



# HOUSE COMMITTEE ON APPROPRIATIONS

## FISCAL NOTE

HOUSE BILL NO. 689

PRINTER'S NO. 2310

PRIME SPONSOR: Harris

### COST / (SAVINGS)

FUND	FY 2022/23	FY 2023/24
General Fund	\$0	\$0

### SUMMARY:

Expands the limited access and clean slate limited access provisions of the Criminal History Record Information Act (CHRIA).

### ANALYSIS:

House Bill 689 amends the Criminal History Record Information Act (CHRIA) by expanding and modifying limited access and clean slate limited access in the following ways:

#### General Regulations (Section 9121)

- Provides that only the Pennsylvania State Police may disseminate criminal history information. Other criminal justice agencies may disseminate criminal history information to any individual or noncriminal agency only as they deem necessary to carry out their law enforcement functions. A fee may be charged by the state police for each request for criminal history record information with certain restrictions.

#### Expungement (Section 9122)

- Provides for the expungement of criminal history record information when an individual has been granted an unconditional pardon.
- On a quarterly basis, the Board of Pardons shall transmit notice of any record subject to an unconditional pardon to the Administrative Office of Pennsylvania Courts (AOPC). The AOPC will transmit the record to the court in which the conviction occurred. Upon receipt of this notice, the court shall order the expungement of the individual's criminal history record information.

#### Petition for Limited Access (Section 9122.1)

- Reduces the waiting period for misdemeanor criminal history record information after being conviction free from 10 to 7 years
- Reduces the time period that an individual must remain conviction-free following convictions of two or more offenses punishable by more than two years in prison from 15 years to 10 years
- Adds the following offenses (excluding felonies of the 1<sup>st</sup> and 2<sup>nd</sup> degrees) if the individual has remained conviction-free for a period of 10 years:
  - Section 2706 (terroristic threats)
  - Section 3304 (criminal mischief)
  - Section 3503 (criminal trespass)

- Offenses under Chapter 39 (theft and related offenses)
- Offenses under Chapter 41 (forgery and fraudulent practices)
- Section 481 of the Human Services Code
- An offense under Section 13 of the Drug Act, including delivery and manufacturing of a controlled substance unless a minimum sentence of 30 months or more of imprisonment or a maximum sentence of 60 months or more of imprisonment was imposed on the offense
- Allows limited access relief by petition for a person convicted of misdemeanor terroristic threats, but continues to prohibit it for felony terroristic cases
- Prohibits grants of relief for the following offenses:
  - Section 3127 (indecent exposure)
  - Section 3129 (sexual intercourse with an animal)
  - Section 4915.1 or 4915.2 (failure to comply with sexual offender registration requirements)
  - Section 5122 (weapons or implements for escape)
  - Section 5510 (abuse of corpse)
  - Section 5515 (prohibiting paramilitary training)

Clean Slate Limited Access (Section 9122.2)

- Adds a provision for clean slate limited access for offenses under Section 13 of the Drug Act, including delivery and manufacturing of a controlled substance
  - Excludes sentences with a minimum sentence of 30 months or more of imprisonment or a maximum sentence of 60 months or more of imprisonment
- Reduces the period that an individual must remain conviction-free prior to qualifying for clean slate limited access from 10 to 7 years.
  - This applies to any misdemeanor offense that is punishable by imprisonment of no more than 2 years
- Reduces the time that an individual must remain conviction-free for any summary offense to qualify for clean slate limited access from 10 to 5 years.
- Adds a provision qualifying individuals who have received a conditional pardon for clean slate limited access.

The legislation stipulates for both Section 9122.1 and 9122.2 that the conviction of two or more offenses charged in separate counts that are consolidated under one docket number shall be deemed to be one conviction when the offenses share the same offense tracking number (OTN).

HB 689 further clarifies that:

- Criminal history record information that has been expunged or provided limited access may not be used by an individual or criminal justice agency for employment, housing, or school matriculation purposes
- Convictions subject to limited access shall remain a part of the individual's criminal history record information and shall be self-disclosed for any relevant purpose under Article II, Section 7 of the PA Constitution (related to eligibility for public office)

The amendments to following sections would take effect in 180 days upon enactment:

- 9122 (a)
- 9122 (a.1)
- 9122.2 (a) (1)

- 9122.2 (1.1)
- 9122.2 (3)
- 9122.3 (a) (2) (i)
- 9122.3 (a.1)
- 9122.3 (b)
- 9122.3 (c)

Section 8 of the legislation would take effect immediately upon enactment. The remainder of the legislation would take effect in 60 days upon enactment.

**FISCAL IMPACT:**

House Bill 689 expands limited access and clean slate limited access by reducing the period that an individual must remain conviction-free and by adding to the list of offenses that are eligible for either limited access or clean slate limited access. The clean slate limited access process is largely automated. The Administrative Offices of the Pennsylvania Courts (AOPC) use an algorithm to determine eligible cases, which are then sent to the Pennsylvania State Police (PSP) for verification. The expansion of clean slate limited access will require that the AOPC and the PSP modify their database applications to match the amended statute. Any costs associated with this work can be absorbed by the agencies and their existing contracts.

Enactment of this legislation will have no fiscal impact on Commonwealth funds.

**PREPARED BY:** Bradley Keen  
House Appropriations Committee (D)

**DATE:** December 13, 2023

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