



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 1419

PRINTERS NO. 3314

PRIME SPONSOR: Delozier

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	See Fiscal Impact	See Fiscal Impact

SUMMARY:

House Bill 1419, Printer's Number 3314 amends Title 18 (Crimes and Offenses), Chapter 91 (Criminal History Record Information, Subchapter C (Dissemination of Criminal History Record Information), Sections 9121 (General Regulations) and 9122.1 (Order for limited access; and provides for a new Sections 9122.2 (Clean Slate Limited Access (CSLA)), 9122.3 (Exceptions) and 9122.4 (Order to vacate order for limited access), 9122.5 (effects of expunged records and records subject to limited access) and 9122.6 (Employer immunity from liability) to further provide for the process for sealing certain criminal history records. In addition, HB 1419 amends Title 42 (Judiciary and Judicial Procedure) further providing for consistent policies and practices for sealing of criminal records across judicial statutes, specifically as it relates to juvenile matters.

ANALYSIS:

HB 1419 amends the Crimes Code by amending Section 9121 to allow the dissemination of certain criminal records to noncriminal justice agencies and individuals under the following circumstances:

- A court order in child custody, or protection from abuse cases,
- A court order by an employer whom a claim of civil liability has been brought as described under Section 9122.6 (Relating to employer immunity from liability) for purposes of defending against a claim of civil liability,
- When Federal law requires criminal history as employment consideration; and
- Verification information provided to the Supreme Court to regulate the practice of law and administer the courts.

Section 9122.1 heading is amended to read "Petition for limited access" and is further amended to provide a process by which the court, through filing a petition, may grant an order limiting public access to certain criminal history records if the petitioner has been free from subsequent arrests, prosecution or conviction for a period of 10 years.

HB 1419 adds the following new Sections to the Crimes Code:

- Section 9122.2 (Clean Slate Limited Access (CSLA)) establishes the process of CSLA for courts to enter orders limiting access to qualifying criminal history records without cost to the offender or the need to file a petition. On a monthly basis, the AOPC will transmit information to the PSP of any conviction eligible for limited access as prescribed by law. The PSP will validate the transmitted records and will notify the AOPC within 30 days of receiving the information of ineligible records. At the end of 30 days, the AOPC will remove from the list all ineligible records for which AOPC has received notification from PSP. Each court of common pleas will issue a monthly order for limited access for any record in its judicial district for which no notification of ineligibility has been received by the AOPC.
- Section 9122.3 (Exceptions) establishes when limited access is not applicable.
- Section 9122.4 (Order to vacate order for limited access) permits the prosecuting attorney to make a motion to the court to revoke an order of limited access for an ineligible offense or if the person is subsequently convicted of a misdemeanor or felony.
- Section 9122.5 (Effects of expunged records and records subject to limited access) provides that a person who was granted limited access under the law, or whose record has been expunged may deny the arrest or conviction to anyone other than an agency or person who is entitled to the information.
- Section 9122.6 (Employer immunity from liability) provides immunity from civil liability to an employer for damages suffered as a result of criminal or unlawful conduct that is related to the expunged or limited access criminal record.

HB 1419 requires the Pennsylvania State Police (PSP) and the Administrative Office of the Pennsylvania Courts (AOPC) to identify and complete the processing of eligible records within 365 days of the effective date of Section 3 of the legislation (Section 3 is effective in 365 days). In addition, authorizes that the petitioning for limited access under Section 9122.1 of the Crimes Code will commence after 180 days of the effective date (effective immediately).

Individuals can start filing petitions 180 days after enactment. AOPC and PSP must complete the processing of any eligible records no later than 365 days after the effective date. This legislation will take effect in 365 days.

FISCAL IMPACT:

The provisions of HB 1419 build upon current law/practices relating to the sealing and dissemination of criminal records, therefore any costs associated with the administration of this legislation is assumed to be absorbed within current appropriation levels.

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House Appropriations Committee (R)

DATE: April 11, 2018

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