



## HOUSE COMMITTEE ON APPROPRIATIONS

# FISCAL NOTE

SENATE BILL NO. 166

PRINTERS NO. 1517

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### COST / (SAVINGS)

FUND	FY 2015/16	FY 2016/17
General Fund	See "Fiscal Impact" below.	

#### SUMMARY:

Senate Bill 166 amends the Crimes Code concerning orders for limited access and amends the Judicial Code concerning petitions for expungement or orders for limited access fees. It would take effect in 270 days.

#### ANALYSIS:

Senate Bill 166 amends the Crimes Code by adding a section concerning orders for limited access. Orders for limited access to criminal records may be granted on petition to the court where the conviction occurred. Only convictions for second or third degree misdemeanors or ungraded offenses which carry no more than 2 years in prison may be the subject of an order. The convicted individual must have been free from arrest or prosecution for 10 years following final release from confinement or supervision. Within 10 days of receiving a petition, the court must notify the district attorney who may file objections within 30 days, in which case a hearing on the petition will be held. The court may grant the petition without hearing if no objections are filed and all the requirements have been met. The central repository, upon notice of the order from the court, must notify all criminal justice agencies which have received criminal history record information related to the conviction. The legislation also contains a list of enumerated offenses for which an order for limited access will not be available.

Once an order for limited access is granted, it will limit disclosure of criminal history records. Release will be permitted only to a criminal justice agency; a state licensing agency for use only as where relevant to issuance of a professional and occupational license; and the Pennsylvania Department Human Services and county children and youth agencies for performance of their statutory duties regarding child protective services. Senate Bill 166 will prohibit anyone who is not entitled to disclosure of a criminal history record from requiring or requesting an individual to disclose a record which has been the subject of an order for limited access.

Senate Bill 166 also amends Judiciary by adding a new section to create a fee of \$132 for filing a petition for limited access or a petition for expungement. The fee will be divided equally between the Administrative Office of Pennsylvania Courts, the Pennsylvania State Police, the county district attorney and the county Clerk of Courts.

**FISCAL IMPACT:**

Enactment of this legislation will have a minor impact on the Pennsylvania State Police for information technology changes. This should be offset by the imposition of the \$132 fee for filing a petition for limited access or a petition for expungement.

Additionally, the Administrative Office of the Pennsylvania Courts estimates its annual costs associated with the enactment of this legislation to be \$135,000 for two additional staff members and one-time startup costs of \$5,500. These costs should be offset by the imposition of the \$132 fee for filing a petition for limited access or a petition for expungement.

The local fiscal impact of this legislation on district attorneys and clerks of courts in all 67 counties is not available. However, the share of the \$132 fee for filing a petition for limited access or a petition for expungement, set aside for district attorneys and clerks of courts is intended to help offset local costs.

According to the Pennsylvania State Police, the agency processes approximately 48,000 expungement orders per year. At this rate the \$132 fee would generate \$6.336 million per year, nearly \$1.6 million each for the Administrative Office of PA Courts, the PA State Police, and the district attorneys and clerks of courts in the counties where the orders are filed. This estimate assumes no reduction in the number of expungement requests due to the imposition of this additional fee, and no increase based upon the availability of the petition for limited access.

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House Appropriations Committee (R)

**DATE:** January 27, 2016

*Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.*