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Expungements / Collateral Consequences

Willig, Williams & Davidson is one of the only firms in the United States that specializes in removing the barriers created by an individual's criminal record which are also known as collateral consequences.

Generally, collateral consequences are indirect civil penalties such as legal sanctions and restrictions imposed upon people because of their criminal record. The American Bar Association defines collateral consequences as "the penalties, disabilities, or disadvantages imposed upon a person as a result of a criminal conviction, either automatically by operation of law or by authorized action of an administrative agency or court on a case by case basis."

Collateral consequences can have a negative impact on a wide variety of matters. They can negatively affect employment, housing (public and private), public benefits, occupational and professional licensing, immigration status, education, family and domestic rights, motor vehicle licenses, higher education loan assistance programs and Medicare/Medicaid.

In Pennsylvania, even non-conviction data, such as arrests not leading to conviction, acquittals, and not guilty verdicts are part of an individual's criminal history record information.

When you need someone to stand with you to ensure that your rights are protected, we will seek the best outcome on your behalf. Our firm is dedicated to helping individuals navigate the issues related to their criminal records.

Do you have a criminal record? If so, you should know your rights. Here are the commonly asked questions about criminal records in Pennsylvania.

What is a criminal record?

Under Pennsylvania law, a criminal record, known as "criminal history record information", generally consists of any information that has been collected by a criminal justice agency following an arrest. The information includes conviction information such as a guilty verdict, guilty plea and *nolo contendere.*

Does arrest information appear on my criminal record?

In Pennsylvania, non-conviction data, such as arrests not leading to conviction, acquittals or not guilty verdicts are part of an individual's criminal history record information.

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Who can see my criminal record?

An individual's conviction and non-conviction data is publicly available for review on the Administrative Office of Pennsylvania Courts website. In other words, even if you were arrested and found not guilty of a crime, the arrest information is publicly available and easy to access.

Can I have my record removed from public view?

In Pennsylvania, generally, only non-conviction information (not guilty, dismissed, withdrawn, *nolle prossed* and successful completion of diversionary programs such as ARD) is eligible for removal through the expungement and/or redaction process.

What is an expungement?

An expungement is when your criminal history record information is destroyed as if it never existed.

What do I do if I'm denied a job because of my criminal record?

In Pennsylvania, felony and misdemeanor criminal convictions may be considered only to the extent to which they relate to the job applicant's "suitability for the position." For example, if you were recently convicted of theft or bank robbery, a bank may deny your application.

An employer, during the hiring process, may not use any information related to an arrest that did not end in conviction. The employer must notify a job applicant in writing if they the applicant was denied employment, in whole or in part, because of a criminal record.

Employers located in Philadelphia may not ask about an applicant's criminal record on the application or during the application process. An employer may only request and review criminal record information after a conditional offer of employment has been made and accepted by the applicant.

If you have been denied a job because of your criminal record, you should contact our office to determine if you qualify for an expungement or to have your record removed from public view and to determine whether you where denied employment is violation of state or federal law.

Can Pennsylvania deny, fail to renew or suspend my occupational or professional license because of my criminal history?

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If you have been convicted of a felony or a misdemeanor that is related to the suitability of your occupation or profession, the Commonwealth of Pennsylvania can deny, fail to renew or suspend your occupational or professional license. Pennsylvania must notify you in writing if you were denied a license, in whole or in part, because of your criminal record.

If your license has been denied or suspended by the Commonwealth of Pennsylvania because of your criminal record, you should contact our office to determine if you qualify for an expungement or to have your record removed from public view.

What do I do if I've been denied housing because of a criminal record?

If you have been denied housing because of your criminal record, you should contact our office to determine if you qualify for an expungement or to have your record removed from public view and to determine if you have been denied housing in violation of state or federal law.

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