
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1431 Session of
2019

INTRODUCED BY A. DAVIS, HOHENSTEIN, McNEILL, SCHLOSSBERG,
KINSEY, LEE, ROZZI, HILL-EVANS, MILLARD, HARRIS, FRANKEL,
McCLINTON, STURLA, CIRESI, JOHNSON-HARRELL AND D. MILLER,
MAY 8, 2019

REFERRED TO COMMITTEE ON JUDICIARY, MAY 8, 2019

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), (c) and (d) of Title 18 of the
7 Pennsylvania Consolidated Statutes are 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

1 occur until the certification from the court is received and
2 the director of the repository authorizes such expungement;

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

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

19 (4) a person who is the subject of the criminal history
20 record information has received a pardon for the conviction
21 in accordance with Federal or State law. All administrative
22 records of the Department of Transportation relating to a
23 conviction shall be expunged when a person receives a pardon
24 for the conviction in accordance with Federal or State law.

25 * * *

26 (c) Maintenance of certain information required or
27 authorized.--Notwithstanding any other provision of this
28 chapter, the prosecuting attorney and the central repository
29 shall, and the court may, maintain a list of the names and other
30 criminal history record information of persons whose records are

1 required by law or court rule to be expunged where the
2 individual has successfully completed the conditions of any
3 pretrial or post-trial diversion or probation program [or],
4 where the individual has received a pardon for the conviction in
5 accordance with Federal or State law or where the court has
6 ordered expungement under this section. Such information shall
7 be used solely for the purposes of determining subsequent
8 eligibility for such programs, identifying persons in criminal
9 investigations or determining the grading of subsequent
10 offenses. Such information shall be made available to any court
11 or law enforcement agency upon request.

12 (d) Notice of expungement.--Notice of expungement shall
13 promptly be submitted to the central repository which shall
14 notify all criminal justice agencies and the Department of
15 Transportation which have received the criminal history record
16 information to be expunged.

17 * * *

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