

WHAT IF MY CRIMINAL RECORD IS DENIED FOR CLEAN SLATE LIMITED ACCESS?

You can file a limited access petition at the county courthouse.

PENNSYLVANIA'S CLEAN SLATE LAW

Have you ever made a mistake? We all have. However, some mistakes tend to stick around much longer than others, especially when those mistakes lead to a conviction.

Barriers to employment can be quite difficult to overcome when you have a criminal record, but

THERE IS HOPE.



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WHAT YOU NEED TO KNOW

In December 2018, the first phase of Pennsylvania's Clean Slate law went into effect. Anyone who has been convicted of a lower-level, nonviolent misdemeanor and who has stayed out of trouble for at least a decade can ask the court to seal their record from public view.

People may petition for their records to be sealed if they have been free from conviction for 10 years for an offense that resulted in a year or more in prison and have paid all court-ordered financial debts.

Additionally, it allows automatic sealing of records for second- or third-degree misdemeanor offenses that included a less-than-two-year prison sentence if the person has been free from convictions for 10 years, as well as sealing of criminal history records related to charges that resulted in non-convictions.



LIMITED ACCESS PETITIONS & CLEAN SLATE LIMITED ACCESS

Below are commonly asked questions and facts about the recently implemented Clean Slate Bill, Act 56 of 2018.

A limited access petition is a court order prohibiting disclosure of your criminal record in most cases. You must file the court petition asking to block disclosure of your record. The petition does not remove your criminal record entirely. If you are granted a limited access petition, your criminal record can only be released to:

- A criminal justice agency.
- A state licensing agency for use only if your criminal record is relevant to the issuance of a professional or occupational license.
- The state Department of Human Services and county children and youth agencies where it is relevant to their duties related to child protective services.



WHO IS ELIGIBLE?

You are eligible for a limited access petition if you meet all of the following criteria:

- You were convicted of a misdemeanor or an ungraded offense carrying a maximum penalty of no more than five years in prison. The following first-degree misdemeanors are ineligible:
 - An offense involving danger to a person.
 - Offenses against family.
 - Offenses involving firearms or other dangerous articles.
 - Sexual offenses that require registration as a sex offender.
 - Conspiracy, attempt or solicitation to commit any of these offenses.
- You have been free from conviction for 10 years of any offense punishable by a year or more in prison.
- You have paid all court-ordered financial obligations associated with your sentence.

WHO IS NOT ELIGIBLE?

Limited access petitions are not available for felonies. You are not eligible for a limited access petition if:

- You have ever been convicted of murder, a first-degree felony or any felony punishable by 20 years or more in prison.
- You have been convicted within the last 20 years of:
 - A felony or an offense punishable by imprisonment of seven or more years involving danger to a person, firearms, offenses against family or sexual offenses requiring registration; or
 - Four or more offenses punishable by imprisonment of two years or more.
- You have been convicted within the last 15 years of:
 - Indecent exposure, sexual intercourse with an animal, failure to register as a sex offender, weapons, abuse of a corpse or paramilitary training; or
 - Two or more offenses punishable by more than two years in prison.

WHAT IS THE PROCESS TO GET A LIMITED ACCESS PETITION?

1. Limited access petitions can be filed at the county courthouse with the clerk of courts in the county where your conviction occurred.
2. Within 10 days of receiving the petition, the court must notify the district attorney, who has 30 days to file an objection to the petition. If the district attorney objects, a hearing will be held to determine if the petition will be granted.
3. If the district attorney does not object, the petition will be granted without a hearing.
4. Once the petition is granted, all the criminal justice agencies that have your criminal records on file will be notified that access to your records has been limited.

WHAT DOES THE NEW CLEAN SLATE LIMITED ACCESS LAW DO?

Act 56 of 2018, known as the Clean Slate law, created a second way of limiting access to some criminal records without filing a court petition. Under the new law, access to the records is automatically blocked if you meet all of the following criteria:

- You were convicted of a third-degree misdemeanor, a second-degree misdemeanor, or an ungraded offense which carries a maximum penalty of no more than two years;
 - You have been free from conviction for 10 years for any offense punishable by one year or more in prison; and
 - You have paid all court-ordered financial obligations associated with your sentence.
- Additionally, Clean Slate limited access is automatically granted if:
- You were charged with an offense, but not convicted; or
 - Ten years have elapsed since a summary conviction and all court-ordered obligations of the sentence have been fulfilled.

WHAT DOES IT COST?

There is a state fee of \$132, in addition to a possible county fee (depending on the county), payable to the county clerk of courts when filing a limited access petition.

WHO IS NOT ELIGIBLE FOR CLEAN SLATE LIMITED ACCESS?

Clean Slate limited access is not available for:

- Offenses involving danger to a person.
- Offenses against family.
- Offenses involving firearms and other dangerous articles.
- Sexual offenses and sex offender registration.
- Cruelty to animals.
- Corruption of minors.

You are not eligible for Clean Slate limited access if you have ever been convicted of any of the following:

- A felony.
- Two or more offenses punishable by imprisonment of more than two years (generally first-degree misdemeanors and more serious offenses).
- Four or more offenses that each carry a maximum penalty of at least one year.
- Indecent exposure.
- Sexual intercourse with an animal.
- Failure to comply with sexual registration requirements.
- Weapons or implements for escape.
- Abuse of a corpse.
- Paramilitary training.
- A qualifying offense committed at the same time as a separate offense that is punishable by five or more years in prison.

HOW DOES THE NEW LAW IMPACT JUVENILE RECORDS?

Act 56 of 2018 prohibits a child's court records and files from being disclosed to the public unless:

- The child was 14 or older and was adjudicated delinquent for an offense – or conspiring or attempting to commit an offense – that would have constituted a serious violent offense as an adult.
- A delinquency petition has been filed alleging the child committed a violent offense and the child has previously been adjudicated delinquent for a serious violent offense.

WHEN WILL MY RECORDS BE CLOSED UNDER CLEAN SLATE LIMITED ACCESS?

Act 56 of 2018 takes effect for newly eligible offenses on June 28, 2019. Court administrators must send all eligible records of charges and convictions to the Pennsylvania State Police within 30 days of completion of the sentence and payment of court-ordered obligations.

Court personnel and the Pennsylvania State Police have until June 28, 2020 to identify and complete the processing of previous records eligible for Clean Slate limited access.

