

USE OF CRIMINAL RECORDS BY PENNSYLVANIA EMPLOYERS - 18 § Pa.C.S. 1925

Pennsylvania law allows an employer to consider *felony* and *misdemeanor* conviction(s) for hiring purposes only to the extent that the *felony* and/or *misdemeanor* conviction(s) relates to the applicant’s suitability for employment in the position for which he or she applied. A conviction disposition, which an employer may consider during the hiring process under Pennsylvania law are **Guilty, Guilty Plea, and *Nolo Contendere*** as defined more fully below.

DISPOSITION	DEFINITION	CONVICTION	USE FOR EMPLOYMENT
GUILTY	A finding of culpability against the defendant for a specific charge(s) following a trial by judge or jury	Yes	An employer may consider felony or misdemeanor conviction(s) that relate to the duties of a position during the hiring process
GUILTY PLEA	A defendant’s formal answer in court to a specific charge(s) admitting culpability for a specific(s) charge.	Yes	An employer may consider felony or misdemeanor conviction(s) that relate to the duties of a position during the hiring process
NOLO CONTENDERE	A defendant’s formal answer in court to the charge(s) stating that (s)he will not contest evidence of a specific charge(s), while not admitting culpability.	Yes	An employer may consider felony or misdemeanor conviction(s) that relate to the duties of a position during the hiring process

Pennsylvania law permits felony and misdemeanor convictions¹ to become eligible for an expungement if:

1. The conviction is subject of pardon by governor;
2. Petitioner is at least 70 years old, and is 10 years from the end of supervision; and
3. The subject of the information has been dead for at least 3 years.

Information on Pennsylvania’s newly enacted Act 5 allowing a court to limit access to certain misdemeanor convictions can be found at: <http://plsephilly.org/get-help/criminal-record-sealing/>

¹ Section 9125 does not permit an employer to consider summary offense convictions during the hiring process. Summary offenses become eligible for expungement after five years without an arrest or conviction.

Non-conviction dispositions as more defined more fully below and summary offense convictions shall not be used by a Pennsylvania employer during the hiring process.

DISPOSITION	DEFINITION	CONVICTION	USE FOR EMPLOYMENT
ACCELERATED REHABILITATIVE DISPOSITION	A diversionary program pre/post trial offered by the District Attorney's office, usually a specialty court where rehabilitation is the primary goal	No	An employer may not consider felony or misdemeanor arrests that did not lead to a conviction.
WITHDRAWN	A voluntary withdraw by the District Attorney to remove one or more charge(s).	No	An employer may not consider felony or misdemeanor arrests that did not lead to a conviction.
DISMISSAL	A discretionary power of the court to dismiss prosecution of a case. Charge(s) may also be dismissed with prejudice for a violation of the Constitutional right to a speedy trial.	No	An employer may not consider felony or misdemeanor arrests that did not lead to a conviction.
NOLLE PROSEQUI "NOLLE PROSSED"	A voluntary withdraw by the District Attorney of the charge(s) listed on a bill of particulars or indictment information.	No	An employer may not consider felony or misdemeanor arrests that did not lead to a conviction.
NOT GUILTY	A finding by a judge or jury of non-culpability following a trial.	No	An employer may not consider felony or misdemeanor arrests that did not lead to a conviction.
ACQUITTAL	A finding by the court that the District Attorney failed to carry its evidentiary burden that a crime was committed or that the defendant was involved.	No	An employer may not consider felony or misdemeanor arrests that did not lead to a conviction.



First Judicial District of Pennsylvania Court Summary



Philadelphia, PA 19118

DOB: [REDACTED] 1986

Sex: Female
Eyes: Brown
Hair: Brown
Race:

Closed

Philadelphia

MC-51-CR-0[REDACTED]-2007

Proc Status: Completed

DC No: 0[REDACTED]

OTN: [REDACTED]

Arrest Dt: 03/03/2007

A

Disp Date: 05/22/2008

Disp Judge: Kosinski, Gerard A.

Def Atty: Lee, Michael Bernard - (PR)

<u>Seq No</u>	<u>Statute</u>	<u>Grade</u>	<u>Description</u>	<u>Disposition</u>
1	75 § 3802 §§ A1*	M	DUI: Gen Imp/Inc of Driving Safely - 1st Off	Withdrawn

B

C

Legend:

- A. Disposition Date
- B. Description of offense charged
- C. Final disposition of offense charged

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