
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1951 Session of
2015

INTRODUCED BY DEAN, APRIL 5, 2016

REFERRED TO COMMITTEE ON JUDICIARY, APRIL 5, 2016

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.

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

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

8 § 9122. Expungement.

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

12 (1) no disposition has been received or, upon request
13 for criminal history record information, no disposition has
14 been recorded in the repository within 18 months after the
15 date of arrest and the court of proper jurisdiction certifies
16 to the director of the repository that no disposition is
17 available and no action is pending. Expungement shall not
18 occur until the certification from the court is received and
19 the director of the repository authorizes such expungement;

1 (2) a court order requires that such nonconviction data
2 be expunged; [or]

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

17 (4) (i) a person 18 years of age or older who has been
18 convicted of a crime, other than a violation under
19 section 6308, that petitions the court and one of the
20 following has occurred:

21 (A) The person received a pardon.

22 (B) The conviction has been vacated or reversed
23 or a plea of guilty or nolo contendere has been
24 withdrawn by leave of court and the indictment or
25 information is dismissed or, if a new trial is
26 ordered, either the person is found not guilty at a
27 new trial or is not retried within 180 days of the
28 order granting a new trial, or, if the order is
29 appealed, within 180 days of the date that order
30 becomes final.

1 (ii) Upon review of the petition under this
2 paragraph, the court shall order the expungement of all
3 criminal history record information relevant to the
4 pardoned, vacated, reversed or dismissed offense,
5 including, but not limited to, all administrative
6 records, DNA records and DNA in any form possessed by the
7 Commonwealth or any of its political subdivisions. If the
8 district attorney or Attorney General files a timely
9 answer setting forth good cause not to order expungement,
10 the court shall promptly schedule a hearing, or if the
11 court rules without a hearing, provide, contemporaneous
12 with its order, written reasons for proceeding without a
13 hearing.

14 * * *

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