

Clean Slate Summary – Act 56 of 2018

Expanded and Automated Sealing of Criminal Records in PA

Petition-Based (Manual) Sealing of Misdemeanors	
<i>General Rule Permitting Sealing</i>	Convictions with grades of M1, M2, M3, M
<i>Time Conviction-Free</i>	10 year period must have passed from date of conviction of misdemeanor to be sealed without another felony or misdemeanor conviction.
<i>Excluded Convictions (misdemeanors that can't be sealed)</i>	M1 Art. B offenses (crimes of violence) M1 Art. D offenses (crimes against the family) M1 firearms offenses M1 tiered sexual offenses, or required to register as sex offender M1 corruption of minors Attempt, conspiracy, or solicitation to commit any of above offenses
<i>Disqualifying Convictions (review rest of record; convictions in one of these categories disqualifies a person from sealing otherwise eligible misdemeanors)</i>	Ever convicted: murder, F1, or offense punishable by more than 20 yrs Within last 20 years, convicted of either: <ul style="list-style-type: none"> • Felony involving Art. B, Art. D, firearms, tiered sexual offense or required registration for sex offense <i>or</i> • 4 or more M2s or higher Within last 15 years, convicted of either: <ul style="list-style-type: none"> • 2 or more M1s or higher <i>or</i> • Indecent exposure, sexual intercourse with animal, failure to comply with registration req'ts, weapons/implements for escape, abuse of corpse, prohibited paramilitary training
<i>Additional requirement</i>	All financial obligations for the case to be sealed must be resolved
<i>Effective Date</i>	December 26, 2018

Notable changes from existing law (Act 5 of 2016):

- Many M1s can now be sealed (especially for theft, drugs and DUI).
- A single M1 no longer disqualifies an M2 or M3 from being sealed; two or more M1s are disqualifying only for 15 years.
- Almost all M2 and M3s are now eligible for sealing by petition.
- M2 simple assault can now be sealed and no longer disqualifies a person for sealing other offenses.
- M3s no longer disqualify petition filers.
- 10-year waiting period runs from date of conviction, not completion of sentence.
- Arrests and summary convictions during the 10-year waiting period are no longer disqualifying.

Summary offenses continue to be eligible for expungement by petition after five years; non-convictions can continue to be expunged immediately.

Other notable provisions of Act 56 (beginning 6/28/2019):

- Clarifies that when a case is expunged or sealed, the former defendant can't be asked about case by employers and others, and if asked, can respond as if the case did not occur.
- Sealed cases will no longer be used for decisions on occupational licenses.

Automated Sealing of Misdemeanors	
<i>General Rule Permitting Sealing</i>	Convictions with grades of M2, M3, M (not M1s)
<i>Time Conviction-Free</i>	10 year period must have passed from date of conviction of misdemeanor to be sealed without another felony or misdemeanor conviction.
<i>Excluded Convictions (misdemeanors that can't be sealed by automation)</i>	<ul style="list-style-type: none"> • Art. B offenses (crimes of violence) • Art. D offenses (crimes against the family) • Firearms offenses • Tiered sexual offenses, or required to register as sex offender • Corruption of minors or cruelty to animals offenses • Attempt, conspiracy, solicitation to commit any of above
<i>Disqualifying Convictions (review rest of record; convictions in one of these categories disqualifies a person from automated sealing of otherwise eligible misdemeanors)</i>	Ever convicted of: <ul style="list-style-type: none"> • A felony • 2 or more M1s or higher • 4 or more convictions of Fs or Ms • Indecent exposure, sexual intercourse with animal, failure to comply with registration req'ts, weapons/implements for escape, abuse of corpse, prohibited paramilitary training
<i>Additional requirement</i>	All financial obligations for the case to be sealed must be resolved
<i>Effective Date</i>	Implementation between June 28, 2019 – June 27, 2020
Automated Sealing of Summary Offenses and Non-Convictions	
<i>Summary offense convictions</i>	Summaries will be sealed by automation 10 years after conviction if the financial obligations are satisfied. The person is not required to have been conviction-free during that 10-year period.
<i>Non-convictions</i>	Non-convictions will be sealed by automation in around 60 days.

Notable:

- *M1s and simple assault will not be sealed by automation*, but may be sealable by petition.
- *The disqualifications for automation are broader than for petitions.* For instance, a single felony conviction or two M1s eliminate automated sealing of otherwise qualifying M2s or M3s. But those convictions do not necessarily prevent sealing by petition; check those rules.

Key: Grades of Offenses, Highest to Lowest

1 st degree felony	F1
2 nd degree felony	F2
3 rd degree felony	F3
1 st degree misdemeanor	M1
2 nd degree misdemeanor	M2
3 rd degree misdemeanor	M3
Ungraded misdemeanor	M
Summary offense	S