

## No. 1995-7 (SS1)

## AN ACT

## SB 20

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for juvenile records.

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

Section 1. Section 9123 of Title 18 of the Pennsylvania Consolidated Statutes is amended to read:

§ 9123. Juvenile records.

(a) Expungement of juvenile records.—Notwithstanding the provisions of section 9105 (relating to other criminal justice information) and except upon cause shown, expungement of records of juvenile delinquency cases wherever kept or retained shall occur after ~~[ten days]~~ *30 days'* notice to the district attorney, whenever the court upon its motion or upon the motion of a child or the parents or guardian finds:

(1) a complaint is filed which is not substantiated or the petition which is filed as a result of a complaint is dismissed by the court;

(2) six months have elapsed since the final discharge of the person from supervision under a consent decree and no proceeding seeking adjudication or conviction is pending;

(3) five years have elapsed since the final discharge of the person from commitment, placement, probation or any other disposition and referral and since such final discharge, the person has not been convicted of a felony, misdemeanor or adjudicated delinquent and no proceeding is pending seeking such conviction or adjudication; or

(4) the individual is ~~[21]~~ *18* years of age or older, *the attorney for the Commonwealth consents to the expungement* and a court orders the expungement~~[.]~~ *after giving consideration to the following factors:*

*(i) the type of offense;*

*(ii) the individual's age, history of employment, criminal activity and drug or alcohol problems;*

*(iii) adverse consequences that the individual may suffer if the records are not expunged; and*

*(iv) whether retention of the record is required for purposes of protection of the public safety.*

(b) Notice to prosecuting attorney.—The court shall give notice of the applications for the expungement of juvenile records to the prosecuting attorney.

(c) Dependent children.—All records of children alleged to be or adjudicated dependent may be expunged upon court order after the child is 21 years of age or older.

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

APPROVED—The 15th day of March, A.D. 1995.

THOMAS J. RIDGE