



Get Ready, Get Set: Pennsylvania Prepares for Clean Slate Implementation



In 2018, Governor Tom Wolf of Pennsylvania signed the Clean Slate Act (*pictured above*). With its signing, Pennsylvania became the first state in the nation to enact automated sealing of criminal records by technology. Come June 28, 2019, automated sealing will be implemented for the first time anywhere. Ultimately, hundreds of thousands of Pennsylvanians will face brighter futures as a result.

At present, Community Legal Services (CLS) and its many partners are working to ensure the fullest possible implementation of the law. This paper discusses the progress that has been made toward implementing Clean Slate in Pennsylvania.



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About Community Legal Services and Its Supporters

Community Legal Services, Inc. (CLS) has represented over one million low income Philadelphians since its inception in 1966. CLS strives to maximize its effectiveness by raising the lessons learned from representing around 12,000 individuals per year into impact strategies that help hundreds of thousands more, through legislative and policy advocacy, impact litigation, and communications.

With the Center for American Progress (CAP), CLS conceived of and proposed the automated sealing of criminal records in [One Strike and You're Out: How We Can Eliminate Barriers to Economic Security and Mobility for People with Criminal Records](#) (Center for American Progress December 2014). CLS and CAP, with dozens of partners and supporters, shaped and advocated for the bill that became the Pennsylvania Clean Slate Act, the first automated sealing law in the nation. CLS now leads advocacy efforts to foster the best and fullest possible implementation of this law.

CLS gratefully acknowledges the generous support of its Clean Slate implementation work by the Chan Zuckerberg Initiative and the Alliance for Safety and Justice. We also thank our many funders who support CLS's impact work, including the Oak Foundation and the Independence Foundation.



Get Ready, Get Set: Pennsylvania Prepares for Clean Slate Implementation

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Index

Executive Summary	4
Progress toward Automation Implementation	5
Progress in Public Awareness	6
Addressing Issues for Full Implementation	7
• Missing data	
• Resolving court fines and costs	
• Seeking sealing in FBI reports	
• Other issues	
Resources on Pennsylvania Clean Slate	10
Conclusion	11
Appendix: Selected Press about Pennsylvania's Clean Slate Implementation	
Selected Resources about Clean Slate - Attached	

Overview

On June 28, 2018, Governor Tom Wolf of Pennsylvania signed Act 56 of 2018, more commonly known as the Clean Slate Act. With its signing, Pennsylvania became the first state in the nation to enact automated sealing of criminal records by technology.

Instead of expunging or sealing cases one by one with the filing, adjudication, and processing of petitions, millions of cases will be sealed by algorithms. Automated sealing will permit Pennsylvania to close the large “second chance gap” between those eligible for expungement or sealing and those who actually benefit, by allowing cases to be sealed in a volume not possible in the absence of technology.

The Clean Slate Act provides that automated sealing will begin on June 28, 2019. Sealing of the inventory of millions of eligible cases will be completed by June 27, 2020. **With fewer than four months until June 28th, the Administrative Office of Pennsylvania Courts (“the Courts”) and the Pennsylvania State Police (“the State Police”) are on target for successful implementation of automated sealing by the onset date.**

Meanwhile, Phase 1 of the Clean Slate Act, which expanded eligibility for sealing in Pennsylvania to most misdemeanor convictions, started on December 26, 2018. Phase 1 implementation marked the kick-off for public awareness of the Clean Slate Act around the state, featuring the following.

- The creation of the **Clean Slate Screening Project**, through which hundreds of volunteer lawyers are screening records and providing advice to the more than 7,500 Pennsylvanians who have signed up for assistance.
- The establishment of **MyCleanSlatePA.com** as a statewide resource.
- A **press conference by Governor Wolf** that generated statewide press about Clean Slate.

At present, Community Legal Services (CLS) and its many partners are working to ensure the best and fullest possible implementation of the law. The issues that we are working on include the following.

- **Insertion of missing data, such as grading information, into the Courts’ database.**
- **Resolution of court fines and costs** that prevent sealing of convictions.

- Extending the implementation of Pennsylvania’s sealed cases to **FBI background checks**.

Finally, CLS has published numerous resources explaining the Clean Slate Act, leading to better understanding of the law among lawyers, court personnel, policy makers, and the public.

Progress toward Automation Implementation

The automation process devised by the Clean Slate Act begins with the running of a query by the Courts to identify the potentially eligible cases. That list will be transmitted to the State Police, which will validate eligible cases. Validation will occur unless the State Police informs the Court of cases that are not eligible or that do not match data in their database. Except for those cases identified by the State Police, the Courts will notify the county courts that orders of sealing are to be issued. The Courts will then remove all public dockets and put warnings in their database prohibiting dissemination of the sealed cases. Finally, the Courts will include the cases in their “LifeCycle File,” which flags cases that are required to be removed from privately maintained databases used to prepare commercial background checks.

Both the Courts and the State Police report that they are on course to begin implementation by the June 28, 2019 onset date. In house technology staff are building the Courts’ systems. Unisys, the State Police’s vendor, is performing the technical work for the State Police, at a cost of less than \$100,000 and using the existing architecture. The Courts and the State Police meet regularly to coordinate implementation, as they have from even before the bill was passed. They report that while the work is complex and time-consuming, they have not encountered any unexpected problems. They plan to be ready for testing during the beginning of May.

Automated sealing will apply to many misdemeanor and all summary offense convictions after 10 years, so long as fines and costs are paid. All charges ending without conviction will also be sealed shortly after disposition. Sealing, which is formally known as “limited access” under Pennsylvania law, will prevent the dissemination of the cases except to authorized users, such as law enforcement. Landlords, educational institutions, licensing boards, and most employers will not have access.

Although exact quantification is not yet possible, the scope of the automated sealing clearly will be immense. For non-convictions alone, hundreds of millions of charges are anticipated to be sealed. Data analysis by the Office of Philadelphia District Attorney Larry Krasner concluded that **22% of all convictions in the state** from January 1, 2003 until November 1, 2008 will be cleared under Clean Slate.

The Courts and State Police intend to implement automated sealing in phases during the one-year implementation period. As of this writing, the order in which categories of cases will be processed has yet to be determined.

Progress in Public Awareness

Implementation of automated sealing actually is Phase 2 of Pennsylvania's Clean Slate Act. The legislation also expanded the eligibility criteria for sealing to most non-violent first-degree misdemeanors and to most simple assault convictions after 10 years. Those criteria went into effect on December 26, 2018. CLS, in partnership with the Pennsylvania Bar Association (PBA) and Governor Wolf, leveraged the Phase 1 onset to raise awareness of the law – including automated sealing – and to provide screening and advice to people with records all over the state.

CLS and the PBA have collaborated on creation and implementation of the Clean Slate Screening Project (the screening project). The concept is to train lawyers to screen records and provide advice about whether and how Clean Slate will help Pennsylvanians who ask for this consultation. If a petition or other legal help is needed beyond automated sealing, referrals to legal service programs and other sources of legal help are made.

Over 200 lawyers have been recruited and trained by CLS and the PBA in Philadelphia and Pittsburgh to date. Additional trainings are planned in Philadelphia, the Harrisburg area, and Erie. We also are providing training and assistance to groups that are making special commitments to the screening program, such as law firms, the University of Pennsylvania Law School, and the City of Philadelphia Law Department. Furthermore, we are providing training to important stakeholders who are in a position to get the word out about Clean Slate and assist with its implementation, including the Office of the District Attorney, the Defender Association of Philadelphia, and Philadelphia City Council.

More than 7,500 people with records, from all 67 counties in Pennsylvania, have signed up to have their records screened. Most of them have signed up on MyCleanSlatePA.com, a webpage newly created by CLS as a centralized source for information and developments on Clean Slate. Since it went online in December 2018, MyCleanSlatePA.com has had more than 26,000 unique views. Hopefully, people who went to the website to sign up for the screening project will return for further information in the future.

Because of the high demand for the services offered by the screening project, responding to everyone who has signed up will take time. The volunteer lawyers have been supplemented by CLS staff. We are finding that many of the people who signed up for consultation have never before had the opportunity to discuss their records with a lawyer.

The large and diverse group that has signed up for the services of the screening project has provided a laboratory of sorts. CLS has spoken with different types of people from all over

the state. We have seen differences in data quality from different counties. We are learning many lessons and making many connections with people with whom we may be able to stay in touch in the future on reentry-related work.

Finally, this Phase 1 implementation period was highlighted by a press conference by Governor Tom Wolf at the Harrisburg one-stop center on January 2nd. Governor Wolf highlighted the start of Clean Slate, the new website, and the screening project.

The press event rejuvenated the enthusiasm for the law of the many influential state leaders in attendance. It also generated broad media coverage around the state immediately, and longer-form reporting in the following weeks. **Appendix A** provides a recap of the statewide media.

Addressing Issues for Full Implementation

The Clean Slate Act could have been implemented “as is,” and hundreds of thousands of Pennsylvanians – if not more – would have benefited. However, given the law’s promising antipoverty impact, CLS and its many partners want to see the law implemented as broadly and effectively as possible. To that end, we are working on several issues that, if and when resolved, would allow even greater impact.

Missing data

Clean Slate’s automated sealing of conviction records will only be as effective as the data in the Courts and State Police’s databases allow it to be. If data needed to run the queries to identify cases to be sealed is missing, otherwise eligible cases will not be sealed by automation, but will remain eligible to be sealed by petition or when the data is back-filled.

Pennsylvania’s Courts established their centralized database in the early 2000s, with data being integrated from the county courts’ legacy systems between 2003 and 2006. [Over 5.6 million cases were migrated](#), from as early as 1952, depending on the county. The data collected since the unified database was implemented in 2006 tends to be complete and of high quality. But the older cases are, the more likely there are to be holes in the data.

In Philadelphia, 2.8 million older cases reportedly lack grade data (i.e., felony, first-degree misdemeanor, etc.), because the grades did not transfer over properly from Philadelphia’s legacy system. The absence of this data poses a challenge to the automated sealing of many eligible misdemeanor convictions that occurred before the 2006 data migration.

In other areas of the state, disposition information is lacking in many cases, potentially preventing even the sealing of eligible non-convictions because there is no entry that the cases have been dropped. Such missing dispositions already harm people, because

background checkers report the cases without knowing whether they led to convictions and on what charges.

CLS and its partners are exploring ways that missing data can be imported. One such way would be to electronically insert the grade of offenses that are assigned only one grade by law (such as “recklessly endangering another person,” which is always a second degree misdemeanor). The Philadelphia DA’s office has determined that electronically inserting these known grades would rectify more than 50% of all charges. Philadelphia’s courts are amenable to this solution, so work is proceeding to try to operationalize this partial solution to the missing grade problem.

Another strategy is to provide funding so that county courts can hire staff to undertake manual insertion of missing data from the court’s paper files. A more modest approach is for county clerks to insert information from specific cases into the database when brought to their attention, such as when that information is obtained from court files by volunteers working on screening project cases.

The State Police are viewing Clean Slate implementation as an opportunity for data improvement. They have obtained \$2.1 million of funding to resolve certain data mismatches, which had been a goal long before Clean Slate but without the impetus or resources to meet it.

Resolving court fines and costs

In Pennsylvania, convictions cannot be sealed, by automation or petition, if the connected fines and costs have not been zeroed out. This requirement has the potential to disqualify a significant percentage of otherwise eligible people, at least until their financial obligations are resolved.

Requiring the payment of court debt prior to sealing is problematic in several respects. Most notable is a chicken-and-egg issue: many fines and costs are unpaid because low income people cannot afford to pay them; but the sealing that might allow them to increase their incomes through better employment (and to pay higher income taxes) is barred by the debt. Many people with old cases who would benefit from automated sealing simply do not know that they owe the debt, often not having heard about it in decades, if ever.

Moreover, there are questions about the propriety of many of the older debts in Philadelphia. In the past, ability-to-pay hearings were not performed in a meaningful way.

Questions also arise about the accuracy of the payment information in Philadelphia that migrated to the Courts’ database in 2003-06. One clear indicator of a data migration error is that only 24% of pre-2007 cases have been paid off, compared to 47% since then. Issues regularly are presented on individual dockets, such as fines and costs showing on non-

convictions or supervision fees showing on dockets where all other costs have been zeroed out. Financial recordkeeping was so suspect during this period that the office responsible for it was abolished in 2010 (the Clerk of Quarter Sessions).

Attempted collections of these fines and costs, especially for old cases that go back as far as the 1970s, make very little business sense. Current collections from cases disposed of before 2007 are virtually non-existent. The pool of people who owe this type of debt are uniquely unable to pay. A prior study of the 320,000 individuals from whom the Philadelphia courts sought collections earlier in this decade revealed that 70% of them were unemployed. The Reform Initiative: First Judicial District Criminal Courts, Commonwealth of Pennsylvania (Interim Report July 2011), at 38. Thus, collection efforts for fines and costs resemble the proverbial “blood from a stone.” This recognition led the Philadelphia courts in 2014 to write off \$1 billion of bail forfeiture judgments deemed uncollectible.

For these reasons, CLS and its partners are exploring the possibilities for a write-off old uncollectible court fines and costs from before September 2006 that stand in the way of Clean Slate implementation. Without a write-off, 3 out of 4 eligible convictions in Philadelphia will be blocked from sealing by fines and costs that have not yet been paid.

CLS and the American Civil Liberties Union of Pennsylvania are working to create public awareness of how individuals across the state can zero out their court debts to benefit from Clean Slate. This information includes how people can learn whether they owe debts and how they can pay them. We also are providing assistance for people to seek waivers where appropriate, particularly for the supervision fees that accrue monthly while an individual is on probation and tend to be the highest single source of debt.

Seeking sealing in FBI reports

Since sealing started in Pennsylvania pursuant to Act 5 of 2016, the Federal Bureau of Investigation (FBI) has refused to honor Pennsylvania’s sealing orders. A sealed case is reported on an FBI background check, and without any indication that the case has been sealed.

Most employers cannot obtain FBI checks even if they want them, because under law, these checks are available only if required by federal, state, or local law for certain employers. But for workers in those regulated industries, the presence of sealed cases on FBI reports is a serious problem. Examples of Pennsylvania employers that get FBI records include: schools; jobs involving regular contact with children; nursing homes and home health care providers if the applicant has not lived in the state for at least two years; and casinos.

The Wolf Administration and the State Police are motivated to find a solution to this unintended consequence of its sealing laws. CLS also has been looking into possible solutions and is exploring two possibilities: Pennsylvania joining the Compact Council, or the

State Police responding to a FBI data query called “Purpose Code I.” Both of these solutions appear to allow Pennsylvania to take control of its criminal history record data, ensuring that the data is more accurate and that sealed cases are not included in FBI background checks for civil employment purposes.

The Compact Council is an organization created by The National Crime Prevention and Privacy Compact Act of 1998. States who ratify the Compact and fully implement the Compact’s technological programs take control over the criminal history record information provided in all FBI background checks, allowing sealed record information to be excluded except where required by law. To date, 33 states have passed legislation ratifying the Compact, and 20 states have fully implemented the technological programs.

The other possible solution is more modest, requiring a change to the computer system currently used by the State Police to exchange criminal history record information with the FBI. That computer system allows states to respond to requests for criminal history record information under different “purpose codes,” if they choose to do so. One of those purpose codes, Purpose Code I, pertains to FBI background checks for civil employment. If the State Police were to start responding to Purpose Code I, it would become the source of criminal history record information for those checks. This would give Pennsylvania control over their own data and eliminate the reporting of sealed cases.

Other issues

CLS also has been:

- Looking at accurate and cost-effective methods for providing notice to people whose records have been sealed through automation.
- Discussing with the Courts and the State Police how individuals can best get access to their own sealed records, which may be necessary for issues such as immigration.

Resources on Pennsylvania Clean Slate

CLS has prepared a great deal of material assisting the bar and the public understand the Clean Slate Act. These materials can be found on MyCleanSlatePA.com.

- A chart summarizing Pennsylvania’s expungement and sealing laws (attached).
- A flow chart for applying the expungement and sealing laws (attached).

- A spreadsheet listing the convictions that affect the sealing of Pennsylvania misdemeanors.
- A handout explaining the meaning of sealing under Pennsylvania law (attached).
- Sharon M. Dietrich, [Clean Slate Brings Automated and Expanded Criminal Record Sealing to Pennsylvania](#), Pennsylvania Bar Association Quarterly (January 2019) – an article explaining expungement and sealing law in Pennsylvania following enactment of the Clean Slate Act.
- Sharon Dietrich and Rebecca Vallas, [The Left, the Right, and the Football Players: How Clean Slate Automated Sealing was Passed in Pennsylvania](#), Clearinghouse Community of the Sargent Shriver National Center on Poverty Law (November, 2018) – an article describing the Pennsylvania legislative campaign leading to the adoption of the Clean Slate Act.

Conclusion

Implementing Clean Slate is not without some challenges. But those challenges are not insurmountable. Come June 28, 2019, automated sealing will be implemented for the first time anywhere. Ultimately, hundreds of thousands of Pennsylvanians will face brighter futures as a result, making the effort well worth it.

APPENDIX

Selected Press about Pennsylvania's Clean Slate Implementation December 2018 – January 2019



Image via KYW NewsRadio

Press during this period was driven by the Phase 1 implementation of Clean Slate, as broader eligibility criteria for sealing of misdemeanors went into effect on December 26, 2018. Notable media included:

- [If you have an old criminal record, today you can finally get a Clean Slate in Pa.](#)
Samantha Melamed, *The Philadelphia Inquirer*, December 26, 2018
- [First phase of 'clean slate' law goes into effect in Pennsylvania](#)
Associated Press, December 27, 2018
- [5 of the most impactful laws Pennsylvania passed in 2018](#)
Sarah Anne Hughes, *Billy Penn*, December 27, 2016

On January 2, 2019, Governor Tom Wolf hosted a press conference to mark the beginning of Phase 1 and to announce the creation of MyCleanSlatePA.com and the Clean Slate Screening Project (photo above). Statewide press coverage (print/electronic/radio/TV) and favorable opinion pieces followed, many linking to MyCleanSlatePA.com.

Print/online clips:

- [New program helps low-level criminal offenders navigate their way to a clean slate](#)
Jan Murphy, *PennLive/The Patriot News*, January 2, 2019

- [Legal groups launch effort to help people get Clean Slate relief](#)
John Finnerty, *Johnstown Tribune-Democrat*, January 2, 2019
(Same article run in the [Danville News](#) and in the [New Castle News](#))
- [Clean Slate program gives people with old criminal records chance to seal records](#)
Rachel Wagoner, *Beaver County Times*, January 4, 2019
- [Wolf pledges more criminal justice reform](#)
Philadelphia Tribune, January 2, 2019
- [Pa.'s new Clean Slate Law means jail time is no longer a life sentence](#)
Generocity, January 14, 2019
This article featured a CLS client and was republished on Philadelphia's [WHYY.org](#).

TV/radio:

- [Gov. Wolf announces help for those hoping to use Clean Slate Law](#)
Kaily Cunningham, *Fox 56-TV* (Wilkes-Barre), January 2, 2019 (linking to MyCleanSlatePA.com)
- [Governor Wolf: "My Clean Slate" Program Introduced to help navigate new law](#)
WBRE-TV (Scranton), January 2, 2019 (including Sharon Dietrich of CLS; website linking to MyCleanSlatePA.com)
- [Understanding Clean Slate](#)
WNEP-TV - 16 (Scranton), January 2, 2019
- [Gov. Wolf announces "My Clean Slate" program](#)
Emma Wright, *WFMZ 69-TV* (Allentown), January 2, 2019 (including Sharon Dietrich of CLS)
- [Pennsylvania unveils program to navigate 'clean slate' law](#)
Matt Heckel, *ABC-27* (Harrisburg), January 2, 2019 (including Sharon Dietrich)
- [New Program Helps Navigate Clean Slate Law](#)
WHP-TV- CBS 21 (Harrisburg), January 2, 2019
- [Governor Wolf Praises "Clean Slate" law, pledges to call for more criminal justice reform](#)
WGAL-8-TV (Lancaster/Harrisburg), January 2, 2019
- ['My Clean Slate' program launched](#)
Fox 43-TV (Harrisburg, York, Lancaster, Lebanon), January 2, 2019
- [Governor Wolf praises "Clean Slate" law](#)
WTAE-TV (Pittsburgh), January 2, 2019

- David Johnson, [WPXI-TV](#) (Pittsburgh), January 2, 2019
- [Governor Wolf Announces 'My Clean Slate'](#)
WENY-TV (Elmira, NY, serving Northern PA), January 2, 2019
- [KDKA NewsRadio 1020](#) (Pittsburgh), January 2, 2019
- [New state program helps navigate 'Clean Slate' law](#)
Tony Romeo, *KYW NewsRadio* (Philadelphia), January 3, 2019

Opinion

- [Editorial: New program adds to effectiveness of clean slate law](#)
Editorial Board, *Reading Eagle*, January 4, 2019
- [Our view: 'Clean slate' law opens new doors](#)
Editorial Board, *GoErie.com*, January 4, 2019
- [Pa's new 'clean slate' law is an important step to reducing recidivism | Editorial](#)
Editorial Board, *PennLive/ThePatriot News*, January 4, 2019
- [Clean Slate law is a fair and sensible measure to strengthen communities](#)
Editorial Board, *Lancaster LNP/Lancaster Online*, January 7, 2019

In the week following the Governor's press conference, longer-form coverage emerged, including TV and radio talk shows.

- [Pennsylvania Newsmakers](#), a TV public policy discussion show, that first aired on January 13, 2019. The show airs on stations covering Lancaster/Harrisburg, the Lehigh Valley and Philadelphia, Altoona, Pittsburgh, and the Susquehanna Valley.
- 90.5 WESA's [The Confluence](#), on Pittsburgh's National Public Radio station. CLS's Jamie Gullen participated in a half-hour discussion of Clean Slate on January 18, 2019.
- Two lengthy articles appeared in *LPN*, Lancaster's newspaper: "[New Clean Slate law gives some ex-offenders fresh hope](#)" (January 7, 2019), and [Arrests for misdemeanors live forever on the internet. Should they?](#)" (January 21, 2019).
- On Martin Luther King Day (January 14, 2019), *the Pittsburgh Post Gazette* published, "[Want to sweep your record clean? Process is complex, but can start online.](#)"
- *KDKA Talk Radio, 1020 AM* (Pittsburgh), has reported on Clean Slate repeatedly since it was passed. On 1/14/2019, CLS's Sharon Dietrich was [interviewed by Lynne Hayes-Freeland](#) for five minutes, then called back to answer a listener's question.

Expungement Summary



CHARGES THAT ARE ELIGIBLE FOR <u>EXPUNGEMENT</u> (PETITION ONLY!)	
Type of Charge	Explanation
Non-conviction (<i>withdrawn, nolle prossed, dismissed, not guilty</i>)	<ul style="list-style-type: none"> • Eligible for expungement immediately following final disposition. • Grade does not matter.
Diversion program (e.g. ARD, Section 17)	<ul style="list-style-type: none"> • Eligible for expungement following completion of diversion program, though may be waiting period depending on the program. • Grade does not matter. • Fines and costs must be paid off! • For ARD, must attach ARD Completion Letter to petition.
Summary Convictions	<ul style="list-style-type: none"> • Eligible for expungement if there is a 5-year arrest-free period following conviction. • Only for convictions with <i>summary</i> grades. • Fines and costs must be paid off!
Convictions for clients who are over 70 years old	<ul style="list-style-type: none"> • Eligible for expungement if client is over 70 and has a 10 year arrest-free period since conviction. • Grade does not matter (even felony convictions can be expunged!) • Fines and costs must be paid off!

If not eligible for expungement,
move on to sealing analysis.

Clean Slate Summary- Act 56 of 2018



AUTOMATED SEALING

(goes into effect between June 28, 2019 and June 27, 2020)

General Rule	Convictions with grades of M2, M3, M if all financial obligations are paid.
Time Since Conviction	10 year period after conviction without another M or F conviction.
Excluded Convictions (misdemeanors that can't be sealed by automation)	<ul style="list-style-type: none"> • Art. B offense (crimes of violence) • Art. D offense (crimes against the family) • 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.
Disqualifying Convictions (review rest of record; these convictions disqualify a person from automated sealing of otherwise eligible misdemeanors)	<ul style="list-style-type: none"> • Felony • 2 or more M1s • 4 or more Ms of any kind • Indecent exposure, sexual intercourse w/ animal, failure to comply w/ registration req'ts, weapons/implements to escape, abuse of corpse, prohibiting paramilitary training.
Summary Convictions	Conviction must be 10+ years with all financial obligations paid.
Non-Convictions	Automatically sealed after 60 days.

PETITION-BASED SEALING

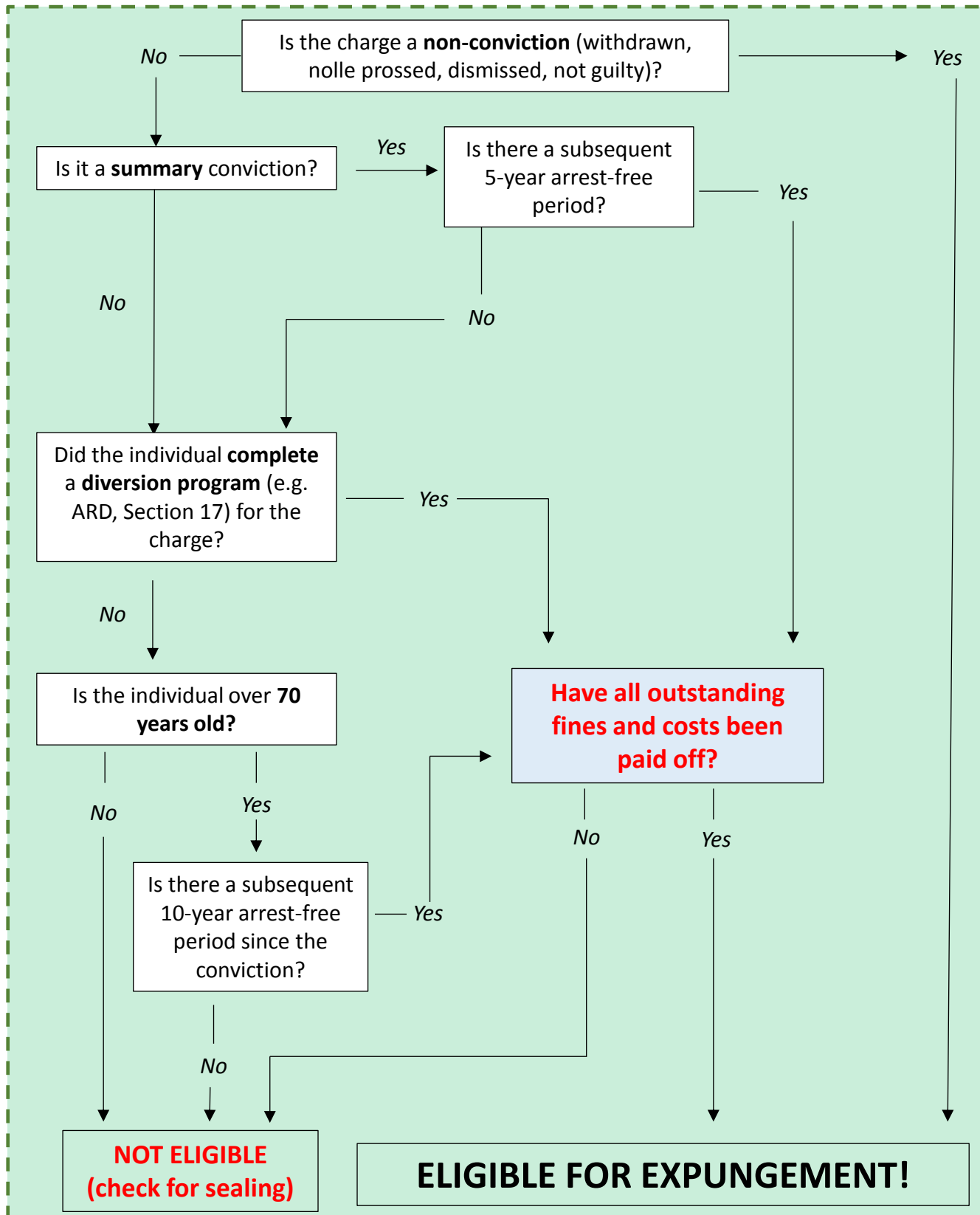
(in effect as of December 26, 2018)

General Rule	Convictions with grades of M1, M2, M3, M if all financial obligations are paid.
Time Since Conviction	10 year period after conviction without another M or F conviction.
Excluded Convictions (misdemeanors that can't be sealed)	<ul style="list-style-type: none"> • M1 Art. B offense (crimes of violence) • M1 Art. D offense (crimes against the family) • M1 firearms • M1 sexual offense requiring registration/tiered sexual offense • M1 corruption of minors • Attempt, conspiracy, solicitation to commit any of the above.
Disqualifying Convictions (review rest of record; these convictions disqualify a person from sealing of otherwise eligible misdemeanors)	<p>Ever convicted of:</p> <ul style="list-style-type: none"> • Murder, F1, or offense punishable by more than 20 yrs <p>Within last 20 years, convicted of:</p> <ul style="list-style-type: none"> • Felony involving any of: Art. B, Art. D, firearms, sexual offense/tier system • 4 or more M2s or higher <p>Within last 15 years, convicted of:</p> <ul style="list-style-type: none"> • 2 or more M1s or higher • Indecent exposure, sexual intercourse w/ animal, failure to comply w/registration req'ts, weapons/implements for escape, abuse of corpse, prohibiting paramilitary training.

Expungement (§ 9122)



What are you trying to expunge?

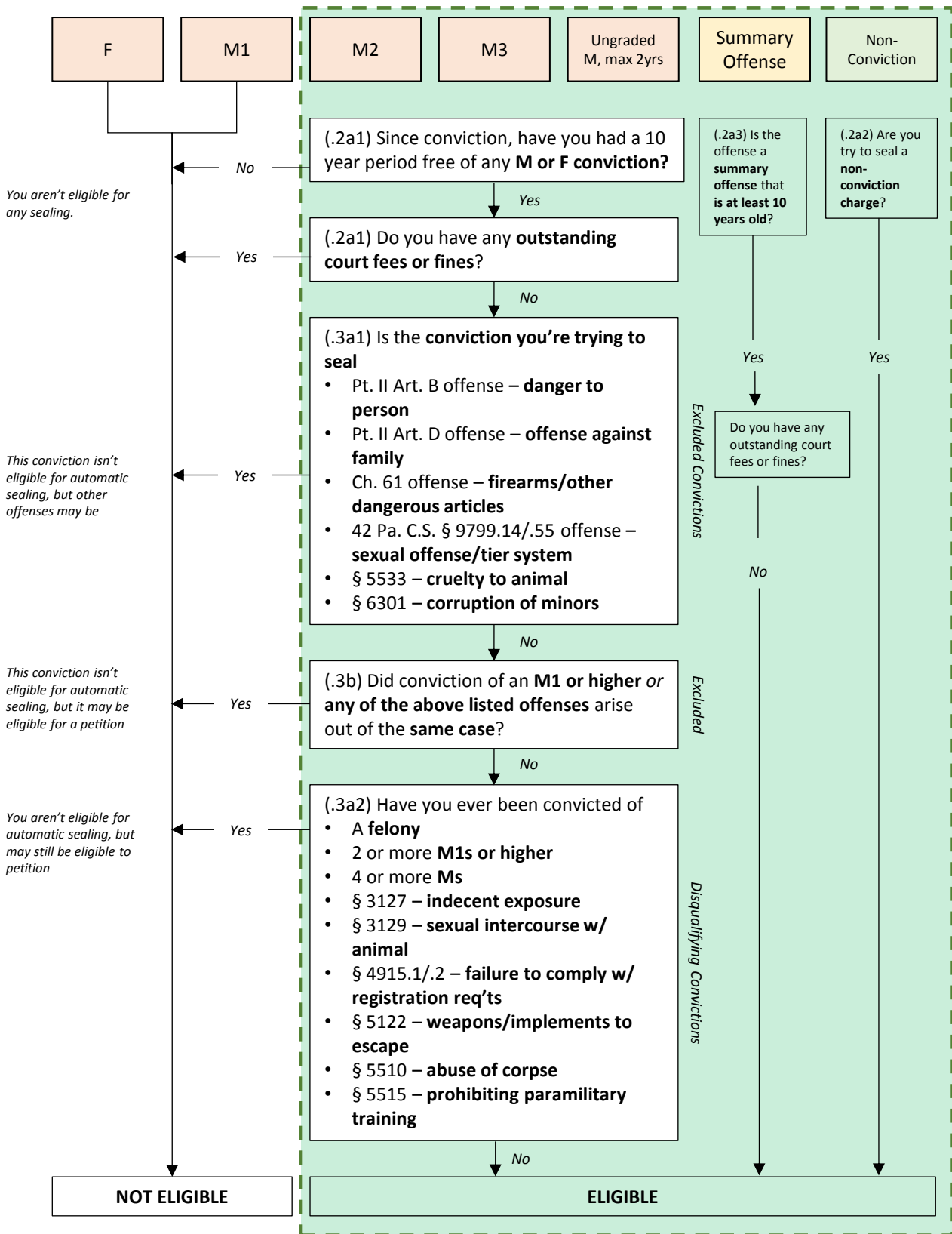


Clean Slate - Automatic Sealing

(§§ 9122.2 & 9122.3)



What convictions are you trying to seal?



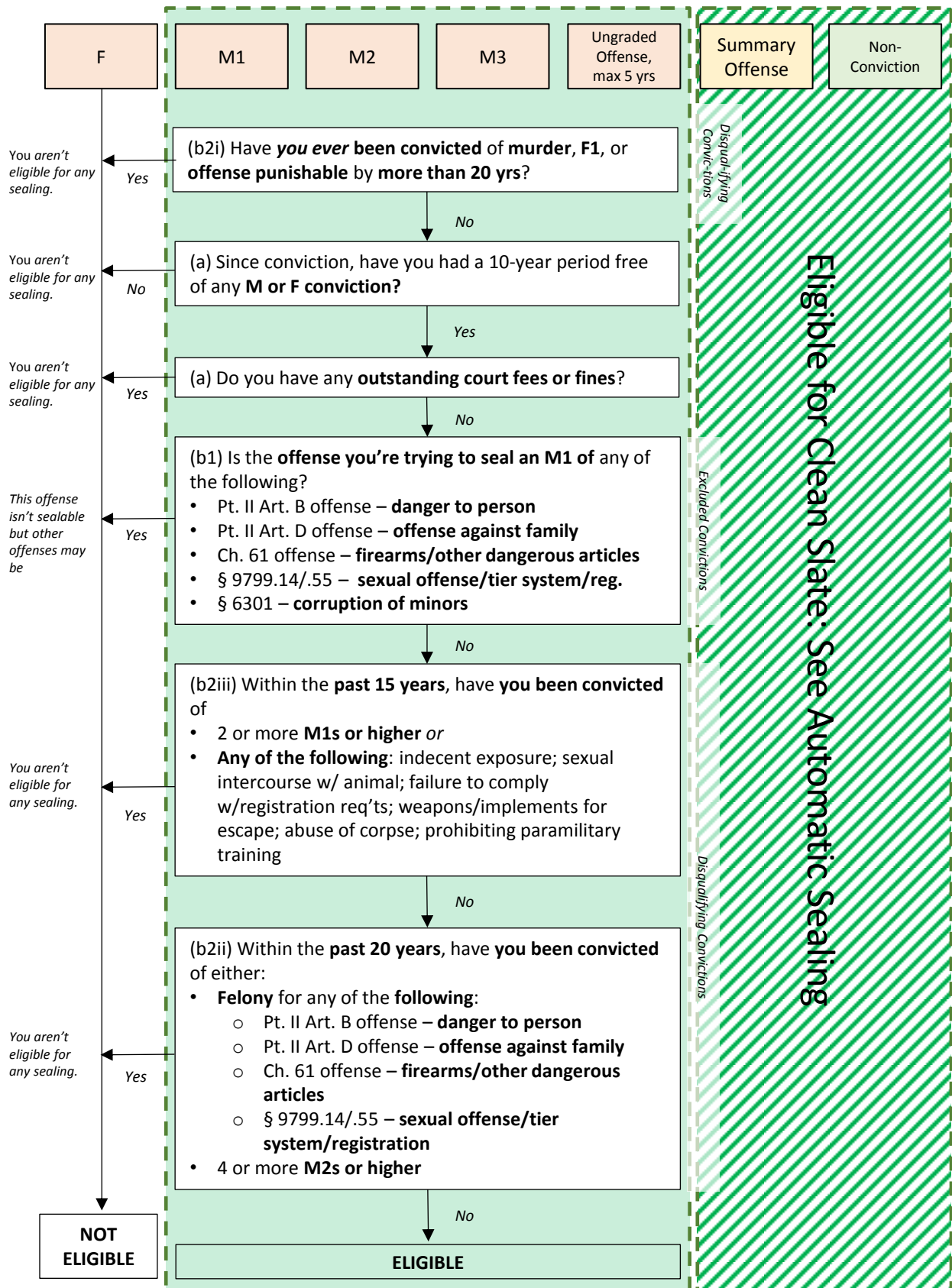
After Sealing

If you were convicted of a M or F after your record was sealed, the court may unseal your previously sealed convictions [9122.4(b)]

Clean Slate – Petition Based Sealing (§ 9122.1)



What conviction are you trying to seal?



Eligible for Clean Slate. See Automatic Sealing

After Sealing

If you were convicted of a M or F after your record was sealed, the court may unseal your previously sealed convictions [9122.4(b)]



When a criminal record is “sealed,” that means that most people can’t see it.

A sealed record cannot be seen or considered by:

- The general public
- Landlords
- Schools
- Licensing boards
- Most employers -- Employers who do not use FBI background checks won’t see a sealed criminal record. That means the vast majority of employers won’t see a sealed record.

When a criminal record is “sealed,” you can deny it ever happened.

You are allowed to deny your sealed cases if you are asked by someone listed above. *See below for important exceptions to this rule.*

You still have access to your own full criminal record, so you can see what cases were sealed.

- The easiest way to get a record of your *sealed* cases is to visit the clerk of courts in a Pennsylvania courthouse and ask for your complete record, including sealed cases.
- You can also order your entire record – called an “Access and Review” – from the Pennsylvania State Police, but currently that can take months.
- To see the criminal history information that is available to the general public (your *unsealed* record), visit The Unified Judicial System of Pennsylvania at <https://ujportal.pacourts.us> and search by your name.

In these limited situations, your sealed record can be seen and used:

- Law enforcement purposes (police, prosecutors and criminal courts)
- Gun ownership and use applications (including permits to carry and Act 235)
- Immigration
- International travel
- Other court cases, sometimes (dependency, custody, or protection from abuse cases)
- Admission to the bar to be a lawyer
- Limited situations where federal law requires a background check for employment
- **FBI records will show sealed cases**, but they may be considered only where required by federal law (**see reverse side for types of jobs affected and more information**)

If you are asked about your sealed record by someone listed here, you should *not* deny your record. You should explain you have a record that has been sealed.

For new developments or more information about sealing, see www.MyCleanSlatePA.com.

Some jobs require FBI background checks, which currently include sealed records. Examples include:

- Schools
- Police departments
- Jobs requiring regular contact with children
- Caring for older adults, if you moved to PA in the last 2 years
- Banks
- Airports and seaports, if working as a screener or with access to secured areas
- Casinos
- Insurance and securities industries
- HAZMAT-endorsed commercial driver's licenses
- Any job requiring a fingerprint-based FBI background check.
- Foster care and adoption require FBI background checks.

You will know that you are getting an FBI check because you will have to provide fingerprints. You will usually get the check through the State's vendor, IDEMIA. For more information, see <https://bit.ly/2ttuOkz>.

If you are asked by someone listed above, you should not deny your sealed record. **However, most of the time your sealed record should *not* cause you to lose your job** because most employers are not allowed to make decisions based on sealed records.

- You should prepare to prove to the employer that your case is sealed by showing your sealing order or by getting an "Access and Review" from the State Police.
- Banks, airports, seaports and jobs requiring HAZMAT-endorsed commercial driver's licenses *can* consider a sealed record when deciding whether to hire or fire.
- If you have a problem with an employer and an FBI check, seek legal assistance.

If your sealed record continues to cause problems for you, or if you know your job requires FBI background checks, you may want to seek expungement.

Your sealed record may be eligible for expungement if:

- Charges were dismissed or withdrawn by the judge or prosecutor
- Charges were dismissed after completing a diversion program
- You were found not guilty by a judge or jury
- You were convicted of a summary offense and have not been arrested for 5 years
- You are 70 years of age or older and have not been arrested for 10 years

For new developments or more information about sealing, see www.MyCleanSlatePA.com.

FBI Records: Main things to remember

- Sealed cases are currently reported on FBI records.
- Most employers are not allowed to get your FBI record.
- You will know if you are getting an FBI check because you will have to provide fingerprints.
- If you have a problem with an FBI check, or if a sealed record is used against you by an employer, seek legal help.
- If your job requires a FBI background check, look into expungement.