

# Expungement Summary



CHARGES THAT ARE ELIGIBLE FOR <u>EXPUNGEMENT</u> (PETITION ONLY!)	
Type of Charge	Explanation
<b>Non-conviction</b> ( <i>withdrawn, nolle prossed, dismissed, not guilty</i> )	<ul style="list-style-type: none"> <li>• Eligible for expungement immediately following final disposition.</li> <li>• Grade does not matter.</li> </ul>
<b>Diversion program</b> ( <i>e.g. ARD, Section 17</i> )	<ul style="list-style-type: none"> <li>• Eligible for expungement following completion of diversion program, though may be waiting period depending on the program.</li> <li>• Grade does not matter.</li> <li>• Fines and costs must be paid off!</li> <li>• For ARD, must attach ARD Completion Letter to petition.</li> </ul>
<b>Summary Convictions</b>	<ul style="list-style-type: none"> <li>• Eligible for expungement if there is a 5-year arrest-free period following conviction.</li> <li>• Only for convictions with <i>summary</i> grades.</li> <li>• Fines and costs must be paid off!</li> </ul>
<b>Convictions for clients who are over 70 years old</b>	<ul style="list-style-type: none"> <li>• Eligible for expungement if client is over 70 and has a 10 year arrest-free period since conviction.</li> <li>• Grade does not matter (even felony convictions can be expunged!)</li> <li>• Fines and costs must be paid off!</li> </ul>

If not eligible for expungement,  
move on to sealing analysis.

# Clean Slate Summary- Act 56 of 2018



## AUTOMATED SEALING

(goes into effect between June 28, 2019 and June 27, 2020)

<b>General Rule</b>	Convictions with grades of M2, M3, M if all financial obligations are paid.
<b>Time Since Conviction</b>	10 year period after conviction without another M or F conviction.
<b>Excluded Convictions</b> (misdemeanors that can't be sealed by automation)	<ul style="list-style-type: none"> <li>• Art. B offense (crimes of violence)</li> <li>• Art. D offense (crimes against the family)</li> <li>• Firearms</li> <li>• Sexual offense requiring registration/tiered sexual offense</li> <li>• Cruelty to animals &amp; corruption of minors</li> <li>• Attempt, conspiracy, solicitation to commit any of the above.</li> <li>• Any conviction which arose from the same case as: conviction of M1 or higher or any conviction for the offenses above.</li> </ul>
<b>Disqualifying Convictions</b> (review rest of record; these convictions disqualify a person from automated sealing of otherwise eligible misdemeanors)	<ul style="list-style-type: none"> <li>• Felony</li> <li>• 2 or more M1s</li> <li>• 4 or more Ms of any kind</li> <li>• Indecent exposure, sexual intercourse w/ animal, failure to comply w/ registration req'ts, weapons/implements to escape, abuse of corpse, prohibiting paramilitary training.</li> </ul>
<b>Summary Convictions</b>	Conviction must be 10+ years with all financial obligations paid.
<b>Non-Convictions</b>	Automatically sealed after 60 days.

## PETITION-BASED SEALING

(in effect as of December 26, 2018)

<b>General Rule</b>	Convictions with grades of M1, M2, M3, M if all financial obligations are paid.
<b>Time Since Conviction</b>	10 year period after conviction without another M or F conviction.
<b>Excluded Convictions</b> (misdemeanors that can't be sealed)	<ul style="list-style-type: none"> <li>• M1 Art. B offense (crimes of violence)</li> <li>• M1 Art. D offense (crimes against the family)</li> <li>• M1 firearms</li> <li>• M1 sexual offense requiring registration/tiered sexual offense</li> <li>• M1 corruption of minors</li> <li>• Attempt, conspiracy, solicitation to commit any of the above.</li> </ul>
<b>Disqualifying Convictions</b> (review rest of record; these convictions disqualify a person from sealing of otherwise eligible misdemeanors)	<p>Ever convicted of:</p> <ul style="list-style-type: none"> <li>• Murder, F1, or offense punishable by more than 20 yrs</li> </ul> <p>Within last 20 years, convicted of:</p> <ul style="list-style-type: none"> <li>• Felony involving any of: Art. B, Art. D, firearms, sexual offense/tier system</li> <li>• 4 or more M2s or higher</li> </ul> <p>Within last 15 years, convicted of:</p> <ul style="list-style-type: none"> <li>• 2 or more M1s or higher</li> <li>• Indecent exposure, sexual intercourse w/ animal, failure to comply w/registration req'ts, weapons/implements for escape, abuse of corpse, prohibiting paramilitary training.</li> </ul>