



FRANKLIN TOGETHER

CRIMINAL HISTORY



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TOGETHER**

- ▶ **Expungements**
- ▶ **Petition Based Sealing**
- ▶ **Clean Slate - Automations**

EXPUNGEMENTS

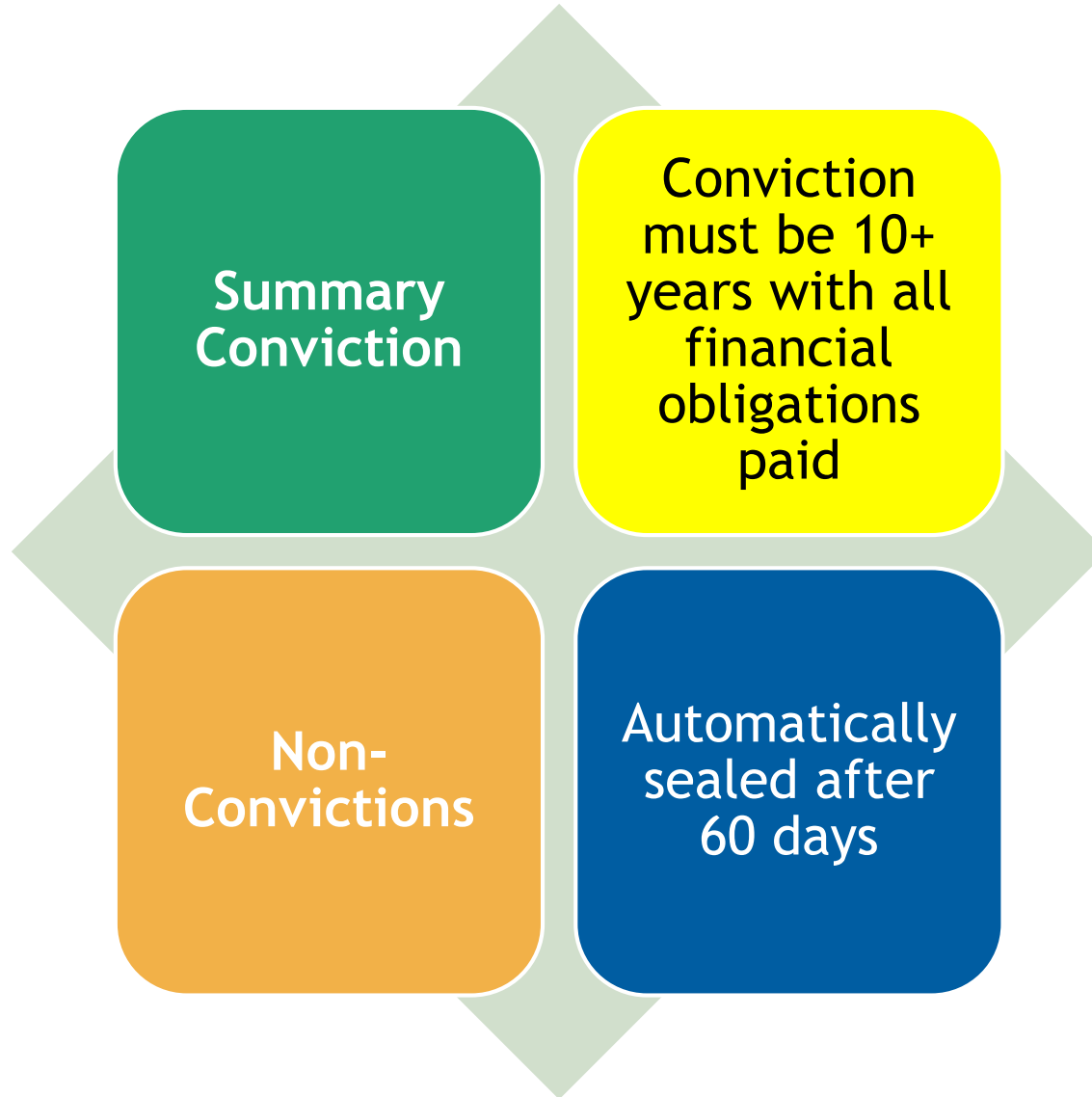
The background features abstract, overlapping geometric shapes in various shades of green, ranging from light lime to dark forest green. These shapes are primarily located on the right side of the frame, creating a modern, layered effect. The rest of the background is plain white.

Criminal History

Expungement Laws

- **Expungement is the only mechanism to permanently and completely remove criminal history record information**
- **If a court orders your record to be Expunged, it must be “Physically Destroyed”**
- **In most cases, it is as if the incident never happened.**
- **Exceptions: The prosecuting attorney and the Pennsylvania State Police Central Repository must retain copies.**

What can be Expunged ?



Criminal History

Expungement Laws

- ▶ **Case dispositions have not been received or recorded within 18 months of arrest, and the court certifies that a disposition is not available, or an action is not pending**
- ▶ **DUI's - A Petition is filed, and the Court directs that non-conviction data be expunged**

Expungement eligible offenses

- ▶ Summary Offenses - No other convictions for 5 Years.
- ▶ All Cases resolved through an ARD program -
Sexual offenses involving minors excluded.
- ▶ Underage purchase, consumption, or possession of alcohol - Must be 21 years or older
- ▶ If you are 70 years old or older - No convictions for 10 years

ACT 5

“ACT 5”

Petition Based Criminal History Sealing

- ▶ In effect as of December 26, 2018
- ▶ Convictions with grades of M2, M3, M – if all financial obligations are paid
- ▶ Time Since Conviction: 10-year period after conviction without another Misdemeanor or Felony conviction

Excluded Convictions

(Misdemeanors that cannot be sealed)

- Misdemeanor “crimes of violence”
- Misdemeanor (crimes against the family)
- M1 Involving Firearms
- M1 Sexual offenses requiring registration/tiered sexual offense
- M1 Corruption of minors (When of a Sexual Nature)
- Attempt, conspiracy, solicitation to commit any of the above

Disqualifying Convictions

▶ **Ever convicted of:**

- Murder
- F1 (Felony of the 1st Degree)
- Offense punishable by more than 20 years

▶ **Within last 20 years, convicted of:**

- Felony involving any of:
 - Crimes of Violence
 - Crimes against the Family (Domestic Violence)
 - Firearms
 - Sexual offense/tier system
- Four or more M2s or higher

Disqualifying Convictions

▶ **Within last 15 years, convicted of:**

- 2 or more M1s or higher
- Indecent exposure
- Sexual intercourse w/ animal
- Failure to comply w/ registration requirements
- Weapons/implements or escape
- Abuse of corpse
- Prohibiting paramilitary training

CLEAN SLATE

“Automated”

CLEAN SLATE - Automated effective June 28, 2019

- ▶ **Goal is to be caught up by June 27, 2020**
- ▶ **Administrative Office of Pennsylvania Courts will be processing more than 2 million records per month over the next year.**
- ▶ **Forty million — that's the number of criminal charges in Pennsylvania that are eligible for automatic record sealing starting June 28, 2019 under the state's Clean Slate law.**

CLEAN SLATE - Automated

- ▶ **Convictions with grades of M2, M3, M
(If all financial obligations are paid)**
- ▶ **10-year period after conviction without
another Misdemeanor or Felony
conviction.**

CLEAN SLATE - Excluded Offenses

- **Misdemeanor crimes of violence**
- **Misdemeanor crimes against the family (Child Abuse, Domestic Violence, Terroristic Threats)**
- **Offenses dealing with Firearms**
- **Sexual offense requiring registration/tiered sexual offense**
- **Cruelty to animals & corruption of minors**
- **Attempt, conspiracy, solicitation to commit any of the above**
- **Any conviction which arose from the same case as:
Conviction of M1 or higher or any conviction for the offenses above.**

CLEAN SLATE - Disqualifying Offenses

These convictions disqualify a person from automated sealing of otherwise eligible misdemeanor.

- Any Felony
- 2 or more M1s
- 4 or more Misdemeanors of any kind
- Indecent exposure, sexual intercourse w/ animal, failure to comply w/ registration requirements, weapons/implements to escape, abuse of a corpse, prohibiting paramilitary training

Selected offenses NOT ELIGIBLE for Clean Slate, but ARE ELIGIBLE for Act 5

- ▶ **Simple assaults graded as second and third degree Misdemeanors**
- ▶ **Reckless endangerment**
- ▶ **Harassment**
- ▶ **Criminal coercion**
- ▶ **Sale or transfer of firearms graded as second degree misdemeanors**
- ▶ **Corruption of minors graded as Summary offenses**
- ▶ **Carrying loaded weapons other than firearms**
- ▶ **Sale or transfer of firearms**

Other Types of Criminal History shielding

- ▶ Juvenile Criminal History
- ▶ Pardons Board