SENATE APPROPRIATIONS COMMITTEE
FISCAL NOTE

BILL NO.   Senate Bill 166   **PRINTER NO.**   102

AMOUNT   **FUND**

$567,000 Annual Costs   General Fund & Motor License Fund
$5,500 One-Time Startup Costs

DATE INTRODUCED   **PRIME SPONSOR**

January 15, 2015   Senator Greenleaf

DESCRIPTION AND PURPOSE OF BILL

Senate Bill 166 amends §9122 of Title 18 (Crimes and Offenses) of the Pennsylvania Consolidated Statutes to further provide for expungement of criminal history records for convictions of certain misdemeanor offenses.

Currently, a person's criminal history record may be expunged, at the court's discretion, under the following circumstances:
1. the individual reaches 70 years of age and has been free of arrest or prosecution for ten years following final release from confinement or supervision; or
2. the individual has been dead for three years; or
3. the individual petitions the court for the expungement of a summary offense and has been free of arrest or prosecution for five years following the conviction for that offense.

If none of the above listed criteria is met, the only other option an individual has is to petition the Pennsylvania Board of Pardons to be considered for a Governor's pardon.

This legislation expands the opportunities in which a person may petition the court for convictions of certain misdemeanors of the second and third degrees, as well as certain ungraded misdemeanors. Specifically, an individual would be permitted to petition the court for expungement of a criminal history record if the individual has been free of arrest or prosecution following final release from confinement or supervision for the following time periods:
- in the case of a misdemeanor of the third degree or an offense declared to be a misdemeanor, without specification of degree, seven years; and
- in the case of a misdemeanor of the second degree committed when the individual was less than 25 years of age, ten years.

As is in current law, a criminal history record expungement will not be automatically granted, but rather will still be at the sole discretion of the court as to whether or not an expungement shall be granted.

This legislation also provides that expungements shall not be granted to any individual who has been convicted of any of the following:
- an offense punishable by imprisonment of more than two years;
- four or more offenses punishable by imprisonment of one or more years;
- an offense under §913 (relating to possession of firearm or other dangerous weapon in court facility) which is graded as a misdemeanor of the third degree;
- a violation of §2701 (relating to simple assault), except when the offense is graded as a misdemeanor of the third degree;
- a violation of §3129 (relating to sexual intercourse with animal);
- a violation of §4912 (relating to impersonating a public servant);
- a violation of §4952 (relating to intimidation of witnesses or victims);
- a violation of §4953 (relating to retaliation against witness, victim or party);
- a violation of §5511 (relating to cruelty to animals);
- a violation of any provision of Chapter 61 (relating to firearms and other dangerous articles);
- an offense which requires registration under 42 Pa.C.S. Ch. 97 Subch. H (relating to registration of sexual offenders);

This act shall take effect in 60 days.

FISCAL IMPACT:

According to the Pennsylvania State Police (PSP), in calendar year 2014, they processed approximately 48,000 expungement orders. Assuming a 25% increase in expungement orders, this would be an additional 12,000 orders requiring processing by the Criminal Records Division of the PSP. The PSP estimates that each expungement order processed costs the agency $36.00, based on current staffing levels. Therefore, it's estimated that the PSP may incur additional costs in the amount of $432,000.

Additionally, the Administrative Office of 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.

2/17/2015