

## **Expungement Information**

If you are currently seeking expungement of a criminal conviction please read all of the below information completely and carefully.

### **Who is eligible for expungement**

The Court does not have discretion and must expunge an individual's criminal history when all charges in the information have been dismissed, when the individual was found not guilty of all charges, and when the individual has received a pardon. A Court is not required, but may grant a Petition for Expungement when:

1. An individual reaches the age of 70 and has been free of conviction for at least ten years following release from confinement or supervision.
2. An individual subject to the conviction has been deceased for three years.
3. An individual convicted of a summary offense has been free from arrest or prosecution for at least five years following the conviction.

### **What you need to submit**

Individuals seeking expungement need to submit the completed Petition form applicable to their case (see below to determine which form applies to your expungement needs). Completing the form in its entirety assures that you are in compliance with all procedures and your Petition will not be dismissed on its face. If you are receiving this information at the law library, the Petition will be the first page of the packet, but if you are retrieving this information online the Petition may be found at hyperlinks below. Additionally the attached sample Orders for each filing, although not required, should also be submitted. The submission of those documents will hasten the processing of your paperwork and receiving the relief you are requesting. The Orders are provided to you as pages two and three of the packets and the hyperlinks for those forms are also provided below. In addition, individuals seeking expungement are required to submit a copy of their Pennsylvania State Police Criminal History. The criminal history must be obtained no more than 60 days prior to the filing of the Petition for Expungement. Those requests may either be submitted online at <https://epatch.state.pa.us/Home.jsp> or via mail by completing and following the submission instructions on page four of the packet. If you have lost or need another copy of this form, it may be found at <https://www.psp.pa.gov/pages/request-a-criminal-history-record.aspx>.

### **Determining which form to use**

There are two differing forms that are available for individuals seeking an expungement of their criminal record. If you are obtaining this information with the desire to expunge a conviction of a past summary offense (not a felony or misdemeanor) you must submit the form

titled “Petition for Expungement Pursuant to Pa. R. Crim. P. 490.” All other individuals should submit the form titled “Petition for Expungement Pursuant to Pa. R. Crim. P. 790.”

### **Hyperlinks for Petitions and Orders**

Petition 490: <http://www.pacourts.us/assets/files/setting-899/file-76.pdf?cb=7f7eea>

Order 490: <http://www.pacourts.us/assets/files/setting-899/file-64.pdf?cb=0dff26>

Petition 790: <http://www.pacourts.us/assets/files/setting-899/file-77.pdf?cb=abf34b>

Order 790: <http://www.pacourts.us/assets/files/setting-899/file-65.pdf?cb=06e235>