

County of Butler, Pennsylvania

Office of Clerk of Courts

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Butler, PA 16003-1208

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BUTLER COUNTY EXPUNGEMENT INSTRUCTIONS (11/6/18)

Pa.R.Crim.P. 490 (Summary Case)

As outlined in 18 Pa.C.S.A. 9122(b)(3)(i)---An individual who is the subject of the information petitions the court for the expungement of a summary offense and has been free of arrest of prosecution for 5 years following the conviction for that offense. (ii)---Expungement under the paragraph shall only be permitted for a conviction of a summary offense.

18 Pa.C.S.A. 9122(a)(3)---A person 21 years of age or older with conviction of Section 6308, which occurred on or after the day the person attained 18 years of age if all terms, conditions, suspension satisfied. All administrative records of PaDot shall be expunged as part of Order. (Please Note: If CC6308(Underage Consumption) is a Dismissal, Pa.R.Crim.P. 790 applies & application can be made as soon as Dismissal is Final with no age requirement.)

Any case in which a summary offense is filed with a misdemeanor or felony is a Court Case. The petition for expungement of the summary offense in such a case would proceed under Rule 790.

Please fill out the form completely and include the filing fee of \$77.75 base fee + \$132 (Act 5 of 2016—effective date 11/12/16) for a **total of \$209.75** at the time of filing. If a Miscellaneous Docket number must be utilized when case was disposed at the Magisterial District Judge Level, there is an additional cost of \$28.00 – (\$237.75 total). Checks or money orders can be made payable to the Butler County Clerk of Courts. **We cannot complete the form for you. You may utilize the public website for docket information: <http://ujsportal.pacourts.us>**

EFFECTIVE 12/21/10, ALL DEFENDANTS MUST ATTACH A COPY OF THE PENNSYLVANIA STATE POLICE CRIMINAL HISTORY WHICH SHALL BE OBTAINED WITHIN 60 DAYS BEFORE FILING THIS PETITION. YOU MAY OBTAIN FORM SP4-170 “Request for Individual Access and Review” ONLINE AT: <https://epatch.state.pa.us>.

File original Petition for Expungement at the Clerk of Courts’ Office, Main Street, PO Box 1208, Butler, PA 16003-1208, and serve copy on D.A.’s office. **The D.A.’s Office has 30 days to consent or object to the Expungement.** If D.A. files a Consent, it will be forwarded to the Judge for signature. If there is an Objection, most likely a hearing will be requested by D.A.

Order granting Petition shall be stayed 30 days pending an appeal unless D.A. has filed a consent to the petition, in which case, Order shall not be stayed. Your name will be removed from the computer database (CPCMS) after notification to the AOPC (Administrative Office of PA Courts). Certified copies of Order will be mailed to each of the keepers of record as indicated on petition that have a copy of your criminal record and each shall return an Affidavit of Expungement of Compliance to the Clerk’s Office indicating they have removed your name from their database and have destroyed the information pertaining to the case. Sometimes it may take several months to retrieve all of the affidavits. **Note: The Expungement is not final until we have received all affidavits.** Once all copies of each Affidavit are returned to Clerk’s Office, a Final Certificate of Expungement will be mailed.

In the Court of Common Pleas
 County of [Name]
 Judicial District



Commonwealth of Pennsylvania
 v

Docket No: CP- - - -20

Petition for Expungement Pursuant to Pa.R.Crim.P. 490

AND NOW, the petitioner avers the following and requests that this petition for expungement pursuant to Pa.R.Crim.P. 490 be granted for the reasons set forth below.

PETITIONER INFORMATION						
Full Name:		DOB:		Social Security Number:		
Address:		Alias(es):				
CASE INFORMATION						
List name, address of Judge of the Magisterial District or Philadelphia Municipal Court who accepted the guilty plea or heard the case:						
Judge:			Address:			
Magisterial District Court Number:						
Philadelphia Municipal Court or Magisterial District Docket Number:						
Name of Arresting Agency:			Date of Arrest:		Date on Citation or Complaint:	
List name and mailing address of the affiant as shown on the complaint or citation, if available:						
Name of Affiant:			Address:			
List specific charges, as they appear on the charging document, to be expunged and the disposition of each charge (please attach additional sheet(s) of paper if necessary):						
PA Statute (Title)	Section	Subsection	Statute Description	Counts	Grade	Disposition
If the sentence imposed included a fine, costs or restitution, has the amount due been paid?						<input type="checkbox"/> Yes <input type="checkbox"/> No
List the reason(s) for the expungement (please attach additional sheet(s) of paper if necessary):						
<input type="checkbox"/> I have attached a copy of my Pennsylvania State Police Criminal History which I have obtained within 60 days before filing this petition.						
<input type="checkbox"/> I have not attached a copy of my Pennsylvania State Police Criminal History. State reason(s) below:						

When this petition is filed with the Clerk of Courts, the petitioner shall serve a copy upon the attorney for the Commonwealth.

I, the undersigned petitioner, avers that the facts set forth in this petition are true and correct to the best of my personal knowledge or information and belief, and are made subject to the penalties of unsworn falsification to authorities under 18 Pa.C.S § 4904.

 Signature of Petitioner

 Date

IN THE COURT OF COMMON PLEAS OF BUTLER COUNTY, PENNSYLVANIA

COMMONWEALTH OF PENNSYLVANIA CP-10-____-____-____

V.

(Defendant's Name)

**PETITION FOR EXPUNGEMENT PURSUANT TO
PA.R.CRIM.P. 490
CERTIFICATE OF SERVICE**

I served a copy of this Expungement Petition on the DISTRICT ATTORNEY at the GOVERNMENT CENTER BUILDING on _____.

Defendant's Signature or Counsel if Represented

(Date)

EXPUNGEMENT PETITION TO BE PRESENTED TO THE COURT UPON RECEIPT OF DISTRICT ATTORNEY FILING CONSENT OR OBJECTION OR, AFTER 30 DAYS, WHICHEVER COMES FIRST.

Commonwealth Consents to this Expungement Petition _____ (Date)

Commonwealth Objects with Objections to be filed with the Clerk of Courts to be presented to the Court _____ (Date)

**PENNSYLVANIA STATE POLICE
REQUEST FOR INDIVIDUAL ACCESS AND REVIEW
NOT FOR EMPLOYMENT PURPOSES**

This form is to be completed in ink by the requester – (information will be mailed to the requester only). If this form is not legible or not properly completed, it will be returned unprocessed to the requester. A response may take three months or longer.

REQUESTER NAME	
ADDRESS	
CITY/STATE/ ZIP CODE	
TELEPHONE NO. (AREA CODE)	

FOR CENTRAL REPOSITORY USE ONLY CONTROL NUMBER
AFTER COMPLETION MAIL TO: PENNSYLVANIA STATE POLICE CENTRAL REPOSITORY – RCP 1800 ELMERTON AVENUE HARRISBURG, PA 17110-9758
ENCLOSE A CERTIFIED CHECK/MONEY ORDER IN THE AMOUNT OF \$20.00, PAYABLE TO: "COMMONWEALTH OF PENNSYLVANIA" THE FEE IS NONREFUNDABLE DO NOT SEND CASH OR PERSONAL CHECK

(FIRST)	(MIDDLE)	(LAST)
MAIDEN NAME AND/OR ALIASES	SOCIAL SECURITY NUMBER	DATE OF BIRTH (MM/DD/YYYY)
		SEX Select
		RACE Select

The Pennsylvania State Police response will be based on the comparison of the data provided by the requester against the information contained in the files of the Pennsylvania State Police Central Repository only. Questions concerning the expungement process must be directed to the court of jurisdiction.

Questions? Visit <https://epatch.state.pa.us> or
call 1-888-QUERYPA (1-888-783-7972)

ACCESS & REVIEW - NOT FOR EMPLOYMENT PURPOSES - AVAILABLE ONLY TO SUBJECT OF RECORD OR LEGAL REPRESENTATIVE.

MUST BE MAILED TO THE CENTRAL REPOSITORY WITH THE FOLLOWING:

- COPY OF GOVERNMENT ISSUED PHOTO ID FOR SUBJECT.
- LEGAL AFFIDAVIT OR LETTER OF REPRESENTATION (IF APPLICABLE).
- CERTIFIED CHECK OR MONEY ORDER IN THE AMOUNT OF \$20.00.

WARNING: 18 Pa.C.S. 4904(b) UNDER PENALTY OF LAW - MISIDENTIFICATION OR FALSE STATEMENTS OF IDENTITY TO OBTAIN CRIMINAL HISTORY INFORMATION OF ANOTHER IS PUNISHABLE AS AUTHORIZED BY LAW.