Clean Slate

CRIMINAL RECORD SEALING IN PA

Pennsylvania was the first in the nation to implement a process to seal criminal records from public view—allowing those who made a mistake in their past to start fresh. When a criminal record is sealed, that person is able to obtain housing, education, and employment without their criminal record holding them back.

Act 36 of 2023 expanded PA's Clean Slate law to apply to non-violent felonies, including some felony drug convictions. Since taking effect **June 11, 2024**, it is now possible for people convicted of these offenses to get their record sealed through Clean Slate.

AUTOMATIC VS. PETITIONS

PA's first Clean Slate law required you to file a **petition** with the court in order for your record to be sealed. In 2018, we expanded the law to allow for Clean Slate to apply **automatically** for low-level misdemeanors and after a 10-year waiting period. Act 36 made two important changes to Clean Slate by: (1) expanding the list of convictions eligible for **automatic** sealing to include some felony drug offenses, and (2) lowering the waiting period for misdemeanor convictions from 10 to 7 years.

Some offenses still require a **petition** to be filed to get a conviction sealed, so it is important to check eligibility using the screening tool online at MyCleanSlatePA.com.

EFFECT OF CLEAN SLATE RECORDS

A Clean Slated record is sealed from public view. Subject to some exceptions, a person cannot be required to disclose information about a conviction that is sealed, and may respond to questions about their criminal record as if the offense did not occur.

Act 36 added to the list of existing protections by prohibiting the use of sealed records for employment, housing, or school matriculation purposes. If a person voluntarily discloses information about a sealed conviction, the employer can only consider that conviction to the extent that it relates to the applicant's suitability for employment.

Clean slated records are accessible to law enforcement and can be used for sentencing purposes during future proceedings.

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OTHER CHANGES TO CLEAN SLATE

Act 36 of 2023 made other important changes to Pennsylvania's Clean Slate law:

Automatic Expungement of Pardons – Expungement is another form of record clearing under PA law, but is different than Clean Slate. While Clean Slate seals records from *public* view, an expungement eliminates all traces of the record, as if it had never occurred. Importantly, while Clean Slate sealing of a conviction is available to many, expungement of a conviction is generally only available to those who receive a pardon by the governor.

Act 36 added an important provision to PA's expungement statute that **automatically** initiates the expungement process whenever someone receives an unconditional pardon. Previously, those who received a pardon would still have to file a petition to get their record expunged.

Public Record Access – In May of 2022, a PennLive investigation revealed that many criminal records were being improperly shielded from public view based upon a misapplication of the Clean Slate law. While the law requires specific offenses that result in a non-conviction—e.g., not guilty, withdrawn, or dismissed—to be sealed, many County Clerk of Courts misunderstood this provision to mean that the entire docket should be sealed. As a result, counties were blocking access to entire cases where defendants were convicted of serious crimes like rape and murder simply because one or two minor charges were withdrawn.

A Senate amendment to Act 36, fixed this misapplication of the law by clarifying the provision in question. A clerk is now prohibited from blocking access to entire cases on the grounds that one or more offenses resulted in non-conviction.