

Pennsylvania



The letter grades reflect Polaris' evaluation of existing laws designed to provide survivors of human trafficking with a realistic pathway to clear their criminal records. For more information on the criteria graded, please read [here](#) and examples of model legislation for each criteria can be found [here](#). If you have any questions or issues, please contact policy@polarisproject.org.

GOOD FOR SURVIVORS:

Time Limitations and Wait Times:

Pennsylvania has no time limit, restriction, or wait time for survivors to clear their criminal records.

Legal Effect:

In Pennsylvania the law returns the survivor to pre-record status. That means for all practical purposes, once the process is complete it is as if the offense never happened. For example, a statute receiving the highest ranking indicates that the conviction is vacated "on the merits" - meaning the charges never should have been brought in the first place. The highest-ranking statutes should also include automatic destruction of the records so they cannot be used against the survivor in the future.

Judicial Discretion:

Pennsylvania provides that the court "shall" or "must" order relief if the survivor meets certain statutory requirements. Therefore, the survivor is guaranteed specific action based on their eligibility.

Arrests and Adjudication Relief:

Pennsylvania allows trafficking survivors to clear their criminal record of non-prosecuted cases, arrests, adjudications, convictions, any information related to an arrest, and incident reports.

NEEDS IMPROVEMENT:

Trafficking Nexus:

Survivors in Pennsylvania must prove the underlying offense and subsequent record was "proximately caused by" or "as a direct result of" being trafficked. Ideally, legislators in Pennsylvania would change the statute to utilize less restrictive statutory language like "as a result" of trafficking or "while they were a victim" of trafficking.

Offenses Covered:

The narrow scope of offenses currently covered by the criminal record relief statute in Pennsylvania is inadequate because relief only applies to low-level offenses like drug possession, trespassing and disorderly conduct - yet the range of offenses for which survivors are arrested and prosecuted is much broader. Ideally, legislators in Pennsylvania would expand the statute to include all offenses so more survivors are eligible for relief.

Procedural Confidentiality:

The statute in Pennsylvania is silent on the confidentiality of the petition for relief or records of the proceeding. Applying for record relief under these statutes can indicate a survivor's status as a trafficking victim and give information on their location, trafficking experience, and other sensitive details. Survivors should not have to choose between the safety risk of their victimization being exposed and applying for and accessing criminal record relief. Ideally, there should be an automatic process with clear confidentiality provisions in the statute to protect survivors applying for record relief.



Statute: [18 Pa. Cons. Stat. Ann. § 3019\(d\)](#).