

18 Pa. C.S.A. § 9122. Expungement

(a) Specific Proceedings – Criminal history record information shall be expunged in a specific criminal proceeding when:

(1) no disposition has been received or, upon request for criminal history record information, no disposition has been recorded in the repository within 18 months after the date of arrest and the court of proper jurisdiction certifies to the director of the repository that no disposition is available and no action is pending. Expungement shall not occur until the certification from the court is received and the director of the repository authorizes such expungement.

(2) a court order requires that such nonconviction data be expunged; or

(3) a person 21 years of age or older who has been convicted of a violation of section 6308 (relating to purchase, consumption, possession or transportation of liquor or malt or brewed beverages) petitions the court of common pleas in the county where the conviction occurred seeking expungement and the person has satisfied all terms and conditions of the sentence imposed for the violation, including any suspension of operating privileges, imposed pursuant to section 6310.4 (relating to restriction of operating privileges). Upon review of the petition, the court shall order the expungement of all criminal history record information and all administrative records of the Department of Transportation relating to said conviction.

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

(1) 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.

(2) 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 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.

8. The date on the complaint or citation or the date of arrest, and if available, the criminal justice agency that made the arrest: _____

9. The specific charges as they appear on the charging document to be expunged:

10. The date of disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid: _____

11. The reason(s) for expungement (means, for example, acquittal, arrest or prosecution free for five years following the conviction for the summary offense, or age):

12. Attached is a copy of the official docket transcript (if available), a certification that all fines and costs have been paid in full and a copy of a criminal record search conducted by the Pennsylvania State Police.

13. I verify that the statements made in the within Petition are true and correct. I understand that false statements herein are made subject to the penalties of 18 Pa. C.S.A. §4904, relating to unsworn falsification to authorities.

WHEREFORE, the Petitioner respectfully requests that the Honorable Court expunge the summary offense(s) from my criminal record.

Respectfully submitted:

Signature of Petitioner

**COURT OF COMMON PLEAS OF CLINTON COUNTY, PENNSYLVANIA
CRIMINAL – MISCELLANEOUS**

COMMONWEALTH OF PENNSYLVANIA)	NO. _____
)	OTN _____
Vs.)	
)	
_____)	

**ORDER
RE: EXPUNGEMENT OF SUMMARY OFFENSE(S)**

AND NOW, this _____ day of _____, 20____, upon consideration of the within Petition to Expunge Summary Offense(s) and the accompanying court file and upon motion of _____, for Defendant, with no objection from the Clinton County District Attorney, and with the certification of the Magisterial District Judge, IT IS HEREBY ORDERED as follows:

1. The Petitioner's name is _____
2. Petitioner has used the following aliases: _____
3. Petitioner's address is _____

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4. Petitioner's date of birth is _____
 5. The last four digits of Petitioner's social security number are _____
 6. The name and address of the issuing authority who accepted the guilty plea or heard the case: _____
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7. Name and mailing address of the affiant as shown on the complaint or citation, if available: _____

8. Magisterial District Court Number: _____

9. Docket Number: _____

10. Date on the citation or complaint, or the date of arrest, and, if available, the criminal justice agency that made the arrest: _____

11. The specific charges, as they appear on the charging document, to be expunged: _____

12. The disposition and, if the sentence includes a fine, costs, or restitution, whether the amount due has been paid: _____

13. The reason for expungement: _____

14. The summary offense(s) are expunged from the Defendant's criminal record.

15. All criminal history record information, including fingerprint records but excluding those public records listed in Section 9104(a)(b) of the Criminal History Record Information Act of 1979 as amended 1982, and those records required to be maintained by the prosecuting attorney and central repository under 18 Pa. C.S.A. §9122(c) are hereby ordered to be expunged:

16. (Where applicable) The City Manager of the City of Lock Haven or other appropriate municipal official is hereby directed to destroy all the records in the files of the appropriate Municipal Police Department pertaining to the arrest of Defendant for an incident alleged to have occurred on _____, 20__, including fingerprint information except for those items listed in 18 Pa. C.S.A. §9104(a).

17. The Commissioner of the Pennsylvania State Police is directed to destroy all the records in the files of the Pennsylvania State Police pertaining to the arrest of Defendant held by the Federal Bureau of Investigation or any other police agency to which said records have been forwarded, except those records required to be maintained under 18 Pa. C.S.A. §9122(c), and those excluded by 18 Pa. C.S.A. §9104(a), upon receipt of which he will destroy the same.

18. The appropriate Magisterial District Judge, Pennsylvania State Police, Lock Haven City Police or other appropriate Municipal Police Department and the Clerk of Courts are ordered to file an Affidavit within thirty (30) days that such records have been expunged or destroyed, together with the Expungement Order and to retain no copies thereof.

19. The Clerk of Courts is ordered to seal the Affidavit together with the original and all copies of this Order and the original court records and shall not permit any person or agency to examine such sealed documents.

20. The Clerk of Courts is ordered to notify the Central Repository (as defined by 18 Pa. C.S.A. §9102), the Pennsylvania State Police, the Lock Haven City Police or other appropriate Municipal Police Department, the appropriate Magisterial District Judge Office,

and the District Attorney, that Defendant's record was expunged pursuant to 18 Pa. C.S.A. §9122(a) or (b), relating to expungement in specific proceedings.

BY THE COURT:

J.

xc: Arresting Agency
Central Repository
Pennsylvania State Police, Records and Identification Division
Magisterial District Judge
Clerk of Courts
District Attorney
Pennsylvania Department of Transportation (if applicable)
Defendant's counsel
Defendant
Administrative Office of Pennsylvania Courts