
THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. **883** Session of
2019

INTRODUCED BY BARTOLOTTA, STREET, FARNESE, FONTANA, COLLETT,
MARTIN, HUGHES, BREWSTER, J. WARD, COSTA, KILLION, STEFANO,
BROWNE AND K. WARD, OCTOBER 7, 2019

REFERRED TO JUDICIARY, OCTOBER 7, 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) and (b)(3) of Title 18 of the
7 Pennsylvania Consolidated Statutes are amended and the section
8 is amended by adding a subsection to read:

9 § 9122. Expungement.

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

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

1 occur until the certification from the court is received
2 under subsection (b.2) and the director of the repository
3 authorizes [such] the expungement;

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

6 (3) a person 21 years of age or older who has been
7 convicted of a violation of section 6308 (relating to
8 purchase, consumption, possession or transportation of liquor
9 or malt or brewed beverages), which occurred on or after the
10 day the person attained 18 years of age[, petitions the court
11 of common pleas in the county where the conviction occurred
12 seeking expungement] and the person has satisfied all terms
13 and conditions of the sentence imposed for the violation,
14 including any suspension of operating privileges imposed
15 pursuant to the former section 6310.4 (relating to
16 restriction of operating privileges). [Upon review of the
17 petition, the] The court shall order the expungement of all
18 criminal history record information and all administrative
19 records of the Department of Transportation relating to
20 [said] the conviction. Expungement shall not occur until the
21 certification from the court is received under subsection
22 (b.2) and the director of the repository authorizes the
23 expungement;

24 (4) a criminal charge has been withdrawn and all
25 criminal charges based on the same conduct or arising from
26 the same criminal episode have been withdrawn;

27 (5) a judicial determination has been made that a person
28 is acquitted of a criminal offense, if the person has been
29 acquitted of all the charges based on the same conduct or
30 arising from the same criminal episode. This paragraph does

1 not apply to partial acquittals;

2 (6) except as provided under paragraph (3), a criminal
3 offense that is graded as a summary offense where the person
4 has satisfied all terms and conditions of the sentence
5 imposed for the offense and the person has been free of
6 arrest or prosecution for five years following the conviction
7 for that offense. Expungement shall not occur until the
8 certification from the court is received under subsection
9 (b.2) and the director of the repository authorizes the
10 expungement; or

11 (7) a person has been pardoned as provided by law.

12 (b) Generally.--Criminal history record information may be
13 expunged when:

14 * * *

15 [(3) (i) An individual who is the subject of the
16 information petitions the court for the expungement of a
17 summary offense and has been free of arrest or
18 prosecution for five years following the conviction for
19 that offense.]

20 (ii) Expungement under this paragraph shall only be
21 permitted for a conviction of a summary offense.]

22 * * *

23 (b.2) Procedures.--On a monthly basis, the Administrative
24 Office of Pennsylvania Courts and the Board of Pardons shall
25 transmit to the Pennsylvania State Police central repository the
26 record of any charges or other criminal history record
27 information under subsection (a) (1), (3), (4), (5) and (6).

28 * * *

29 Section 2. The amendment or addition of 18 Pa.C.S. §
30 9122(a), (b) (3) and (b.2) shall apply to criminal history record

1 information available on or before the effective date of this
2 section.

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