

Infographic for Immediate Release

Nov. 18, 2016

How does Pennsylvania's new limited access law differ from expungement?

HARRISBURG — Limited access is a new law, effective Nov. 14, 2016, that lessens barriers to employment, housing and education by removing a conviction from public view upon request of the individual and approval of the court. Even though records are removed from public view, criminal justice agencies will still have access to those records.

There are significant differences between limited access and expungement of records. The infographic below highlights these differences and steps involved in filing a petition with the court. Reporters are encouraged to use the full graphic or parts of the graphic by [downloading a high-resolution version](#).

How Pennsylvania's new limited access law differs from expungement

Limited access is a new law – effective Nov. 14, 2016 – that upon request of the individual and approval of the court removes from public view some convictions that are part of court records. Even though removed from public view, access to the conviction record is preserved for criminal justice agencies.

Criteria for limited access and expungement are not the same.

<div style="background-color: #e8f5e9; padding: 5px; border: 1px solid #ccc;"> <p>Limited Access (Act 5)</p> <ul style="list-style-type: none"> Removes some conviction records from public view, while allowing criminal justice agencies continued access Applies to certain second- and third-degree misdemeanors (and ungraded offenses that carry maximum penalty of not more than two years) Terms of punishment must be completed with no subsequent arrests or prosecution for 10 years Some convictions outlined in the law make a person ineligible for limited access </div>	<div style="background-color: #e8f5e9; padding: 5px; border: 1px solid #ccc;"> <p>Expungement (Title 18 Section 9122)</p> <ul style="list-style-type: none"> Permanently destroys and removes a criminal record Expungement is an option in certain cases. For example: <ul style="list-style-type: none"> a summary conviction where the individual has been free from arrest or prosecution for five years following the summary conviction or an individual has reached the age of 70 and has been free of arrest or prosecution for 10 years following final punishment </div>
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Filing a limited access or expungement petition

File petition with the Court of Common Pleas in the county where the case was filed

District Attorney's office notified and given a chance to challenge the petition and possibly request a hearing

Judge decides to grant or deny the petition

Sample petitions available at [www.pacourts.us.*](http://www.pacourts.us) Contact an attorney for legal advice and assistance

*<http://www.pacourts.us/forms-for-the-public>

MISDEMEANOR:
Less serious crimes than felonies, and may include criminal trespassing, institutional vandalism and indecent exposure. They are categorized by different degrees (second degree misdemeanor is more serious than a third degree).

SUMMARY OFFENSE:
Most minor type of criminal offense in Pennsylvania (e.g. disorderly conduct, harassment, low-level retail theft). Usually results in a fine, but may result in jail time.

This is a simplified overview for educational purposes and should not be used in place of legal advice. A lawyer should be consulted for information on limited access or expungement eligibility. **AOPC**

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