conviction.] The court shall:

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

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

1 (iii) Order the expungement of all administrative
2 records of the Department of Transportation relating to a
3 conviction under this paragraph.

4 (4) A person is acquitted of an offense. This paragraph
5 shall not apply to a person who has been acquitted of a crime
6 of violence. The court shall:

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

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

17 * * *

18 (g) Definitions.--As used in this section, the following
19 words and phrases shall have the meanings given to them in this
20 subsection unless the context clearly indicates otherwise:

21 "Crime of violence" The term shall include:

22 (1) Any of the following offenses:

23 (i) Murder in any degree as defined in section 2502
24 (relating to murder).

25 (ii) Voluntary manslaughter as defined in section
26 2503 (relating to voluntary manslaughter).

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

30 (iv) Criminal homicide of a law enforcement officer

1 as defined in section 2507(a), (b), (c) and (d) (relating
2 to criminal homicide of law enforcement officer).

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

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

9 (vii) Aggravated assault as defined in section
10 2702(a) (1) and (2) (relating to aggravated assault).

11 (viii) Assault of a law enforcement officer as
12 defined in section 2702.1 (relating to assault of law
13 enforcement officer).

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

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

20 (xi) Kidnapping as defined in section 2901(a) and
21 (a.1) (relating to kidnapping).

22 (xii) Trafficking of individuals as defined in
23 section 3011 (relating to trafficking in individuals).

24 (xiii) Rape as defined in section 3121(a), (c) and
25 (d) (relating to rape).

26 (xiv) Involuntary deviate sexual intercourse as
27 defined in section 3123(a), (b) and (c) (relating to
28 involuntary deviate sexual intercourse).

29 (xv) Sexual assault as defined in section 3124.1
30 (relating to sexual assault).

1 (xvi) Aggravated indecent assault as defined in
2 section 3125(a) and (b) (relating to aggravated indecent
3 assault).

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

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

10 (xix) Burglary as defined in section 3502(a) (1)
11 (relating to burglary).

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

16 (xxi) Incest as defined in section 4302(a) and (b)
17 (relating to incest).

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

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

28 Section 2. Section 9123 of Title 18 is amended by adding
29 subsections to read:

30 § 9123. Juvenile records.

1 * * *

2 (a.2) Automatic expungement of juvenile records.--Criminal
3 history record information shall be expunged when a person who
4 was alleged to be a delinquent child and charged with an offense
5 is acquitted of the offense. This paragraph shall not apply to a
6 person who has been acquitted of an offense which, if committed
7 by an adult, would be a crime of violence. The court shall:

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

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

20 * * *

21 (d) Definitions.--As used in this section, the following
22 words and phrases shall have the meanings given to them in this
23 subsection unless the context clearly indicates otherwise:

24 "Crime of violence" The term shall include:

25 (1) Any of the following offenses:

26 (i) Murder in any degree as defined in section 2502
27 (relating to murder).

28 (ii) Voluntary manslaughter as defined in section
29 2503 (relating to voluntary manslaughter).

30 (iii) Drug delivery resulting in death as defined in

1 section 2506(a) (relating to drug delivery resulting in
2 death).

3 (iv) Criminal homicide of a law enforcement officer
4 as defined in section 2507(a), (b), (c) and (d) (relating
5 to criminal homicide of law enforcement officer).

6 (v) Murder of an unborn child in any degree as
7 defined in section 2604 (relating to murder of unborn
8 child).

9 (vi) Aggravated assault of an unborn child as
10 defined in section 2606(a) (relating to aggravated
11 assault of unborn child).

12 (vii) Aggravated assault as defined in section
13 2702(a) (1) and (2) (relating to aggravated assault).

14 (viii) Assault of a law enforcement officer as
15 defined in section 2702.1 (relating to assault of law
16 enforcement officer).

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18 in section 2716(b) (relating to weapons of mass
19 destruction).

20 (x) Terrorism as defined in section 2717(a)
21 (relating to terrorism) that is graded as a felony of the
22 first degree under section 2717(b) (2).

23 (xi) Kidnapping as defined in section 2901(a) and
24 (a.1) (relating to kidnapping).

25 (xii) Trafficking of individuals as defined in
26 section 3011 (relating to trafficking in individuals).

27 (xiii) Rape as defined in section 3121(a), (c) and
28 (d) (relating to rape).

29 (xiv) Involuntary deviate sexual intercourse as
30 defined in section 3123(a), (b) and (c) (relating to

1 involuntary deviate sexual intercourse).

2 (xv) Sexual assault as defined in section 3124.1
3 (relating to sexual assault).

4 (xvi) Aggravated indecent assault as defined in
5 section 3125(a) and (b) (relating to aggravated indecent
6 assault).

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

10 (xviii) Ecoterrorism as defined in section 3311(a)
11 (relating to ecoterrorism) that is graded as a felony of
12 the first degree under section 3311(b) (3).

13 (xix) Burglary as defined in section 3502(a) (1)
14 (relating to burglary).

15 (xx) Robbery as defined in section 3701(a) (1) (i),
16 (ii) and (iii) (relating to robbery) and robbery of a
17 motor vehicle as defined in section 3702(a) (relating to
18 robbery of motor vehicle).

19 (xxi) Incest as defined in section 4302(a) and (b)
20 (relating to incest).

21 (xxii) Criminal attempt as defined in section 901(a)
22 (relating to criminal attempt), criminal solicitation as
23 defined in section 902(a) (relating to criminal
24 solicitation) and criminal conspiracy as defined in
25 section 903(a) (relating to criminal conspiracy) to
26 commit any of the offenses specified in this definition.

27 (2) Any offense equivalent to an offense under paragraph
28 (1) under the laws of this Commonwealth in effect at the time
29 of the commission of the offense or under the laws of another
30 jurisdiction.

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