



**State Representative
Kevin Schreiber
95th District**

Expungement in Pennsylvania

An expungement is a legal order to have criminal history record information destroyed and removed from public view. An expungement can be for an entire arrest, or for individual charges from an arrest. In Pennsylvania, all arrests are publicly available on-line, however, primarily only arrests that did not lead to a conviction are eligible for an expungement.

Criminal history record information does NOT include police blotters, press releases, news articles, "Wanted Persons" signs and announcements, or intelligence, investigative, and treatment information created during the course of an investigation.

After an expungement is granted, the prosecutor and central repository are required to maintain a separate list of criminal history record information for the purposes of determining future eligibility for diversionary programs, identifying persons in criminal investigations or determining grading of subsequent offenses. The court may also maintain such a list.

SOME CRIMINAL RECORDS CAN BE FULLY EXPUNGED in Pennsylvania, including:

1. Non-conviction charges (charge was dismissed, withdrawn, nolle prossed, not guilty, etc.).
2. ARD if you complete the program and pay the fine.
3. Summary convictions if you have a five-year arrest free period since the conviction.
4. Any conviction if you are 70+ years old and have a ten-year arrest free period since the conviction(s).

“Order for Limited Access”

As of November 14, 2016, **people with certain misdemeanor convictions can ask the court to seal their record.** A sealed record will only be available to law enforcement. The sealed record will **NOT be available to employers or the public.**

Timelines:

For an arrest that did not result in conviction or prosecution: may apply for an order for limited access three years after the date of arrest.

For misdemeanors of the second and third degrees and ungraded misdemeanors (drug offenses): may apply after 10 years from date of conviction.

No orders may be issued for crimes of a misdemeanor of the first degree, any felony, or any conviction for:

1. 4 or more M2s
2. Simple assault unless it's an M3
3. Bestiality
4. Impersonating a public servant
5. Intimidation of victims or witnesses
6. Retaliation against victim or witnesses
7. Intimidation, retaliation or obstruction in child abuse cases
8. Any sexual offense which requires Megan's law registration.

The petition for the order must be filed in the Court of common pleas for \$132.

Expungement in York County

Expungement petitions and the required PSP background check attachment are filed upon payment of the \$79.45 filing fee with the Clerk of Courts office open Monday - Friday 8:15 a.m. to 4:30 p.m. excluding holidays. The Clerk's office is located on the first floor of the York County Judicial Center at 45 North George Street, York, PA. A copy of the petition and attachment **MUST** also be delivered, by the filer, to the District Attorney's office located on the third floor of the Judicial Center.

It should be further noted that it takes approximately **six months to a year** to have a record completely expunged and in some instances the expungement process can take significantly longer.

NOTE - by law, expungements of criminal offenses (misdemeanors/felonies) may only be considered for expungement if the charges were either dismissed, withdrawn, nolle prossed,

found not guilty. The ONLY exception a guilty disposition may be considered, by law, is if the defendant is 70 years of age or older and has not committed any new offenses in the past ten years following any period of incarceration.

NOTE - by law, expungements of summary offenses with a guilty disposition may only be considered if the defendant remains free of arrest or prosecution for five (5) years following the conviction.

Frequently Asked Questions

Q. What kinds of charges are eligible for expungement in PA?

All criminal charges that did not result in a conviction are eligible for expungement in Pennsylvania. For example, charges that are not guilty, withdrawn, dismissed, or nolle prossed are eligible for expungement.

Charges that result in the successful completion of a diversionary program, such as ARD or Section 17, are also eligible for expungement.

Q. Do the records just disappear?

No. Certain records may be retained to determine future eligibility for diversion or probation programs or to identify a person in a criminal investigation.

Q. Can convictions be expunged?

Convictions for summary offenses are eligible for expungement if a person is arrest and prosecution free for five years following the conviction. A summary offense is a criminal offense ordinarily (but not always), resulting in the issuance of a citation. Common summary offenses include disorderly conduct, simple trespass, public consumption of alcoholic beverages, and retail theft if it is a first offense and the value of the merchandise is less than \$150.

Conviction(s) for a misdemeanor or felony offense(s) is eligible for expungement if

- The individual is at least seventy years of age and has been arrest and prosecution free for at least ten years, or
- The subject of the information is deceased for at least three years, or
- The individual has received a pardon for that specific conviction.

Q. What if my convictions don't qualify for an expungement?

For all other convictions to be eligible for an expungement, a person must first get a pardon. For more information about Pardons, [click here](#).

Q. Does a prior arrest or conviction impact my ability to receive Federal Student Financial Aid?

Only criminal convictions on an individual's criminal record may limit eligibility for federal student aid. Past convictions that are not drug-related, whether felony or misdemeanor, do not limit an individuals eligibility to receive federal student financial aid. An individual can have drug-related convictions on their record (felony or misdemeanor), and still be eligible to receive financial aid – so long as the offense didn't/doesn't happen while receiving financial aid.

Q. Does a drug conviction make me ineligible to receive federal financial aid?

Convictions for a Federal or State drug offense (either sale or possession) do not count for eligibility purposes if the offense occurred during a period of enrollment *when the individual was not receiving Federal Student Aid*. The federal law only applies to an individual convicted of a drug-related offense during a period of enrollment for *which the individual was receiving Federal Student Aid*.