

## FISCAL NOTE

June 22, 2017

<b>Bill No:</b>	SB 529	<b>Printer's No:</b>	854	<b>Sponsor:</b>	Wagner (R)
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### COST / (SAVINGS)

Fund (s)	2016-17	2017-18
General Fund	\$0	See "FISCAL IMPACT"

**SUMMARY:** This bill would amend Title 18 (Crimes and Offenses) requiring the automatic sealing of misdemeanor criminal records.

**ANALYSIS:** Senate Bill 529 would require that the criminal history of all convictions of misdemeanor offenses automatically receive "limited access" upon completion of any financial obligations of the sentence and 10 years have passed since the most recent misdemeanor or felony conviction. "Limited access" would be prohibited for misdemeanor offenses involving crimes, such as homicide, assault and endangering the welfare of a child and misdemeanor convictions that contain a felony conviction in the same case. Criminal history record information of charges with a final disposition other than conviction must receive "limited access" 60 days after entry of the disposition and payment of any court-ordered obligations. Additionally, offenses in which the defendant completed all financial obligations of the sentence and 10 years had surpassed since the most recent misdemeanor or felony would be required to receive automatic "limited access" by criminal justice agencies within 30 days of eligibility of such proceedings without the requirement of a court order.

Monthly, the Administrative Office of Pennsylvania Courts (AOPC) would be required to transmit to the Pennsylvania State Police (PSP) central repository cases eligible for "limited access." If PSP's central repository determines through a validation process that a case transmitted is not eligible for "limited access" relief or does not match data held in the repository, PSP would be required to notify the AOPC within 30 days of receiving the information and the AOPC would be required to remove any case for which it received a notification of ineligibility by the 30-day expiration period. Each court of common pleas would be required to issue a monthly order granting "limited access" to any case in its judicial district for which no notification of ineligibility was received by the AOPC. PSP may object to a case not eligible for "limited access," as defined under this act.

If an individual's case received "limited access" outside of this act or an individual receiving "limited access" is subsequently convicted of a misdemeanor or felony, the district attorney or the Office of Attorney General would have standing to challenge it. However, if the court that granted "limited access" sustains the challenge, the court and PSP would be required to undo the "limited access."

No one would be permitted to disclose information concerning criminal history records that have been expunged or provided "limited access" under this act. Expunged offenses or offenses

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provided “limited access” may not be considered a conviction that would deny employment of a person under any law of this commonwealth or under any Federal law that prohibits employment based on state convictions or be used in consideration of an application for a license, certificate, registration or permit.

Employers who engage individuals with “limited access” criminal records would be granted immunity from any civil action involving damages suffered to a person or property as it relates to the criminal record given “limited access.”

The section concerning filing a petition for “limited access” would be effective in 90 days. The remainder of this act would be effective in 270 days upon passage.

**FISCAL IMPACT:** PSP would incur a one-time cost of \$195,000 to make programmatic changes to its IT system to permit compatibility with the Administrative Office of Pennsylvania Courts (AOPC) to determine which criminal records need to be granted “limited access,” as defined under this act. Additionally, PSP would experience a loss of revenue at an estimated \$1.6 million based on 2015’s available data of eligibles for “limited access.” Act 5 of 2016 requires a defendant to pay a fee of \$132 to petition for an order of “limited access.” This fee would be waived as “limited access” would be provided automatically for misdemeanor offenses, as defined under this act. The fee to petition for an order of “limited access” is equally divided among the AOPC, the PSP, the applicable county district attorney’s office and the clerk of the courts.

<b>Implementation Efforts</b>	
IT System Updates – One-time Costs	\$195,000
Fee Loss (25 percent of \$132 (“Limited access” fee))	\$1,600,000
<b>Total</b>	<b>(\$1,795,000)</b>