

Expungements, Sealing, & Pardons



A record of arrest or a criminal conviction on your record can cause problems later in life. For that reason, you may want to attempt to remove such things from your criminal record.

An expungement is one method to remove something from your criminal record; however, only a few things may be expunged from your record. Some examples may include; any offense for which you completed an Accelerated Rehabilitative Disposition (ARD) program; Section 17 disposition for first time drug offenders; arrests for which you were never charged; and charges that were dismissed or for which you were found not guilty. All summary convictions over 5 years old are now eligible to be expunged if you have been free of arrest or prosecution for the last 5 years.

Misdemeanor convictions are not able to be expunged from your record but they might be able to be sealed. Sealing is different from expungement in that the case is not removed from your record but it limits who has access to the convictions. Law enforcement and state licensing agencies can still access the sealed information but the public cannot. In order to be eligible for sealing of your misdemeanor, you must have had a 10-year period free from felony or misdemeanor convictions, all fines and costs must be satisfied, and cannot have been convicted of certain serious disqualifying offenses.

Certain non-violent first-degree misdemeanors and second-degree simple assaults are eligible for petition-based sealing, so long as all of the previously stated requirements are met. Under the "Clean Slate" bill, which was implemented in June 2019, certain non-violent misdemeanor convictions as well as summary offenses and non-convictions are eligible for automatic sealing. For a misdemeanor conviction or summary offense to be automatically sealed all fines and costs must be satisfied. Additionally, there must be a 10-year period free from misdemeanor or felony conviction if the charge is a non-violent misdemeanor, and 10 years must have passed for a summary offense for the charge to be automatically sealed. This process is completely computer based, and requires no paperwork to be completed.

You must still apply for a pardon for more serious misdemeanors or felony convictions. The pardon process is lengthy. Currently, it takes approximately 2 ½ years from receipt of an application until the Board members review the application to determine if a hearing should be granted. If a hearing is granted, it will be conducted based on when the scheduled session is set to occur. If the application is recommended to the Governor, the Board of Pardons is not able provide a time frame for the Governor to act on a case. Once the Governor signs the pardon, the case still must be expunged from a person's record. The total process takes anywhere from 4 to 5 years.

Currently, changes are being made to the pardon process which will make the process easier and simpler. In order to obtain an application you simply need to download the free application from the Pennsylvania Board of Pardons website. There are no minimum eligibility requirements, however, an applicant should be able to demonstrate a "reasonable period of time having elapsed since the crime" to show rehabilitation. Additionally, an applicant must have successfully completed all court-imposed requirements such a probation, parole, and payment of all fines and costs.

More information on pardon can be found at the Board of Pardons' website www.bop.pa.gov/Pages/default.aspx.

**For Services with NWLS Call 1-800-665-6957, in Erie 452-6957,
or Online at www.nwls.org**