



## **Pennsylvania Bill Summary: Expungement of Pardoned and Acquitted Individuals (HB 440, Rep. Nesbit)**

**The bill:** If passed, HB 440 would require that charges for which a person has been pardoned or fully acquitted be expunged from the person's criminal record. **FAMM supports this bill.**

**Bill status:** *This bill is not yet law.* To become law, it must go through the committee process, pass through both the Pennsylvania Senate and House of Representatives, and be signed by the governor.

### **The process of expungement, under HB 440:**

- Pardons: The criminal records relating to a charge for which a person has received a pardon would be automatically expunged.
- Acquittals: The court would have to determine that an individual has been fully acquitted of all charges within the same criminal episode before expunging those charges from the person's record.

The process of expunging the record of a charge for which the person was fully acquitted is as follows:

- The court gives the individual and the state a notice that the person's criminal record will be automatically expunged.
- The state has 60 days to object to the expungement – and that objection can be only that the person received a partial, not full, acquittal.
- The court holds a hearing to determine whether the expungement relates to a partial acquittal. (The hearing can be waived if both parties agree).
- The court orders an expungement (unless it finds that the charge was related to a partial acquittal).
- The record must be expunged within 12 months from the date of the acquittal.

