
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1633 Session of
2021

INTRODUCED BY WHEATLEY, LEWIS DELROSSO, McNEILL, HILL-EVANS,
N. NELSON, DELLOSO, HOWARD, SCHLOSSBERG, HOHENSTEIN,
T. DAVIS, GUENST AND NEILSON, JUNE 15, 2021

REFERRED TO COMMITTEE ON JUDICIARY, JUNE 15, 2021

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in criminal history record
3 information, further providing for clean slate limited
4 access.

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

7 Section 1. Section 9122.2(a)(1) of Title 18 of the
8 Pennsylvania Consolidated Statutes, amended October 29, 2020
9 (P.L.718, No.83), is amended and the section is amended by
10 adding subsections to read:

11 § 9122.2. Clean slate limited access.

12 (a) General rule.--The following shall be subject to limited
13 access:

14 (1) (i) Subject to the exceptions under section 9122.3
15 (relating to exceptions) or if a court has vacated an order
16 for limited access under section 9122.4 (relating to order to
17 vacate order for limited access), criminal history record
18 information pertaining to a conviction of a misdemeanor of

1 the second degree, a misdemeanor of the third degree or a
2 misdemeanor offense punishable by imprisonment of no more
3 than two years if a person:

4 (A) has been free for 10 years from conviction
5 for any offense punishable by imprisonment of one or
6 more years and if payment of all court-ordered
7 restitution has occurred[.]; or

8 (B) is a veteran who suffered from an
9 undiagnosed service-connected mental health disorder
10 or traumatic brain injury at the time of the
11 commission of the crime and who receives a diagnosis
12 of a service-connected mental health disorder or
13 traumatic brain injury after arrest.

14 (ii) Upon payment of all court-ordered restitution,
15 the person whose criminal history record information is
16 subject to limited access under this paragraph shall also
17 pay the fee previously authorized to carry out the
18 limited access and clean slate limited access provisions.

19 * * *

20 (d) Determination of diagnosis.--The following shall apply:

21 (1) The Department of Corrections shall promulgate the
22 following:

23 (i) An application for limiting access to a
24 veteran's criminal record under subsection (a)(1)(ii).

25 (ii) Rules and regulations for accepting and
26 approving an application and verifying a veteran's
27 diagnosis of a service-connected mental health disorder
28 or traumatic brain injury.

29 (2) A veteran seeking to limit access to the veteran's
30 criminal record under subsection (a)(1)(ii) shall apply to

1 the Department of Corrections under paragraph (1), which
2 shall include the veteran's diagnosis of a service-connected
3 mental health disorder or traumatic brain injury along with
4 the diagnosing professional's opinion that the veteran was
5 suffering from a service-connected mental health disorder or
6 traumatic brain injury at the time of the commission of the
7 criminal act.

8 (e) Definitions.--As used in this section, the following
9 words and phrases shall have the meanings given to them in this
10 subsection unless the context clearly indicates otherwise:

11 "Veteran." As defined under 51 Pa.C.S. § 7202 (relating to
12 definitions).

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