

No. 2008-134

AN ACT

HB 1543

Amending Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes, further providing for expungement of criminal history record.

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

Section 1. Section 9122(b), (b.1) and (c) of Title 18 of the Pennsylvania Consolidated Statutes are amended to read:

§ 9122. Expungement.

* * *

(b) Generally.—Criminal history record information may be expunged when:

(1) **[an] An** individual who is the subject of the information reaches 70 years of age and has been free of arrest or prosecution for ten years following final release from confinement or supervision[; or].

(2) **[an] An** individual who is the subject of the information has been dead for three years.

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

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

(b.1) Prohibition.—A court shall not have the authority to order expungement of the defendant's arrest record where the defendant was placed on Accelerated Rehabilitative Disposition for a violation of any offense set forth in any of the following where the victim is under 18 years of age:

Section 3121 (relating to rape).

Section 3122.1 (relating to statutory sexual assault).

Section 3123 (relating to involuntary deviate sexual intercourse).

Section 3124.1 (relating to sexual assault).

Section 3125 (relating to aggravated indecent assault).

Section 3126 (relating to indecent assault).

Section 3127 (relating to indecent exposure).

Section 5902(b) (relating to prostitution and related offenses).

Section 5903 (relating to obscene and other sexual materials and performances).

(c) Maintenance of certain information required or authorized.—Notwithstanding any other provision of this chapter, the prosecuting attorney and the central repository shall, and the court may, maintain a list of the names and other criminal history record information of

persons whose records are required by law or court rule to be expunged where the individual has successfully completed the conditions of any pretrial or post-trial diversion or probation program *or where the court has ordered expungement under this section*. Such information shall be used solely for the [purpose] *purposes* of determining subsequent eligibility for such programs [and for], identifying persons in criminal investigations[. **Criminal history record information may be expunged as provided in subsection (b)(1) and (2).**] *or determining the grading of subsequent offenses*. Such information shall be made available to any court or law enforcement agency upon request.

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

APPROVED—The 26th day of November, A.D. 2008.

EDWARD G. RENDELL