
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 170 Session of
2023

INTRODUCED BY BAKER, SANTARSIERO, COSTA, LAUGHLIN, HAYWOOD,
ROTHMAN, SCHWANK, COLLETT, KANE, DILLON, TARTAGLIONE,
COMITTA, CAPPELLETTI AND KEARNEY, JANUARY 30, 2023

REFERRED TO JUDICIARY, JANUARY 30, 2023

AN ACT

1 Amending Titles 18 (Crimes and Offenses) and 42 (Judiciary and
2 Judicial Procedure) of the Pennsylvania Consolidated
3 Statutes, in criminal history record information, further
4 providing for juvenile records; and, in juvenile matters,
5 further providing for powers and duties of probation
6 officers, for informal adjustment, for consent decree, for
7 adjudication, for disposition of delinquent child and for
8 powers and duties.

9 The General Assembly of the Commonwealth of Pennsylvania
10 hereby enacts as follows:

11 Section 1. Section 9123(a)(3) of Title 18 of the
12 Pennsylvania Consolidated Statutes is amended and the subsection
13 is amended by adding a paragraph to read:

14 § 9123. Juvenile records.

15 (a) Expungement of juvenile records.--Notwithstanding the
16 provisions of section 9105 (relating to other criminal justice
17 information) and except as provided under subsection (a.1),
18 expungement of records of juvenile delinquency cases and cases
19 involving summary offenses committed while the individual was
20 under 18 years of age, wherever kept or retained, shall occur

1 after 30 days' notice to the district attorney whenever the
2 court upon its own motion or upon the motion of a child or the
3 parents or guardian finds:

4 * * *

5 (3) [five] two years have elapsed since the final
6 discharge of the person from commitment, placement, probation
7 or any other disposition and referral, pursuant to an
8 adjudication of delinquency following a determination by the
9 court that the person committed an offense classified as a
10 misdemeanor, other than a misdemeanor under Chapter 61
11 (relating to firearms and other dangerous articles) or a
12 misdemeanor under section 3126(a)(2) or (3) (relating to
13 indecent assault), and since such final discharge, the person
14 has not been convicted of a felony, misdemeanor or
15 adjudicated delinquent and no proceeding is pending seeking
16 such conviction or adjudication; [or]

17 (3.1) five years have elapsed since the final discharge
18 of the person from commitment, placement, probation or any
19 other disposition and referral, pursuant to an adjudication
20 of delinquency following a determination by the court that
21 the person committed an offense classified as a felony, an
22 offense classified as a misdemeanor under Chapter 61 or an
23 offense classified as a misdemeanor under section 3126(a)(2)
24 or (3), and since the final discharge, the person has not
25 been convicted of a felony, misdemeanor or adjudicated
26 delinquent and no proceeding is pending seeking the
27 conviction or adjudication; or

28 * * *

29 Section 2. Sections 6304, 6323 and 6340 of Title 42 are
30 amended by adding subsections to read:

1 § 6304. Powers and duties of probation officers.

2 * * *

3 (a.2) Notification of court to initiate expungement of
4 juvenile records.--

5 (1) The Chief Juvenile Probation Officer or designee
6 shall promptly notify the court that the records of a
7 juvenile delinquency case are eligible for expungement and
8 shall request the court to initiate expungement proceedings
9 in accordance with 18 Pa.C.S. § 9123 (relating to juvenile
10 records) and the Pennsylvania Rules of Juvenile Court
11 Procedure, upon determining that any of the following
12 applies:

13 (i) a written allegation is not approved for
14 prosecution;

15 (ii) a petition is dismissed by the court;

16 (iii) six months have elapsed since a child's
17 successful completion of an informal adjustment and no
18 proceeding seeking adjudication or conviction is pending;

19 (iv) six months have elapsed since the final
20 discharge of a child from supervision under a consent
21 decree and no proceeding seeking adjudication or
22 conviction is pending;

23 (v) two years have elapsed since the final discharge
24 of a child from commitment, placement, probation or any
25 other disposition and referral, pursuant to an
26 adjudication of delinquency following a determination by
27 the court that the child committed an offense classified
28 as a misdemeanor, other than a misdemeanor under 18
29 Pa.C.S. Ch. 61 (relating to firearms and other dangerous
30 articles) or a misdemeanor under 18 Pa.C.S. § 3126(a)(2)

1 or (3) (relating to indecent assault), and since the
2 final discharge, the individual has not been convicted of
3 a felony, misdemeanor or adjudicated delinquent and no
4 proceeding is pending seeking the conviction or
5 adjudication;

6 (vi) five years have elapsed since the final
7 discharge of a child from commitment, placement,
8 probation or any other disposition and referral, pursuant
9 to an adjudication of delinquency following a
10 determination by the court that the child committed an
11 offense classified as a felony, an offense classified as
12 a misdemeanor under 18 Pa.C.S. Ch. 61 or an offense
13 classified as a misdemeanor under 18 Pa.C.S. § 3126(a)(2)
14 or (3), with the exception of an offense precluded from
15 expungement under 18 Pa.C.S. § 9123(a.1), and since the
16 final discharge, the individual has not been convicted of
17 a felony, misdemeanor or adjudicated delinquent and no
18 proceeding is pending seeking the conviction or
19 adjudication; or

20 (vii) the attorney for the Commonwealth consents to
21 the expungement, unless the offense committed by the
22 juvenile is precluded from expungement under 18 Pa.C.S. §
23 9123(a.1).

24 * * *

25 § 6323. Informal adjustment.

26 * * *

27 (g) Expungement of records.--Upon motion, or sua sponte,
28 including upon receiving notice under section 6304(a.2)
29 (relating to powers and duties of probation officers), the court
30 shall commence expungement proceedings under 18 Pa.C.S. § 9123

1 (relating to juvenile records) and the Pennsylvania Rules of
2 Juvenile Court Procedure if the court finds:

3 (1) six months have elapsed since the child's successful
4 discharge from informal adjustment supervision; and

5 (2) no proceeding seeking adjudication or conviction is
6 pending.

7 § 6340. Consent decree.

8 * * *

9 (f) Expungement of records.--Upon motion, or sua sponte,
10 including upon receiving notice under section 6304(a.2)
11 (relating to powers and duties of probation officers), the court
12 shall commence expungement proceedings under 18 Pa.C.S. § 9123
13 (relating to juvenile records) and the Pennsylvania Rules of
14 Juvenile Court Procedure if the court finds:

15 (1) six months have elapsed since the child's successful
16 discharge from consent decree supervision; and

17 (2) no proceeding seeking adjudication or conviction is
18 pending.

19 Section 3. Section 6341(a) and (b) of Title 42 are amended
20 to read:

21 § 6341. Adjudication.

22 (a) General rule.--After hearing the evidence on the
23 petition the court shall make and file its findings as to
24 whether the child is a dependent child. If the petition alleges
25 that the child is delinquent, within seven days of hearing the
26 evidence on the petition, the court shall make and file its
27 findings whether the acts ascribed to the child were committed
28 by him. This time limitation may only be extended pursuant to
29 the agreement of the child and the attorney for the
30 Commonwealth. The court's failure to comply with the time

1 limitations stated in this section shall not be grounds for
2 discharging the child or dismissing the proceeding. If the court
3 finds that the child is not a dependent child or that the
4 allegations of delinquency have not been established it shall
5 dismiss the petition and order the child discharged from any
6 detention or other restriction theretofore ordered in the
7 proceeding. For cases involving allegations of delinquency where
8 fingerprints or photographs or both have been taken by a law
9 enforcement agency and where it is determined that acts ascribed
10 to the child were not committed by him, the court shall direct
11 that those records be immediately destroyed by law enforcement
12 agencies[.] and shall commence expungement proceedings in
13 accordance with 18 Pa.C.S. § 9123 (relating to juvenile records)
14 and the Pennsylvania Rules of Juvenile Court Procedure.

15 (b) Finding of delinquency.--If the court finds on proof
16 beyond a reasonable doubt that the child committed the acts by
17 reason of which he is alleged to be delinquent it shall enter
18 such finding on the record and shall specify the particular
19 offenses, including the grading and counts thereof which the
20 child is found to have committed. The court shall then proceed
21 immediately or at a postponed hearing, which shall occur not
22 later than 20 days after such finding if the child is in
23 detention or not more than 60 days after such finding if the
24 child is not in detention, to hear evidence as to whether the
25 child is in need of treatment, supervision or rehabilitation, as
26 established by a preponderance of the evidence, and to make and
27 file its findings thereon. This time limitation may only be
28 extended pursuant to the agreement of the child and the attorney
29 for the Commonwealth. The court's failure to comply with the
30 time limitations stated in this section shall not be grounds for

1 discharging the child or dismissing the proceeding. In the
2 absence of evidence to the contrary, evidence of the commission
3 of acts which constitute a felony shall be sufficient to sustain
4 a finding that the child is in need of treatment, supervision or
5 rehabilitation. If the court finds that the child is not in need
6 of treatment, supervision or rehabilitation it shall dismiss the
7 proceeding [and], discharge the child from any detention or
8 other restriction theretofore ordered[.] and commence
9 expungement proceedings in accordance with 18 Pa.C.S. § 9123 and
10 the Pennsylvania Rules of Juvenile Court Procedure.

11 * * *

12 Section 4. Section 6352 of Title 42 is amended by adding a
13 subsection to read:

14 § 6352. Disposition of delinquent child.

15 * * *

16 (d) Expungement of records.--Upon motion, or sua sponte,
17 including upon receiving notice under section 6304(a.2)
18 (relating to powers and duties of probation officers), the court
19 shall commence expungement proceedings under 18 Pa.C.S. § 9123
20 (relating to juvenile records) and the Pennsylvania Rules of
21 Juvenile Court Procedure if the court finds:

22 (1) two years have elapsed since the final discharge of
23 a child from commitment, placement, probation or any other
24 disposition and referral, pursuant to an adjudication of
25 delinquency following a determination by the court that the
26 child committed an offense classified as a misdemeanor, other
27 than a misdemeanor under 18 Pa.C.S. Ch. 61 (relating to
28 firearms and other dangerous articles) or a misdemeanor under
29 18 Pa.C.S. § 3126(a)(2) or (3) (relating to indecent
30 assault), and since the final discharge, the individual has

1 not been convicted of a felony, misdemeanor or adjudicated
2 delinquent and no proceeding is pending seeking a conviction
3 or adjudication;

4 (2) five years have elapsed since the final discharge of
5 a child from commitment, placement, probation or any other
6 disposition and referral, pursuant to an adjudication of
7 delinquency following a determination by the court that the
8 child committed an offense classified as a felony, an offense
9 classified as a misdemeanor under 18 Pa.C.S. Ch. 61 or an
10 offense classified as a misdemeanor under 18 Pa.C.S. §
11 3126(a)(2) or (3), with the exception of an offense precluded
12 from expungement under 18 Pa.C.S. § 9123(a.1), and since the
13 final discharge, the individual has not been convicted of a
14 felony, misdemeanor or adjudicated delinquent and no
15 proceeding is pending seeking the conviction or adjudication;
16 or

17 (3) the attorney for the Commonwealth consents to the
18 expungement, unless the offense committed by the juvenile is
19 precluded from expungement under 18 Pa.C.S. § 9123(a.1).

20 Section 5. Section 6373 of Title 42 is amended by adding a
21 paragraph to read:

22 § 6373. Powers and duties.

23 The commission shall have the power and is required to do the
24 following:

25 * * *

26 (2.1) Develop and implement the technology and case
27 management tools necessary to alert chief juvenile probation
28 officers that the records of a juvenile delinquency case are
29 eligible for expungement, to facilitate the notification of
30 courts to initiate the process of expunging juvenile

1 delinquency records in accordance with section 6304(a.2)
2 (relating to powers and duties of probation officers).

3 * * *

4 Section 6. This act shall take effect in 180 days.