

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 689 Session of 2023

INTRODUCED BY HARRIS, DELOZIER, FRANKEL, MADDEN, SCHLOSSBERG, HILL-EVANS, BULLOCK, KINSEY, KENYATTA, T. DAVIS, GUENST, ECKER, SOLOMON, SMITH-WADE-EL, HANBIDGE, ORTITAY, JAMES, McNEILL, TAKAC, M. JONES, HOHENSTEIN, SHUSTERMAN, SANCHEZ, KRAJEWSKI, DEASY, KAIL, BRENNAN, CONKLIN, KIM, SCOTT, HOWARD, SCHEMEL, WEBSTER, McCLINTON, CEPEDA-FREYTIZ, KAZEEM AND BRIGGS, MARCH 24, 2023

SENATOR BAKER, JUDICIARY, IN SENATE, AS AMENDED, SEPTEMBER 19, 2023

AN ACT

1 Amending Title 18 (Crimes and Offenses) of the Pennsylvania
2 Consolidated Statutes, in criminal history record
3 information, further providing for definitions, for general
4 regulations, FOR EXPUNGEMENT, for petition for limited
5 access, for clean slate limited access, for exceptions, for
6 effects of expunged records and records subject to limited
7 access and for employer immunity from liability.

<--

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

10 Section 1. Section 9102 of Title 18 of the Pennsylvania
11 Consolidated Statutes is amended by adding a definition to read:

12 § 9102. Definitions.

13 The following words and phrases when used in this chapter
14 shall have the meanings given to them in this section unless the
15 context clearly indicates otherwise:

16 * * *

17 "Qualifying offense." An offense under section 13 of the act

1 of April 14, 1972 (P.L.233, No.64), known as The Controlled
2 Substance, Drug, Device and Cosmetic Act, or an attempt,
3 conspiracy or solicitation to commit an offense under section 13
4 of The Controlled Substance, Drug, Device and Cosmetic Act,
5 unless a minimum sentence of 30 months or more of imprisonment
6 or a maximum sentence of 60 months or more of imprisonment was
7 imposed on the offense.

8 * * *

9 Section 2. Section ~~9121(b.2)(2)~~ 9121(B)(1) AND (2) AND (B.2) <--
10 (2) of Title 18 ~~is~~ ARE amended to read: <--

11 § 9121. General regulations.

12 * * *

13 (B) DISSEMINATION TO NONCRIMINAL JUSTICE AGENCIES AND <--
14 INDIVIDUALS.--CRIMINAL HISTORY RECORD INFORMATION SHALL BE
15 DISSEMINATED BY [A STATE OR LOCAL POLICE DEPARTMENT] THE
16 PENNSYLVANIA STATE POLICE TO ANY INDIVIDUAL OR NONCRIMINAL
17 JUSTICE AGENCY ONLY UPON REQUEST. OTHER CRIMINAL JUSTICE
18 AGENCIES MAY DISSEMINATE CRIMINAL HISTORY RECORD INFORMATION TO
19 ANY INDIVIDUAL OR NONCRIMINAL JUSTICE AGENCY ONLY AS THEY DEEM
20 NECESSARY TO CARRY OUT THEIR LAW ENFORCEMENT FUNCTIONS AS
21 OTHERWISE ALLOWED BY THIS CHAPTER. THE FOLLOWING APPLY:

22 (1) A FEE MAY BE CHARGED BY [A STATE OR LOCAL POLICE
23 DEPARTMENT] THE PENNSYLVANIA STATE POLICE FOR EACH REQUEST
24 FOR CRIMINAL HISTORY RECORD INFORMATION BY AN INDIVIDUAL OR
25 NONCRIMINAL JUSTICE AGENCY, EXCEPT THAT NO FEE SHALL BE
26 CHARGED TO AN INDIVIDUAL WHO MAKES THE REQUEST IN ORDER TO
27 APPLY TO BECOME A VOLUNTEER WITH AN AFFILIATE OF BIG BROTHERS
28 OF AMERICA OR BIG SISTERS OF AMERICA OR WITH A RAPE CRISIS
29 CENTER OR DOMESTIC VIOLENCE PROGRAM.

30 (2) EXCEPT AS PROVIDED FOR IN SUBSECTIONS (B.1) AND

1 (B.2), BEFORE [A STATE OR LOCAL POLICE DEPARTMENT] THE
2 PENNSYLVANIA STATE POLICE DISSEMINATES CRIMINAL HISTORY
3 RECORD INFORMATION TO AN INDIVIDUAL OR NONCRIMINAL JUSTICE
4 AGENCY, IT SHALL EXTRACT FROM THE RECORD THE FOLLOWING:

5 (I) ALL NOTATIONS OF ARRESTS, INDICTMENTS OR OTHER
6 INFORMATION RELATING TO THE INITIATION OF CRIMINAL
7 PROCEEDINGS WHERE:

8 (A) THREE YEARS HAVE ELAPSED FROM THE DATE OF
9 ARREST;

10 (B) NO DISPOSITION IS INDICATED IN THE RECORD;
11 AND

12 (C) NOTHING IN THE RECORD INDICATES THAT
13 PROCEEDINGS SEEKING CONVICTION REMAIN PENDING.

14 (II) ALL INFORMATION RELATING TO A CONVICTION AND
15 THE ARREST, INDICTMENT OR OTHER INFORMATION LEADING
16 THERETO, WHICH IS THE SUBJECT OF A COURT ORDER FOR
17 LIMITED ACCESS AS PROVIDED IN SECTION 9122.1 (RELATING TO
18 PETITION FOR LIMITED ACCESS).

19 (III) ALL INFORMATION RELATING TO A CONVICTION OR
20 NONCONVICTION FINAL DISPOSITION AND THE ARREST,
21 INDICTMENT OR OTHER INFORMATION LEADING TO THE ARREST OR
22 INDICTMENT WHICH IS SUBJECT TO A COURT ORDER FOR LIMITED
23 ACCESS AS PROVIDED FOR IN SECTION 9122.2 (RELATING TO
24 CLEAN SLATE LIMITED ACCESS).

25 * * *

26 (b.2) Additional exceptions.--

27 * * *

28 (2) Subsection (b)(2) shall not apply:

29 (i) To the verification of information provided by
30 an applicant if Federal law, including rules and

1 regulations promulgated by a self-regulatory organization
2 that has been created under Federal law, requires the
3 consideration of an applicant's criminal history for
4 purposes of employment.

5 (ii) To the verification of information provided to
6 the Supreme Court, or an entity of the Supreme Court, in
7 its capacity to govern the practice, procedure and
8 conduct of all courts, the admission to the bar, the
9 practice of law, the administration of all courts and
10 supervision of all officers of the judicial branch.

11 (iii) To the verification of information provided by
12 a candidate for public office concerning eligibility
13 under section 7 of Article II of the Constitution of
14 Pennsylvania.

15 (iv) To the Department of Human Services for
16 verification of information as required by law.

17 * * *

18 ~~Section 3. Section 9122.1(a) and (b) (1) (i) and (2) (ii) and <--~~
19 ~~(iii) of Title 18 are amended and the section is amended by~~
20 ~~adding subsections to read:~~

21 SECTION 3. SECTIONS 9122(A) AND 9122.1(A) AND (B) (1) (I) AND <--
22 (2) (II) AND (III) OF TITLE 18 ARE AMENDED AND THE SECTIONS ARE
23 AMENDED BY ADDING SUBSECTIONS TO READ:

24 § 9122. EXPUNGEMENT.

25 (A) SPECIFIC PROCEEDINGS.--CRIMINAL HISTORY RECORD
26 INFORMATION IN A SPECIFIC CRIMINAL PROCEEDING SHALL BE EXPUNGED
27 [IN A SPECIFIC CRIMINAL PROCEEDING] WHEN:

28 (1) NO DISPOSITION HAS BEEN RECEIVED OR, UPON REQUEST
29 FOR CRIMINAL HISTORY RECORD INFORMATION, NO DISPOSITION HAS
30 BEEN RECORDED IN THE REPOSITORY WITHIN 18 MONTHS AFTER THE

1 DATE OF ARREST AND THE COURT OF PROPER JURISDICTION CERTIFIES
2 TO THE DIRECTOR OF THE REPOSITORY THAT NO DISPOSITION IS
3 AVAILABLE AND NO ACTION IS PENDING. EXPUNGEMENT SHALL NOT
4 OCCUR UNTIL THE CERTIFICATION FROM THE COURT IS RECEIVED AND
5 THE DIRECTOR OF THE REPOSITORY AUTHORIZES SUCH EXPUNGEMENT;

6 (2) A COURT ORDER REQUIRES THAT SUCH NONCONVICTION DATA
7 BE EXPUNGED;

8 (2.1) A PERSON HAS BEEN GRANTED AN UNCONDITIONAL PARDON
9 FOR AN OFFENSE IN ACCORDANCE WITH LAW;

10 (3) A PERSON 21 YEARS OF AGE OR OLDER WHO HAS BEEN
11 CONVICTED OF A VIOLATION OF SECTION 6308 (RELATING TO
12 PURCHASE, CONSUMPTION, POSSESSION OR TRANSPORTATION OF LIQUOR
13 OR MALT OR BREWED BEVERAGES), WHICH OCCURRED ON OR AFTER THE
14 DAY THE PERSON ATTAINED 18 YEARS OF AGE, PETITIONS THE COURT
15 OF COMMON PLEAS IN THE COUNTY WHERE THE CONVICTION OCCURRED
16 SEEKING EXPUNGEMENT AND THE PERSON HAS SATISFIED ALL TERMS
17 AND CONDITIONS OF THE SENTENCE IMPOSED FOR THE VIOLATION,
18 INCLUDING ANY SUSPENSION OF OPERATING PRIVILEGES IMPOSED
19 PURSUANT TO SECTION 6310.4 (RELATING TO RESTRICTION OF
20 OPERATING PRIVILEGES). UPON REVIEW OF THE PETITION, THE COURT
21 SHALL ORDER THE EXPUNGEMENT OF ALL CRIMINAL HISTORY RECORD
22 INFORMATION AND ALL ADMINISTRATIVE RECORDS OF THE DEPARTMENT
23 OF TRANSPORTATION RELATING TO SAID CONVICTION; OR

24 (4) A JUDICIAL DETERMINATION HAS BEEN MADE THAT A PERSON
25 IS ACQUITTED OF AN OFFENSE, IF THE PERSON HAS BEEN ACQUITTED
26 OF ALL CHARGES BASED ON THE SAME CONDUCT OR ARISING FROM THE
27 SAME CRIMINAL EPISODE FOLLOWING A TRIAL AND A VERDICT OF NOT
28 GUILTY. THIS PARAGRAPH SHALL NOT APPLY TO A PARTIAL
29 ACQUITTAL. A JUDICIAL DETERMINATION UNDER THIS PARAGRAPH MAY
30 ONLY BE MADE AFTER THE FOLLOWING:

1 (I) THE COURT PROVIDES NOTICE IN WRITING TO THE
2 PERSON AND TO THE COMMONWEALTH THAT THE PERSON'S CRIMINAL
3 HISTORY RECORD INFORMATION WILL BE AUTOMATICALLY EXPUNGED
4 PURSUANT TO THIS SECTION.

5 (II) UPON RECEIPT OF THE NOTICE UNDER SUBPARAGRAPH
6 (I), THE COMMONWEALTH SHALL HAVE 60 DAYS TO OBJECT TO THE
7 AUTOMATIC EXPUNGEMENT ON THE BASIS THAT THE PERSON HAS
8 NOT BEEN ACQUITTED OF ALL CHARGES RELATING TO THE SAME
9 CONDUCT, ARISING FROM THE SAME CRIMINAL EPISODE OR
10 OTHERWISE RELATING TO A PARTIAL ACQUITTAL.

11 (III) UPON THE FILING OF AN OBJECTION, THE COURT
12 SHALL CONDUCT A HEARING TO DETERMINE WHETHER EXPUNGEMENT
13 OF THE ACQUITTAL RELATES TO THE SAME CONDUCT, ARISES FROM
14 THE SAME CRIMINAL EPISODE OR OTHERWISE RELATES TO A
15 PARTIAL ACQUITTAL. THE HEARING MAY BE WAIVED BY AGREEMENT
16 OF BOTH PARTIES AND THE COURT.

17 (IV) FOLLOWING THE HEARING, OR IF NO OBJECTION HAS
18 BEEN FILED OR THE HEARING HAS BEEN WAIVED, THE COURT
19 SHALL ORDER THAT THE PERSON'S CRIMINAL HISTORY RECORD
20 INFORMATION BE AUTOMATICALLY EXPUNGED UNLESS THE COURT
21 DETERMINES THE EXPUNGEMENT RELATES TO THE SAME CONDUCT,
22 ARISES FROM THE SAME CRIMINAL EPISODE OR OTHERWISE
23 RELATES TO A PARTIAL ACQUITTAL. EXPUNGEMENT SHALL OCCUR
24 NO LATER THAN 12 MONTHS FROM THE DATE OF ACQUITTAL.

25 (A.1) AUTOMATIC EXPUNGEMENT PURSUANT TO PARDON.--

26 (1) ON A QUARTERLY BASIS, THE BOARD OF PARDONS SHALL
27 TRANSMIT A NOTICE OF THE RECORD OF ANY CONVICTION ELIGIBLE
28 FOR EXPUNGEMENT UNDER SUBSECTION (A) (2.1) TO THE
29 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS.

30 (2) ON A QUARTERLY BASIS, UPON RECEIPT OF THE NOTICE

1 UNDER PARAGRAPH (1), THE ADMINISTRATIVE OFFICE OF
2 PENNSYLVANIA COURTS SHALL TRANSMIT THE RECORD OF ANY
3 CONVICTION ELIGIBLE FOR EXPUNGEMENT UNDER SUBSECTION (A) (2.1)
4 TO THE COURT OF COMMON PLEAS IN THE JURISDICTION WHERE THE
5 CONVICTION OCCURRED.

6 (3) UPON RECEIPT OF THE NOTICE UNDER PARAGRAPH (2) AND
7 CONFIRMATION THAT THE CRITERIA UNDER SUBSECTION (A) (2.1) HAS
8 BEEN MET, THE COURT SHALL ORDER THAT THE PERSON'S CRIMINAL
9 HISTORY RECORD INFORMATION BE EXPUNGED AND FORWARD NOTICE TO
10 THE CENTRAL REPOSITORY IN ACCORDANCE WITH SUBSECTION (D). THE
11 BOARD OF PARDONS SHALL PROVIDE PARDON INFORMATION TO THE
12 ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS IN A FORMAT
13 SPECIFIED BY THE ADMINISTRATIVE OFFICE OF PENNSYLVANIA COURTS
14 AS NECESSARY FOR PROPER IDENTIFICATION OF THE CASE FOR WHICH
15 A PARDON HAS BEEN GRANTED.

16 * * *

17 § 9122.1. Petition for limited access.

18 (a) General rule.--Subject to the exceptions in subsection

19 (b) and notwithstanding any other provision of this chapter,

20 upon petition of a person who has been free from conviction for

21 a period of [10] seven years for an offense punishable by one or

22 more years in prison and has completed payment of all court-

23 ordered restitution and the fee previously authorized to carry

24 out the limited access and clean slate limited access

25 provisions, the court of common pleas in the jurisdiction where

26 a conviction occurred may enter an order that criminal history

27 record information maintained by a criminal justice agency

28 pertaining to a qualifying misdemeanor or an ungraded offense

29 which carries a maximum penalty of no more than five years be

30 disseminated only to a criminal justice agency or as provided in

1 section 9121(b.1) and (b.2) (relating to general regulations). A
2 court may not enter an order under this subsection unless the
3 person who filed the petition, upon payment of all court-ordered
4 restitution, also paid the fee previously authorized to carry
5 out the limited access and clean slate limited access
6 provisions.

7 (a.1) Additional criteria.--Upon petition of a person who
8 has been free from conviction for a period of 10 years for an
9 offense punishable by one or more years in prison and has
10 completed payment of all court-ordered restitution and the fee
11 previously authorized to carry out the limited access and clean
12 slate limited access provisions, the court of common pleas in
13 the jurisdiction where a conviction occurred may enter an order
14 that criminal history record information maintained by a
15 criminal justice agency pertaining to a qualifying felony under
16 this section be disseminated only to a criminal justice agency
17 or as provided in section 9121(b.1) and (b.2). A court may not
18 enter an order under this subsection unless the person who filed
19 the petition, upon payment of all court-ordered restitution,
20 also paid the fee previously authorized to carry out the limited
21 access and clean slate limited access provisions. As used in
22 this subsection, a qualifying felony is any of the following or
23 an attempt, conspiracy or solicitation to commit any of the
24 following, excluding felonies of the first and second degrees:

25 (1) An offense under section 3304 (relating to criminal
26 mischief).

27 (2) An offense under section 3503 (relating to criminal
28 trespass).

29 (3) An offense under Chapter 39 (relating to theft and
30 related offenses).

1 (4) An offense under Chapter 41 (relating to forgery and
2 fraudulent practices).

3 (5) An offense under section 481 of the act of June 13,
4 1967 (P.L.31, No.21), known as the Human Services Code.

5 (6) A qualifying offense.

6 (b) Exceptions.--An order for limited access under this
7 section shall not be granted for any of the following:

8 (1) A conviction for an offense punishable by more than
9 two years in prison which is any of the following or an
10 attempt, conspiracy or solicitation to commit any of the
11 following:

12 (i) An offense under Article B of Part II (relating
13 to offenses involving danger to the person). This
14 paragraph shall not apply to a misdemeanor offense under
15 section 2706 (relating to terroristic threats).

16 * * *

17 (2) An individual who meets any of the following:

18 * * *

19 (ii) Has been convicted within the previous [20] 15
20 years of:

21 (A) a felony or an offense punishable by
22 imprisonment of seven or more years involving:

- 23 (I) an offense under Article B of Part II;
24 (II) an offense under Article D of Part II;
25 (III) an offense under Chapter 61; or
26 (IV) an offense specified in 42 Pa.C.S. §§

27 9799.14 and 9799.55; [or]

28 (B) four or more offenses punishable by
29 imprisonment of two or more years[.]; or

30 (C) any of the following offenses:

1 (I) An offense under section 3127 (relating
2 to indecent exposure).

3 (II) An offense under section 3129 (relating
4 to sexual intercourse with animal).

5 (III) An offense under section 4915.1
6 (relating to failure to comply with registration
7 requirements) or 4915.2 (relating to failure to
8 comply with 42 Pa.C.S. Ch. 97 Subch. I
9 registration requirements).

10 (IV) An offense under section 5122 (relating
11 to weapons or implements for escape).

12 (V) An offense under section 5510 (relating
13 to abuse of corpse).

14 (VI) An offense under section 5515 (relating
15 to prohibiting of paramilitary training).

16 (iii) [Has, within the previous 15 years, been
17 convicted of:

18 (A) two or more offenses punishable by more than
19 two years in prison; or

20 (B) any of the following:

21 (I) An offense under section 3127 (relating
22 to indecent exposure).

23 (II) An offense under section 3129 (relating
24 to sexual intercourse with animal).

25 (III) An offense under section 4915.1
26 (relating to failure to comply with registration
27 requirements) or 4915.2 (relating to failure to
28 comply with 42 Pa.C.S. Ch. 97 Subch. I
29 registration requirements).

30 (IV) An offense under section 5122 (relating

1 to weapons or implements for escape).

2 (V) An offense under section 5510 (relating
3 to abuse of corpse).

4 (VI) An offense under section 5515 (relating
5 to prohibiting of paramilitary training).] Has,
6 within the previous 10 years, been convicted of
7 two or more offenses punishable by more than two
8 years in prison.

9 (b.1) Consolidation.--For the purpose of this section, the
10 conviction of two or more offenses charged in separate counts
11 that are consolidated under one docket number and share the same
12 offense tracking number shall be deemed to be one conviction.

13 * * *

14 Section 4. ~~Section 9122.2(a)(1) and (3)~~ 9122.2(A)(1), (3) <--
15 AND (4) of Title 18 are amended and the subsection is amended by
16 adding a paragraph to read:

17 § 9122.2. Clean slate limited access.

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

20 (1) Subject to the exceptions under section 9122.3
21 (relating to exceptions) or if a court has vacated an order
22 for limited access under section 9122.4 (relating to order to
23 vacate order for limited access), criminal history record
24 information pertaining to a conviction of a misdemeanor of
25 the second degree, a misdemeanor of the third degree or a
26 misdemeanor offense punishable by imprisonment of no more
27 than two years if a person has been free for [10] seven years
28 from conviction for any offense punishable by imprisonment of
29 one or more years and if payment of all court-ordered
30 restitution has occurred. Upon payment of all court-ordered

1 restitution, the person whose criminal history record
2 information is subject to limited access under this paragraph
3 shall also pay the fee previously authorized to carry out the
4 limited access and clean slate limited access provisions.

5 (1.1) Subject to the exceptions under section 9122.3 or
6 if a court has vacated an order for limited access under
7 section 9122.4, criminal history record information
8 pertaining to a conviction of a qualifying offense if a
9 person has been free for 10 years from conviction for any
10 offense punishable by imprisonment of one or more years and
11 if payment of all court-ordered restitution has occurred.
12 Upon payment of all court-ordered restitution, the person
13 whose criminal history record information is subject to
14 limited access under this paragraph shall also pay the fee
15 previously authorized to carry out the limited access and
16 clean slate limited access provisions.

17 * * *

18 (3) Criminal history record information pertaining to a
19 conviction for a summary offense when [10] five years have
20 elapsed since entry of the judgment of conviction and payment
21 of all court-ordered restitution has occurred. Upon payment
22 of all court-ordered restitution, the person whose criminal
23 history record information is subject to limited access under
24 this paragraph shall also pay the fee previously authorized
25 to carry out the limited access and clean slate limited
26 access provisions.

27 * * *

28 (4) CRIMINAL HISTORY RECORD INFORMATION PERTAINING TO A
29 CONVICTION FOR WHICH A CONDITIONAL PARDON WAS GRANTED.

30 * * *

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1 Section 5. Section 9122.3(a)(2)(i), (b) and (c) of Title 18
2 are amended and the section is amended by adding a subsection to
3 read:

4 § 9122.3. Exceptions.

5 (a) Limited access not applicable.--Limited access to
6 records under section 9122.2(a)(1) (relating to clean slate
7 limited access) shall not be granted for any of the following:

8 * * *

9 (2) An individual who at any time has been convicted of:

10 (i) A felony, excluding a qualifying offense.

11 * * *

12 (a.1) Consolidation.--For the purpose of this section, the
13 conviction of two or more offenses that are charged in separate
14 counts, are consolidated under one docket number and share the
15 same offense tracking number shall be deemed to be one
16 conviction, except that the docket may not be deemed one
17 conviction if it contains more than two felony convictions.

18 (b) Limited access to same case.--Limited access under this
19 section shall not apply to an otherwise qualifying conviction if
20 a conviction for an offense punishable by imprisonment of five
21 or more years or an offense enumerated in subsection (a) arose
22 out of the same case. This subsection shall not apply to a
23 qualifying offense.

24 (c) Filing.--Nothing in this section shall preclude the
25 filing of a petition for limited access under section 9122.1
26 (relating to petition for limited access) if limited access is
27 available under [that] this section. An offense eligible for
28 clean slate limited access under this section shall also be
29 eligible for petition for limited access under section 9122.1.

30 Section 6. Section 9122.5 of Title 18 is amended by adding

1 subsections to read:

2 § 9122.5. Effects of expunged records and records subject to
3 limited access.

4 * * *

5 (a.1) Use of information.--Except if required by Federal
6 law, criminal history record information that has been expunged
7 or provided limited access may not be used by any individual or
8 noncriminal justice agency for employment, housing or school
9 matriculation purposes.

10 * * *

11 (c.1) Use for eligibility for public office.--
12 Notwithstanding any other provision of this chapter, a record
13 subject to limited access under section 9122.1 or 9122.2 shall
14 remain a part of the individual's criminal history record
15 information and shall be self-disclosed for any relevant purpose
16 required by section 7 of Article II of the Constitution of
17 Pennsylvania.

18 * * *

19 Section 7. Section 9122.6 of Title 18 is amended to read:

20 § 9122.6. Employer immunity from liability.

21 (a) General rule.--An employer who employs or otherwise
22 engages an individual whose criminal history record has been
23 expunged or to which limited access has been applied under
24 section 9122.1 (relating to petition for limited access) or
25 9122.2 (relating to clean slate limited access) shall be immune
26 from liability for any claim arising out of the misconduct of
27 the individual, if the misconduct relates to the portion of the
28 criminal history record that has been expunged or provided
29 limited access.

30 (b) Voluntary disclosure.--An employer to whom an individual

1 voluntarily discloses the individual's criminal history record
2 information shall be immune from liability for any claim arising
3 under section 9122.5(a.1) (relating to effects of expunged
4 records and records subject to limited access) related to the
5 employer's otherwise lawful use or consideration of the criminal
6 history record information in connection with any employment
7 decision.

8 Section 8. This act shall take effect as follows:

9 (1) The amendment or addition of 18 Pa.C.S. §§ ~~9122.2(a) <--~~
10 ~~(1), (1.1) and (3) and 9122.3(a)(2)(i), (a.1), (b) and (c) <--~~
11 ~~shall take effect in 180 days.~~ 9122(A) AND (A.1), 9122.2(A) <--
12 (1), (1.1) AND (3) AND 9122.3(A)(2)(I), (A.1), (B) AND (C)
13 SHALL TAKE EFFECT IN 180 DAYS.

14 (2) This section shall take effect immediately.

15 (3) The remainder of this act shall take effect in 60
16 days.