

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 201 Session of 2019

INTRODUCED BY CRUZ, YOUNGBLOOD, SCHLOSSBERG, JAMES, MILLARD, MURT, READSHAW, T. DAVIS, KORTZ, KINSEY, McNEILL, WARREN, HILL-EVANS, McCLINTON, CIRESI AND NEILSON, JANUARY 28, 2019

REFERRED TO COMMITTEE ON JUDICIARY, JANUARY 28, 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 of Title 18 of the Pennsylvania
 7 Consolidated Statutes is amended by adding a subsection to read:
 8 § 9122. Expungement.

9 * * *

10 (c.1) Mistaken identity.--The following shall apply to an
 11 individual who is the subject of the information and has been
 12 arrested as a result of mistaken identity if no charges have
 13 been filed against the individual:

14 (1) Not later than 90 days after an investigation by a
 15 law enforcement agency finds that an individual was arrested
 16 as a result of mistaken identity and no charges have been
 17 filed, the law enforcement agency whose officers made the
 18 arrest shall petition the court for the expungement of the

1 individual's criminal history record information made as a
2 result of mistaken identity, at no cost to the individual.

3 (2) Not later than 90 days after receiving and reviewing
4 the petition under paragraph (1), the court shall order the
5 expungement of all criminal history record information and
6 all administrative records of the law enforcement agency
7 relating to the individual's arrest as a result of mistaken
8 identity.

9 * * *

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