



SENATE OF PENNSYLVANIA BILL SUMMARY

Senate Bill 1197 Printer's No. 1725

Prime Sponsor: Senators Wagner and Williams
Committee: Judiciary

SYNOPSIS:

This bill amends Title 18 (Crimes and Offenses) to provide for automatic sealing of criminal records.

SUMMARY:

Act 5 of 2016 expanded the Commonwealth's expungement law to allow persons with most second- or third-degree misdemeanor convictions to petition for an order of limited access when ten years has passed since the person's release from confinement or supervision. The order of limited access precludes the public from seeing the criminal record on a public web site and precludes the State Police from furnishing that criminal record as part of a background check. Law enforcement agencies continue to have access to the criminal records.

This bill will require criminal records relating to summary offense convictions and misdemeanor convictions will automatically receive limited access when ten years have passed since the most recent felony or misdemeanor conviction. Limited access will automatically attach to charges not leading to a conviction when 60 days have passed after the disposition of the charges. Records of juvenile delinquency will automatically receive limited access when seven years have passed with no further adjudications of delinquency or criminal convictions.

Limited access under this legislation will happen automatically without any duty of the person to petition for such relief. Nothing in this legislation, however, precludes a person from seeking expungement or limited access when the person is eligible and such relief has not been automatically granted. If a person's criminal record have been expunged or subjected to limited access, that person may not be requested or required to disclose information about that criminal record. This bill states that a person may respond to a question about the criminal record as if it did not occur.

An offense that is expunged or subjected to limited access may not be considered a conviction that would prohibit the employment of a person under laws that prohibit employment based on convictions. This bill prohibits licensing agencies of the Commonwealth from accessing or relying upon offenses that have been expunged or subjected to limited access.

The bill declares that it is the policy of the Commonwealth that all persons have a constitutional presumption of innocence until conviction, that persons who are convicted of offenses shall serve their sentence, and that, after service of the sentence, a person who has remained free of crime long enough to demonstrate their rehabilitation shall have access to employment, housing, education, and other necessities of life. The clean slate remedy contained in this bill is intended to create a strong incentive for avoidance of recidivism, to provide hope for the alleviation of hardships related to a criminal record, and to save the Commonwealth expenses related to recidivism.

EFFECTIVE DATE:

This bill is effective in 90 days.

BILL HISTORY:

None.

Prepared by: Cawley 5/9/2016