



NEIGHBORHOOD LEGAL SERVICES



Criminal  
cord

A close-up photograph of a hand using a piece of brown chalk to erase the word "Criminal" from a black chalkboard. The word "Criminal" is written in white, bold, sans-serif font. The hand is positioned on the left side of the word, with the index finger and thumb holding the chalk against the letter 'C'. The word "cord" is written below "Criminal" in the same font.

## CRIMINAL RECORD CLEARING



LEGAL  
LITERACY



# Employment and Criminal Records

**An employer can only use information from a candidate's criminal record.**

**Felony and misdemeanor convictions may be considered by the employer only to the extent to which they relate to the applicant's suitability for employment in the position for which he has applied.**

**Summary convictions cannot be considered.**

**The employer must notify in writing the applicant if the decision not to hire is based in whole or in part of criminal history record information.**



# Ways To Clear Your Record

**Expungement**-A Court Order which removes criminal charges and some minor summary offenses from an individual's criminal record.

**Sealing**-Limits the public's ability to see certain offenses on your criminal record. There are two types of sealing: automatic sealing and petition-based sealing

**Pardons**-Generally, a pardon from the Governor is the only way to remove some misdemeanor and felony convictions from your record. This is discretionary.





# What Can Be Expunged?

## **NON –CONVICTIONS**

- Withdrawn**
- Nolle Prossed**
- Dismissed**
- Not Guilty**





# What Else Can Be Expunged

Offenses resolved through an Accelerative Rehabilitation (ARD) Program.

Eligible once the diversion program is completed. The Grade of the offense does not matter

**Fines and Fees MUST BE PAID OFF.**

Submit a ARD completion letter  
with your petition





# Summary Offenses

A summary offense is the most minor type of criminal offense in Pennsylvania, and is often called a “non-traffic citation”. It is usually punished by a fine and/or no more than ninety days in jail.

Summary offenses can include disorderly conduct, loitering, harassment, and low-level retail theft.

**Eligible if you have a  
five-year arrest-free  
period.**



## What About Misdemeanors?

1

- Misdemeanor charges that were withdrawn, dismissed or nolle-prossed.

2

- Juvenile court misdemeanors and felonies can be expunged under various circumstances.

3

- If you are over 70 years of age, any felony or misdemeanor conviction can be expunged as long as there is a 10-year arrest free period.



Pay Online

Pay In Person

**What you will need to have:**

→ Access to a cell phone with the internet or a computer with the internet

→ A credit card, debit card, or ATM card

**Where you need to go:** Nowhere

**Fee limit:**

You can only pay up to \$1,000 in fees

**What you will need to have:**

A money order

**Where you need to go:**

→ To a store or bank to get the money order

→ To the court to give the money order

**Fee limit:**

None. You are allowed to pay any amount.

To get a charge erased, you need to have paid all the fines that the government said you had to pay for your case.





# AUTOMATIC CRIMINAL RECORD SEALING

SEALING A RECORD MEANS THAT THE PUBLIC, SUCH AS EMPLOYERS AND LANDLORDS, CANNOT SEE ANY CHARGES THAT HAVE BEEN SEALED. SINCE 2019, PENNSYLVANIA HAS AUTOMATICALLY SEALED CASES IN WHICH:

- THERE WAS NO CONVICTION-AUTOMATICALLY SEALED AFTER 60 DAYS
- SUMMARY OFFENSES **AFTER 10 YEARS**
- M2, M3, M - MISDEMEANORS **IF 10 YEARS HAVE GONE BY WITH NO MISDEMEANOR OR FELONY CONVICTION**
- ANY 1<sup>ST</sup> DEGREE MISDEMEANOR PUNISHABLE BY NO MORE THAN TWO YEARS IMPRISONMENT AND 10 YEARS WITHOUT AN ARREST OR CONVICTION



**SOME MISDEMEANORS ARE NOT ELIGIBLE FOR SEALING:**

Danger to Person

Offense against family

Firearms or other dangerous offenses

Sexual offenses

Cruelty to animals

Corruption of minors

**NEW REGULATION THAT HAS BEEN PASSED THAT DOES NOT REQUIRE THAT OUTSTANDING FINE AND FEES BE PAID OFF TO QUALIFY FOR SEALING, HOWEVER, ANY RESTITUTION MUST BE PAID OFF.**



## PETITION-BASED SEALING

Convictions with grades M1, M2, M3 and M

Excluded convictions: crimes of violence, crimes against the family, M1 firearms, M1 sexual offenses, M1 corruption of minors and any attempt, conspiracy, solicitation to commit any of the above.

**DISQUALIFYING CONVICTIONS: YOU CANNOT QUALIFY FOR PETITION-BASED SEALING IF:**

YOU HAVE BEEN CONVICTED OF MURDER, F1 OR OFFENSE PUNISHABLE BY MORE THAN 20 YEARS.

Within the last 20 years been convicted of certain felonies or been convicted of 4 or more M2 or higher

Within the last 15 years been convicted of 2 or more M1s or higher



## House Bill 440

Passed on October 21, 2020.

HB 440 provides that court-ordered financial obligations (fines and fees) do not need to be paid before an otherwise eligible case can be sealed. This applies to both cases sealed by automation and cases sealed by court petition.

However, if there is outstanding restitution owed to victims, that must be paid before any sealing can take place.

It also provides that full acquittals will be automatically expunged

Pardoned cases will also be automatically sealed.



## WHAT CAN I DO ABOUT MY FELONIES AND OTHER MISDEMEANORS?

**The only way to get felony and some misdemeanor convictions off your record is to apply for a pardon**

**It is recommended that for less serious crimes you wait until at least 5 years until after your conviction**

**For more serious offenses, it is best to wait until about 10 years after your conviction**



# Factors considered by the Board

1. How much time has passed since the conviction?
2. Has the individual complied with all court requirements and paid off costs, fines, and restitution?
3. Is the individual remorseful?
4. Has the individual attended the required treatment sessions and/or classes?
5. Has the individual made positive changes to their life (career, education, community involvement, etc.) since the conviction?
6. Why does the individual need a pardon? How does not having a pardon affect their daily life?
7. 7. Was there a victim, and if so, how did the crime impact the victim?



# Who Makes A Good Pardon Candidate?

**No convictions – anywhere, anytime – for a crime involving sex or serious violence**

**Specific goals and good reason(s) why a pardon is so important**

**Record of giving back to the community**

**Registered to vote**

***At time of hearing, all fines/etc. paid and at least 5 years:  
since completion of sentence***

**“clean and sober”/behavioral issues under control**



# WHERE TO GET A PARDON APPLICATION

<https://www.bop.pa.gov/Apply%20for%20Clemency/Pages/Filing-Instructions.aspx>

You can download the application for free

You can request one by mail. When sending your request include: name of applicant, phone number, email address and mailing address.

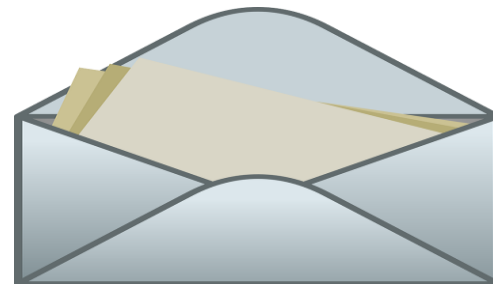
Submit the completed application to

Board of Pardons

333 Market Street

15<sup>th</sup> Floor

Harrisburg, PA 17126







# Documents Needed

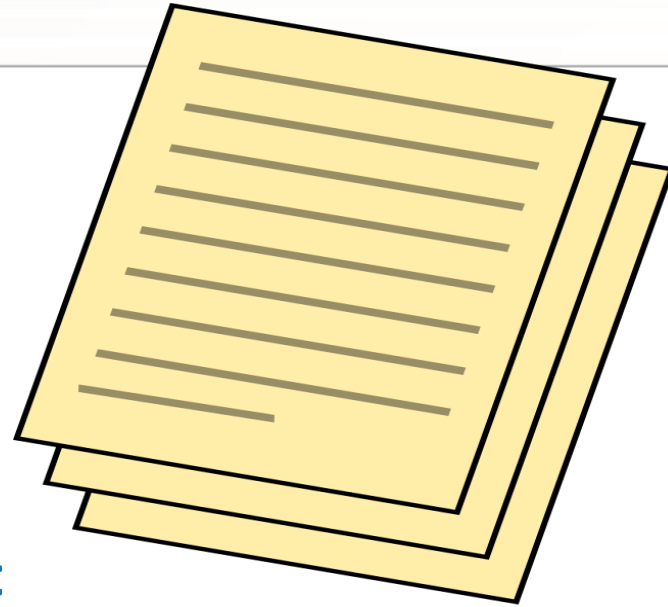


If you were sentenced by the Court of Common Pleas, the individual will need.

- Criminal Complaint
- Affidavit of Probable Cause
- Criminal Information/Indictment
- Final Plea or Verdict
- Disposition/Sentencing Order
- Proof of payment of fines, costs, and/or restitution



# Documents for Municipal District Court cases



- Citation of Criminal Complaint
- Affidavit of Probable Cause
- Disposition/Sentencing Order
- Proof of payment of fines, costs, and/or restitution



## Other Required Documents

**Original Application & 5 Copies • Filing Fee of (money order, cashier's/certified check) made payable to the Commonwealth of PA. •  
1 color passport size picture**

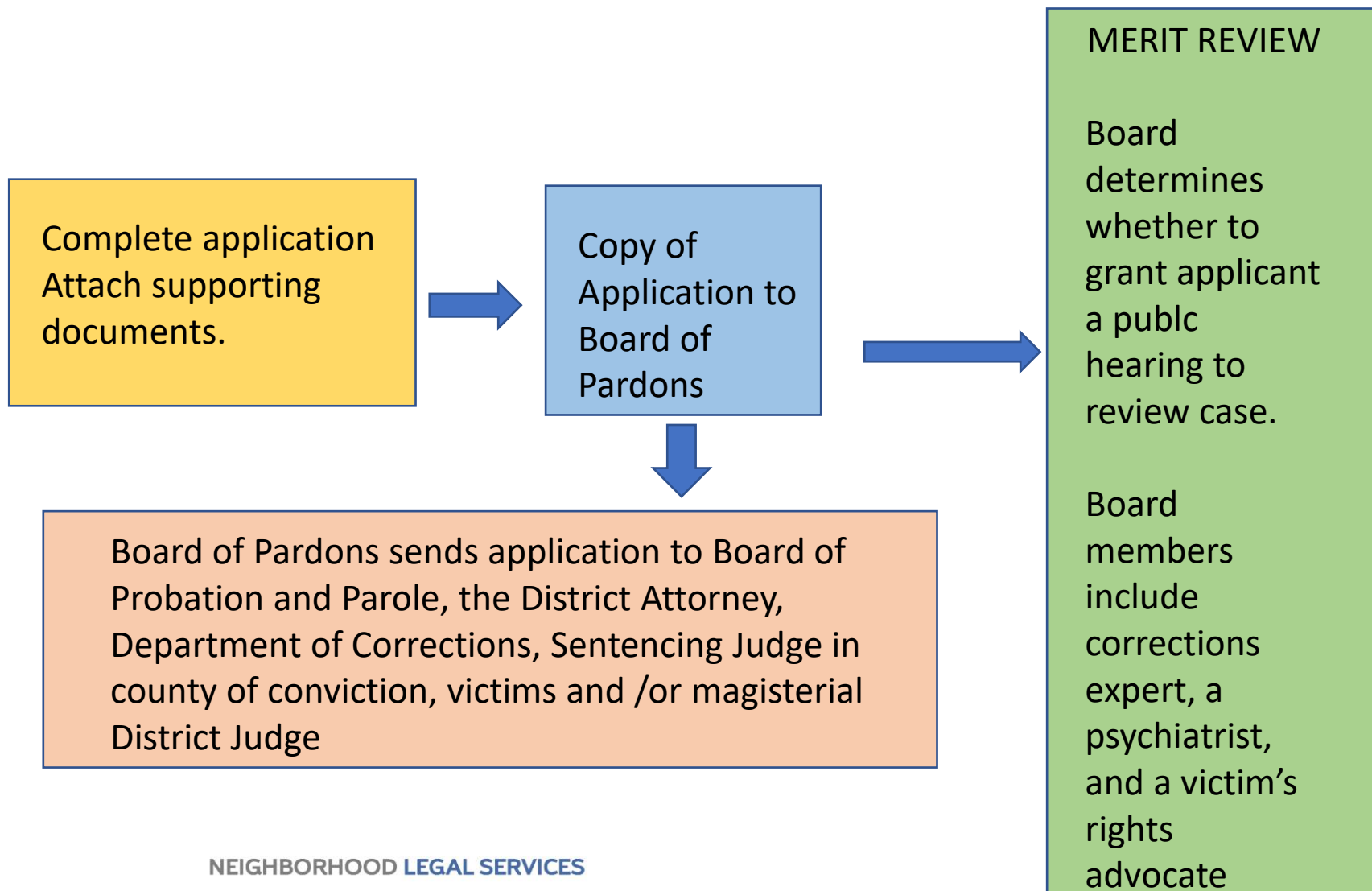


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# The Process



Once the application is filed, the Board of Pardons will notify the Pennsylvania Board of Probation and Parole, and an agent will be assigned to the case. The agent will investigate the facts surrounding the criminal conviction(s) and will request a meeting with the individual (in-person or by telephone). The agent will also ask for a host of material documents. Should the individual fail to comply with the agent, the application will be withdrawn before it even gets to the Board of Pardons for review.



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**Residence:** rental agreement, mortgage statements, rent receipts, etc. as applicable;

Marital Status and Family Composition: marriage decrees, divorce decrees, birth and or death certificates, etc. as applicable;

**Employment:** pay stubs, W2's, evidence of income to include alimony, unemployment, VA benefits, etc. as applicable;

**Resources:** investment statements, life insurance policies, checking and savings account statements, total family income, value of all property to include vehicles, vacation property, rental property; etc. as applicable;

**Liabilities** and Indebtedness: loan statements, mortgage statements, installment (credit card) statements, delinquency on any utilities, etc. as applicable;

**Membership in Organizations and/or other Civic Organizations:** membership cards for any volunteer, civic, church related organizations, etc. as applicable;



**Religious interests:** interests and activities of the Applicant, as applicable;

**Mobility and Travel:** addresses and dates of residences for the past ten years;

**Employment History:** record of jobs held for the past ten years as shown by W2's, pay stubs, etc. as applicable;

**Educational History:** history of education as shown by diplomas, certificates, transcripts, etc. as applicable;

**Military Service:** branch of service, dates of entry and discharge, type of discharge, rank attained as shown by a DD-214; as applicable;

**Community Reputation and Reference:** names and contact information of at least 3-5 references to be contacted by the investigating Agent, or letters of support.



## **Public Hearing**

**Held in the PA Supreme Court in Harrisburg. The applicant has fifteen minutes to present case. Prosecutors, victim(s) and member of the public will also have a chance to testify.**

**Board of Pardon decides whether to recommend the pardon to the governor**



**Governor decides whether to grant or deny pardon**

**No specific timeframe to make decision.**

**Pardoned individual must apply for expungement to clear the record of pardoned offenses.**





## Members of the Board of Padons

Pennsylvania Lieutenant Governor  
Pennsylvania Attorney General,  
Corrections expert,  
Psychiatrist,  
Victim's rights advocate,



Only 2 votes (out of 5)  
needed  
at the “merit review” to  
get a hearing

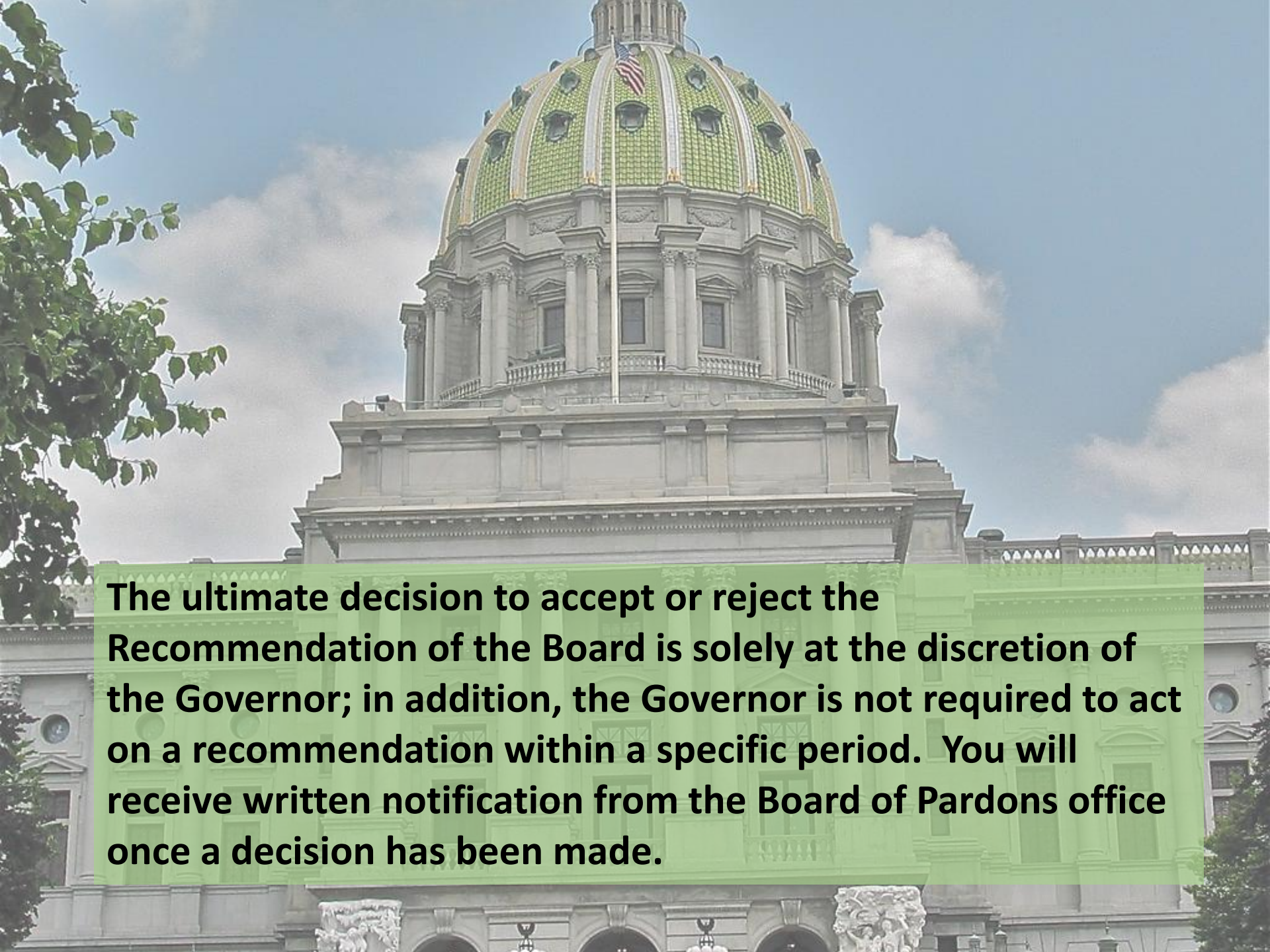
Only 3 votes (out of 5)  
needed at the public  
hearing to get to  
the Governor



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**The ultimate decision to accept or reject the Recommendation of the Board is solely at the discretion of the Governor; in addition, the Governor is not required to act on a recommendation within a specific period. You will receive written notification from the Board of Pardons office once a decision has been made.**



# New Expedited Process for Marijuana Offenses

There is a new expedited review program for non-violent marijuana offenses.



- **Possession of a small amount of marijuana for personal use.**
- **Possession of a small amount of marijuana with intend to distribute**
- **The distribution of a small amount of marijuana but not for sale.**
- **A felony conviction for possession with the intent to deliver marijuana**



# Some of the rights and privileges restored after a pardon

- **Serving on a jury**
- **Holding public office**
- **Owning and carrying a firearm**
- **Service in the military**
- **International travel**
- **Employment in varying fields i.e. Jobs requiring licensing-nursing, education, security, legal**





# HOW TO APPLY FOR HELP



To find out if you qualify for legal assistance from NLS you can visit our website at [www.NLSA.us](http://www.NLSA.us). To apply online choose the “Get Legal Help” tab or you may call the office for your county (M-F 9am to 1pm).

## ALLEGHENY COUNTY

**412-255-6700**

928 PENN AVENUE  
PITTSBURGH, PA 15222-3799

## BEAVER COUNTY

**724-378-0595**

STONE POINT LANDING, SUITE 204A  
500 MARKET STREET  
BRIDGEWATER, PA 15009-2998

## BUTLER COUNTY

**724-282-3888**

HOLLY POINTE BUILDING, SUITE C PLAZA LEVEL  
220 S. MAIN STREET  
BUTLER, PA 16001

## LAWRENCE COUNTY

**724-658-2677**

TEMPLE BUILDING, SUITE 329  
125 EAST NORTH STREET  
NEW CASTLE, PA 16101-3751



**TOLL-FREE 866-761-6572**



# NEIGHBORHOOD LEGAL SERVICES

*Because Justice is for All*

**LSC**  
America's Partner  
for Equal Justice  
LEGAL SERVICES CORPORATION

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