

## IS A PARDON RIGHT FOR ME?

You may seek a pardon if you were convicted of a misdemeanor or a felony. A pardon may *not* be right for you if:

**1. You were NOT convicted or you were only convicted of a summary offense.**

- ♦ If you were found not guilty of criminal charges or if the charges were dropped, you may be able to get them expunged.
- ♦ If you were convicted of a summary offense, you may be able to get it expunged if you have been free of arrest or prosecution for at least 5 years.
- ♦ An expungement is a court order directing the police and courts to remove information from your criminal record.
- ♦ *To learn more, please read our brochure: "Getting an Adult Criminal Conviction Expunged."*

**2. There are errors on your Rap Sheet.**

- ♦ A Rap Sheet is the record of your arrests and dispositions that is kept on file with the PA State Police and/or with the FBI.
- ♦ Incomplete, incorrect, or double entries on your Rap Sheet may be corrected by filing a Challenge Form with the PA State Police.
- ♦ *To learn more, please read our brochure: "Cleaning Up Your Rap Sheet."*

## FEDERAL CRIMES

If you were convicted of a federal crime, you will need to apply for a presidential pardon from the U.S. Pardon Attorney. You cannot apply until at least 5 years have passed since you were released from prison (or, if you were not incarcerated, since you were convicted.)

## TIPS FOR APPLYING FOR A PARDON

1. **Follow the application instructions carefully.** To have a chance of success, you must follow the instructions perfectly.
2. **Take responsibility for your crime.** If the Board of Pardons thinks that you are not taking full responsibility for your crime, they will not recommend you for a pardon.
3. **Make sure that your fines have been paid.**
4. **Get supporters.** Ask people to write letter of support to include with your application. Examples of good supporters could include a teacher, a clergy member, a block captain, or a parent. It is a good idea to bring supporters to your hearing if you can.
5. **Make your case.** When filling out your application, don't just answer with a few sentences. Provide lots of details about why you need the pardon and evidence of your reform.

To find the legal aid office near you, use the legal help finder section of the statewide website at:



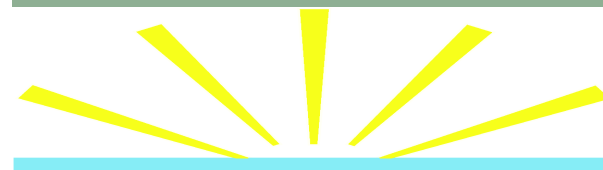
REMEMBER. The law often changes. Each case is different. This pamphlet is meant to give you general information and not to give you specific legal advice.

Please use the information found in this brochure carefully since the law is constantly changing.

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## GETTING A CONVICTION PARDONED



- ♦ **What is pardon?**
- ♦ **Is a pardon right for me?**
- ♦ **What documents do I need to begin the process?**
- ♦ **Is there going to be a hearing?**
- ♦ **What can I do to make my pardon application stronger?**



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## WHAT IS A PARDON?

A pardon is an act by the Governor of Pennsylvania (PA) that erases a conviction from your criminal record. In PA, a pardon is generally the only way to get rid of a conviction.

It takes a lot of effort and time to get a pardon. It takes years from the time you send in your application until the Board of Pardons decides whether to grant you a hearing. Still, the process can be worthwhile because, if you succeed, you will no longer have a criminal record standing in the way of getting a job, an apartment, and other things you need.

## WHO CAN GET A PARDON?

Anyone who has been convicted of a crime may apply for a pardon. There are no definite standards for when a pardon will be given, but most people who receive pardons have a record of only one minor offense that was committed at least five years ago. Typically, serious crimes are only pardoned if a long time has passed since the crime was committed.

**Be careful not to file too early.** The Board of Pardons usually will not recommend a pardon until at least 5 years from the end of your sentence, or even longer if the crime was more serious.

## WHAT IF MY PARDON APPLICATION IS DENIED?

If the Board of Pardons does not recommend you for a pardon, you can re-apply one year after getting denied.

## STARTING THE PROCESS

**1) Get a copy of your criminal record** so that you can determine whether you are eligible for a pardon. There are many ways to find your record:

- ◆ Submit a criminal record request (form SP4-164) to the PA State Police (\$10 fee). *This is the best choice, because if you decide to apply for a pardon you will need 2 copies of your state police record.*
- ◆ Go to the Department of Court Records—Criminal Division (Allegheny Co. Courthouse; 436 Grant St., Rm. 114).
- ◆ Get your record at the PA Unified Judicial System website (<http://ujportal.pacourts.us/DocketSheets/CP.aspx>).

**2) Send a letter to the Board of Pardons asking for an application.** Include a money order or certified or cashier's check in the amount of \$8.00, made payable to the Commonwealth of Pennsylvania. *Personal checks are not accepted.* Also include a business size envelope addressed to you, and put \$0.61 postage on it. When they get your letter, the Board of Pardons will mail you a pardon application and instructions.

**3) Send in a completed application** (\$25 filing fee). Follow the instructions, and don't forget to send 10 copies of your application. (Be sure to follow the right instructions—there are special instructions for people who are currently in prison!) You will be notified when your completed application is received.

## WHAT HAPPENS NEXT?

**The Board of Pardons will review your application.**

- ◆ If you are NOT currently in prison, an agent from the Board of Probation and Parole will investigate all the details of the crime by checking with the court that handled the offense. The agent will also arrange a meeting with you, in your home, to find out what kind of person you are now.
- ◆ The Board of Pardons will grant a public hearing on your application if 2 of the 5 board members approve. (If you are currently serving a life sentence or a sentence for crimes of violence, you will be granted a hearing if a majority of the members of the Board approve.)

## THE HEARING

- ◆ Before the hearing, a notice will be published in a newspaper in the county where you committed the crime for which you are seeking a pardon. The notice will include your name, and the date and location of the hearing.
- ◆ You must appear in person before the Board of Pardons in Harrisburg. You may choose to be represented by an attorney, but the Board will still ask you questions.
- ◆ The hearing is open to the public and lasts 15 minutes.
- ◆ The Board will make a decision that day about whether the pardon is granted. There must be a majority vote.
- ◆ If the Board recommends a pardon, it gets forwarded to the Governor, who has sole authority to grant or deny the request.