

Record Clearing in PA:

Impacts on Housing & Employment

Community Legal Services

2020



AGENDA

- Overview of Record Clearing in PA
 - Expungements
 - Sealing
 - Pardons
- Impacts on Employment
- Impacts on Housing



Conviction Types

- **Summary (“S”):**
Lowest-level offenses, such as low-level “Retail Theft”, “Disorderly Conduct”, “Harassment”
- **Misdemeanor (“M”, “M1”, “M2”, “M3”):**
Mid-tier offenses, such as drug “Possession”, “DUI”, “Simple Assault”
- **Felony (“F”, “F1”, “F2”, “F3”):**
Most serious offenses, such as “Burglary”, drug “Possession with Intent”, “Aggravated Assault”



30,000 ft view: Record Clearing in PA

Type	Difficulty	Access	Arrests	Convictions
<u>Expungement</u>	Easy	Destroyed	X	Very limited
<u>Clean Slate Automatic</u> (goes into effect on June 28, 2019, but AOPC and PSP have until June 2020 to address backlog)	No work!	Law enfcmnt access	X	S, M3, M2 Must have minor record Nothing Violent or Sexual
<u>Clean Slate by Petition</u> (went into effect Dec. 26 2018)	Easy	Law enfcmnt access		S, M3, M2, M1 Must have somewhat minor record Violent/Sexual must be M2 or M3
<u>Pardon</u>	Somewhat difficult, very long	Destroyed		All convictions, including Fs

Expungement

- Expungement is possible for:
 - Non-convictions (dismissed, withdrawn, nolle prossed, not guilty)
 - Completed diversion programs
 - Summary convictions with a 5-year arrest-free period.
 - Convictions for those 70+ with a 10-year arrest-free period
 - Many juvenile cases
- Partial expungement is possible in a case where some information can be expunged and some cannot.
- **Automated sealing** will remove most of these cases from public view (without the need to file a petition).



Sealing: Clean Slate Law

- ***Automatically seals***
 - Many non-violent misdemeanor convictions after 10 conviction-free years (M2, M3, M)
 - Summary convictions after 10 years.
 - Non-convictions shortly after disposition.
- ***Expands petition-based sealing*** to many first degree misdemeanors and to second degree simple assault. (M1)
- For both automated and petition-based sealing, court-ordered financial obligations must be paid!



Petition-Based Sealing: Rules

- **M1 Exclusions: convictions that CANNOT be sealed**
 - Art. B offenses (crimes of violence)(i.e., terroristic threats, stalking)(not too many M1s in Art B)
 - Art. D offenses (crimes against family)(i.e., endangering welfare of children)
 - Firearms offenses
 - Tiered sexual offenses or required to register as sex offender
 - Corruption of minors
 - Attempts, conspiracy, or solicitation to commit any of above



Fines & Costs

- Court ordered financial obligations must be paid to benefit from Clean Slate.
- If supervision fees (OSP) are owed, these may be waived.
- Otherwise, individual must pay or enter a payment plan.
- If in collections, may be able to ask court to take case back.



Sealed Records

- When a record is “sealed”, most people can’t see it!
 - The general public
 - Landlords
 - Schools
 - Licensing Boards
 - Most employers
- Important exceptions:
 - FBI records
 - Law enforcement (police, prosecutors, criminal courts)
 - Gun ownership applications
 - Immigration and international travel
 - Admission to the bar



Pardons

- For people with lengthy or more serious records, the pardon process will be their only option.
- Hard, long process. Hard to get. But may be getting easier in the future.
- Board of Pardons website is a great resource for information about the application process.



Clean Slate: 1 Year

- 35 million+ records sealed
- 1 million+ Pennsylvanians have benefitted
- All non-convictions (fines & costs \$0) sealed
- All convictions currently eligible sealed



Impacts: Employment

- **Most** employers cannot see a sealed record
 - Exception: Jobs requiring FBI background check
 - Schools, Police departments, Jobs requiring contact with children or older adults, Banks, Airports and Seaports, Casinos, Insurance, HAZMAT-endorsed commercial drivers license
 - Fix in progress
- Job applicants should not be asked to disclose sealed cases
- Most employers are not allowed to make hiring decisions based on sealed records
- Sealed cases can't be considered by occupational licensing boards



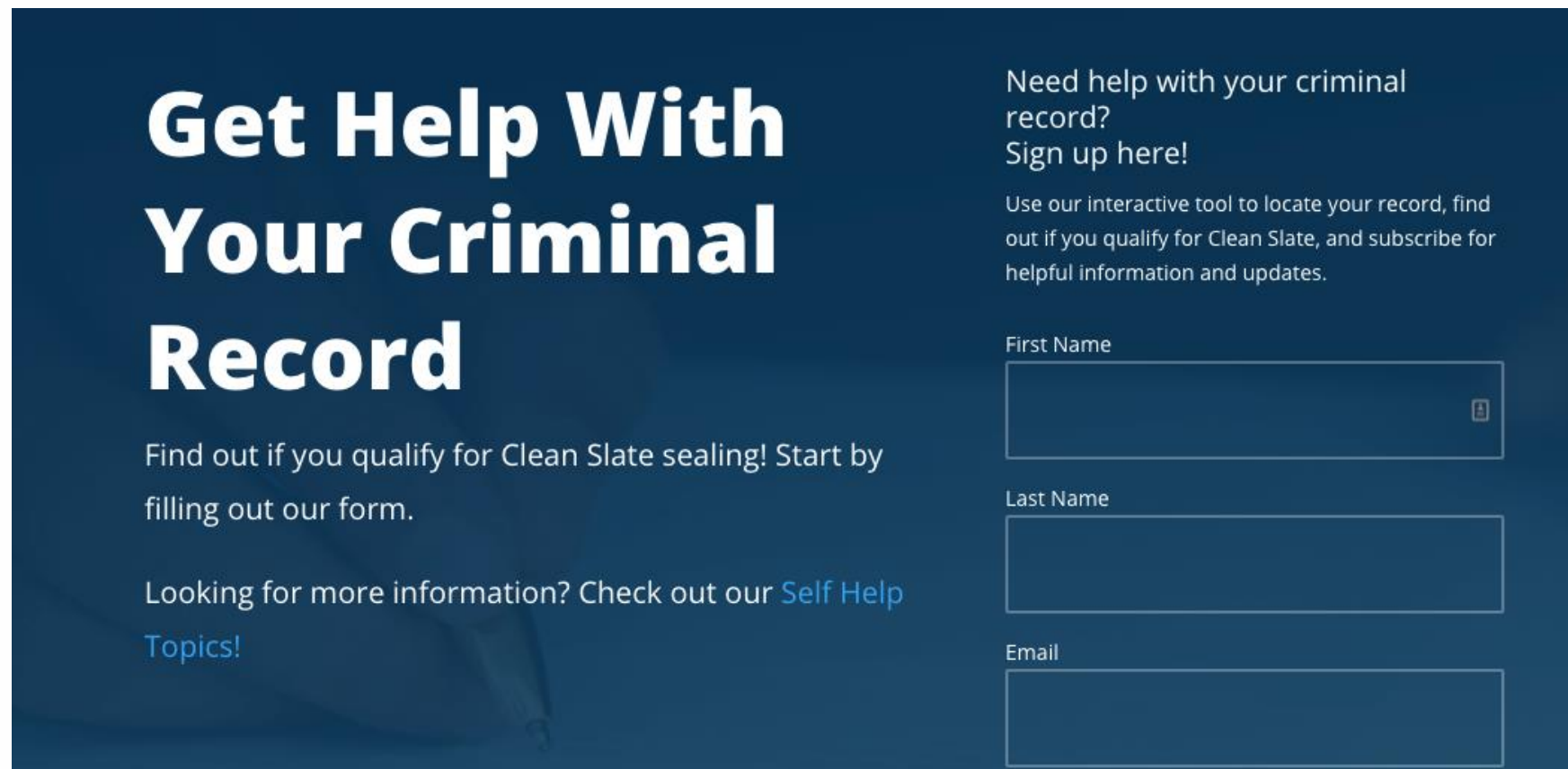
Impacts: Housing

- Individuals whose records have been expunged or sealed do not need to disclose them on a rental application unless required by federal law to do so.
- There is no explicit prohibition on landlords utilizing sealed records (unlike for employers), however in practice most landlords will not be able to see sealed records.
- Most housing providers use commercial tenant screening companies, and these records should NOT report sealed cases.
- Only if a housing provider was authorized to do an FBI check might they be able to access sealed records.



MyCleanSlatePA.com

- Individuals can visit MyCleanSlatePA.com to check eligibility for Clean Slate



Get Help With Your Criminal Record

Find out if you qualify for Clean Slate sealing! Start by filling out our form.

Looking for more information? Check out our [Self Help Topics!](#)

Need help with your criminal record?
Sign up here!

Use our interactive tool to locate your record, find out if you qualify for Clean Slate, and subscribe for helpful information and updates.

First Name

Last Name

Email



Questions?



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