

# Clean Slate Automation Costs in Pennsylvania

Pennsylvania implemented Clean Slate while controlling costs and relying primarily on existing resources. The \$3 million costs identified were higher than originally anticipated, but still manageable. This modest investment has resulted in more than 36 million cases being sealed in Pennsylvania to date.

## Fiscal Notes

Prior to the passage of PA's Clean Slate bill, **the agencies responsible for Clean Slate implementation predicted that they could implement Clean Slate utilizing their current workload and budget.** No increase of funding was needed to implement Clean Slate, as the General Assembly determined that the relatively modest costs could be absorbed within the agencies' existing appropriation. (See attached House and Senate Fiscal Notes.)

- The Pennsylvania State Police (PSP) predicted that they would spend approximately \$195k in one-time computer programming costs.
- The Administrative Office of Pennsylvania Courts (AOPC) predicted they would spend approximately \$50k in one-time costs.

## Implementation

Now, more than two years after Clean Slate became law, the implementation agencies have successfully kept out-of-pocket costs low. Although AOPC and PSP have unofficially estimated about \$3M in costs associated with Clean Slate implementation, **the vast majority of those costs are for salary of existing staff detailed to the project.**

- AOPC has reported spending \$2.1M as of July 2020 to implement Clean Slate.
- PSP has reported spending \$195k for computer upgrades, and approximately \$500k for salary of personnel working on implementation.
- For both AOPC and PSP, the spending has been primarily for the deployment of existing staff.

Prepared by: Community Legal Services, Inc.

Date: January 22, 2021



**SENATE APPROPRIATIONS COMMITTEE  
FISCAL NOTE**

**BILL NO.** House Bill 1419

**PRINTER NO.** 3314

**AMOUNT**

See Fiscal Impact

**FUND**

General Fund

**DATE INTRODUCED**

May 25, 2017

**PRIME SPONSOR**

Representative Delozier

**DESCRIPTION AND PURPOSE OF BILL**

House Bill 1419 amends Titles 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) of the Pennsylvania Consolidated Statutes to provide for sealing of criminal records.

Title 18

This legislation amends Chapter 91 (Criminal History Record Information, Subchapter C (Dissemination of Criminal History Record Information) of Title 18 as follows:

- § 9121 (relating to general regulations) to allow for dissemination of certain criminal history record information to noncriminal justice agencies and individuals under the following circumstances:
  - Under a court order relating to child custody or protection from abuse;
  - Under a court order by an employer against whom a claim of civil liability has been brought as described under § 9122.6 (relating to employer immunity from liability) for purposes of defending against a claim of civil liability;
  - Federal law requires the consideration of an applicant's criminal history for purposes of employment; and
  - To verify information provided to the Supreme Court to govern and regulate the practice of law and the administration of the courts.
- § 9122.1 (relating to order for limited access) is amended to allow for the filing of a petition, through which a court of common pleas may enter an order limiting public access to certain criminal history record information if the petitioner has been free from conviction for a period of ten (10) years for an offense punishable by one (1) or more years in prison and has completed all court-ordered financial obligations.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

- Adds a new § 9122.2 (relating to clean slate limited access) (CSLA). CSLA establishes a process in which courts may enter orders limiting access to qualifying criminal history record information without cost to the offender or the need to file a petition with the court. A procedure involving courts of common pleas, the Administrative Office of Pennsylvania Courts (AOPC) and the Pennsylvania State Police (PSP) is established to allow for CSLA order to take place on a monthly basis.
- Adds a new § 9122.3 (relating to exceptions) to provide that CSLA shall not be granted for any of the following:
  - A conviction for any of the following or an attempt, conspiracy or solicitation to commit any of the following:
    - An offense involving danger to the person;
    - An offense against the family;
    - An offense relating to firearms and other dangerous articles;
    - An offense relating to sexual offenses and registration;
    - An offense relating to cruelty to animals; or
    - Corruption of minors.
  - An individual who at any time has been convicted of:
    - A felony;
    - Two or more offenses punishable by imprisonment of more than two years (generally misdemeanors of the 1st degree and more serious offenses);
    - Four or more offenses punishable by imprisonment of one or more years (essentially for misdemeanors of the second or 3rd degree or ungraded misdemeanors);
    - Indecent exposure;
    - Sexual intercourse with an animal;
    - Failure to comply with sexual registration requirements;
    - Weapons or implements for escape;
    - Abuse of corpse; or
    - Paramilitary training.
- Limited access shall not apply to an otherwise qualifying conviction if a conviction for an offense punishable by imprisonment of five (5) or more years or an enumerated offense arose out of the same case. A person who is denied CSLA may file a petition with the court for limited access.
- Adds a new § 9122.4 (relating to order to vacate order for limited access) to permit the prosecuting attorney to petition the court to revoke an order granting CSLA if it determines the order was erroneously entered or if the person is subsequently convicted of a misdemeanor or felony offense.

# SENATE APPROPRIATIONS COMMITTEE

## FISCAL NOTE

- Adds a new § 9122.5 (relating to effects of expunged records and records subject to limited access) to provide for a person that has been granted limited access by law, or whose record has been expunged, may deny the arrest or conviction to anyone other than a criminal justice agency or a person that is entitled to the information under the law.
- Adds a new § 9122.6 (relating to employer immunity from liability) to provide immunity to civil liability to an employer for damages suffered as a result of criminal or unlawful conduct that is related to expunged or limited access criminal history record information.

### Title 42

§ 6307 (relating to inspection of court files and records) and § 6308 (relating to law enforcement records) of Title 42 are amended to further provide for consistent policies and practices for sealing of criminal history record information across statutes, specifically as it relates to juvenile delinquency petitions and adjudications.

The State Police (PSP) and the Administrative Office of Pennsylvania Courts (AOPC) are required to identify and complete processing of eligible records within 365 days of Section 4 of the legislation, which takes effect in 365 days of enactment.

A petition for limited access under 18 Pa.C.S. § 9122.1 (relating to general regulations) may be filed beginning 180 days after the effective date of Section 4(2), which takes effect immediately.

This act shall take effect as follows:

- Section 4(2) of the legislation shall take effect immediately;
- The amendment of 18 Pa.C.S. § 9122.1 (relating to general regulations) shall take effect in 180 days; and
- The remainder of this act shall take effect in 365 days.

### **FISCAL IMPACT:**

According to the PSP, a large portion of the costs to implement this legislation is related to computer programming and application development. An estimate received from the department's contractor estimates \$195,000 one-time costs to the PSP in order to address the Clean Slate requirements in this legislation. These costs are related to making the necessary programming changes to the Computerized Criminal History Record Information System (CCHRI) and the Pennsylvania Access To Criminal History (PATCH) system.

According to AOPC, \$50,000 of one-time costs will be incurred to perform the duties under this legislation.

Any costs to PSP and AOPC related to fulfilling the prescribed duties within this legislation would be capable of being accommodated within the agency's current workload and budget.



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 1419

PRINTERS NO. 3314

PRIME SPONSOR: Delozier

### COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	See Fiscal Impact	See Fiscal Impact

### SUMMARY:

House Bill 1419, Printer's Number 3314 amends Title 18 (Crimes and Offenses), Chapter 91 (Criminal History Record Information, Subchapter C (Dissemination of Criminal History Record Information), Sections 9121 (General Regulations) and 9122.1 (Order for limited access; and provides for a new Sections 9122.2 (Clean Slate Limited Access (CSLA)), 9122.3 (Exceptions) and 9122.4 (Order to vacate order for limited access), 9122.5 (effects of expunged records and records subject to limited access) and 9122.6 (Employer immunity from liability) to further provide for the process for sealing certain criminal history records. In addition, HB 1419 amends Title 42 (Judiciary and Judicial Procedure) further providing for consistent policies and practices for sealing of criminal records across judicial statutes, specifically as it relates to juvenile matters.

### ANALYSIS:

HB 1419 amends the Crimes Code by amending Section 9121 to allow the dissemination of certain criminal records to noncriminal justice agencies and individuals under the following circumstances:

- A court order in child custody, or protection from abuse cases,
- A court order by an employer whom a claim of civil liability has been brought as described under Section 9122.6 (Relating to employer immunity from liability) for purposes of defending against a claim of civil liability,
- When Federal law requires criminal history as employment consideration; and
- Verification information provided to the Supreme Court to regulate the practice of law and administer the courts.

Section 9122.1 heading is amended to read "Petition for limited access" and is further amended to provide a process by which the court, through filing a petition, may grant an order limiting public access to certain criminal history records if the petitioner has been free from subsequent arrests, prosecution or conviction for a period of 10 years.

HB 1419 adds the following new Sections to the Crimes Code:

- Section 9122.2 (Clean Slate Limited Access (CSLA)) establishes the process of CSLA for courts to enter orders limiting access to qualifying criminal history records without cost to the offender or the need to file a petition. On a monthly basis, the AOPC will transmit information to the PSP of any conviction eligible for limited access as prescribed by law. The PSP will validate the transmitted records and will notify the AOPC within 30 days of receiving the information of ineligible records. At the end of 30 days, the AOPC will remove from the list all ineligible records for which AOPC has received notification from PSP. Each court of common pleas will issue a monthly order for limited access for any record in its judicial district for which no notification of ineligibility has been received by the AOPC.
- Section 9122.3 (Exceptions) establishes when limited access is not applicable.
- Section 9122.4 (Order to vacate order for limited access) permits the prosecuting attorney to make a motion to the court to revoke an order of limited access for an ineligible offense or if the person is subsequently convicted of a misdemeanor or felony.
- Section 9122.5 (Effects of expunged records and records subject to limited access) provides that a person who was granted limited access under the law, or whose record has been expunged may deny the arrest or conviction to anyone other than an agency or person who is entitled to the information.
- Section 9122.6 (Employer immunity from liability) provides immunity from civil liability to an employer for damages suffered as a result of criminal or unlawful conduct that is related to the expunged or limited access criminal record.

HB 1419 requires the Pennsylvania State Police (PSP) and the Administrative Office of the Pennsylvania Courts (AOPC) to identify and complete the processing of eligible records within 365 days of the effective date of Section 3 of the legislation (Section 3 is effective in 365 days). In addition, authorizes that the petitioning for limited access under Section 9122.1 of the Crimes Code will commence after 180 days of the effective date (effective immediately).

Individuals can start filing petitions 180 days after enactment. AOPC and PSP must complete the processing of any eligible records no later than 365 days after the effective date. This legislation will take effect in 365 days.

**FISCAL IMPACT:**

The provisions of HB 1419 build upon current law/practices relating to the sealing and dissemination of criminal records, therefore any costs associated with the administration of this legislation is assumed to be absorbed within current appropriation levels.

**PREPARED BY:** Jenny P. Stratton  
House Appropriations Committee (R)

**DATE:** April 11, 2018

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*