

ACLU-PA Position: Support

Bill summary

[HB 440](#) (P.N. 4546) amends Title 18 (Crimes and Offenses) and 42 (Judiciary and Judicial Procedure) to require the automatic sealing of a person's criminal history if they have been pardoned or automatically expunged if they have been fully acquitted of their criminal charges. HB 440 also expands Pennsylvania's Clean Slate law by removing the obligation to pay outstanding court-ordered financial obligations before eligible cases can be sealed. Any restitution owed, however, is not waived.

Bill details

Regarding criminal records: expungement completely eliminates a case, while sealing removes it from public view but allows it to continue to be considered for limited purposes, most notably for law enforcement purposes.

Processes under HB 440:

- **Acquittals:** If a person has been fully acquitted of all charges (i.e., cases with not guilty verdicts), those charges will be automatically expunged.
- **Pardons:** If a person has received a pardon, the record related to the charge for which they have been pardoned would be automatically sealed. Individuals receiving pardons from the Governor may still expunge their cases by filing petitions if they choose.

Process for expunging the record of a charge for which the person was fully acquitted:

- The court gives the individual and the state a notice that the person's criminal record will be automatically expunged.
- The state has 60 days to object to the expungement – and that objection can be only that the person received a partial, not full, acquittal.
- The court holds a hearing to determine whether the expungement relates to a partial acquittal. (The hearing can be waived if both parties agree).
- The court orders an expungement (unless it finds that the charge was related to a partial acquittal).
- The record must be expunged within 12 months from the date of the acquittal.

Record sealing for those with court debt:

HB 440 expands record sealing by no longer requiring court-ordered financial obligations to be paid before an otherwise eligible case can be sealed.

- People owing court debt but otherwise eligible to seal a misdemeanor will be able to file a sealing petition 60 days after the Governor signs the bill.
- For those relying on Clean Slate for automatic record sealing, court and law enforcement officials have one year to implement the changes.
- Unlike other court debt, restitution to victims, if any was ordered, continues to need to be paid before a case can be sealed.