

Rule 722*. Expungement of Record

(A) A person desiring to expunge the record involving any criminal arrest or other criminal matter, except a Section 17 Disposition under the Drug Act shall:

(1) File a petition which shall contain the following:

- i. The name, date of birth and social security number of the petitioner and any names or aliases which the petitioner has used.
- ii. The address of the petitioner
- iii. The crime or crimes upon which the petitioner was arrested or the matter which the petitioner desires to have expunged, and a summary of all proceedings which took place after the arrest, including the names of all police departments involved, the name of the District Justice involved in the case, and the Official Tracking Number (OTN).
- iv. The reason why the record or matter should be expunged.
- v. Any previous criminal convictions of a felony or a misdemeanor in any jurisdiction in which the petitioner had been convicted. The petition should be under oath.

(2) The petition shall be captioned to the name or term and number of the original Court case if there is any such term and number in the proceedings, it shall be captioned "In the Matter of _____, Petition to Expunge", and given a miscellaneous number by the Clerk of Courts.

(3) After the filing of the said petition with the Clerk of Courts, the petitioner, by petitioner's counsel, shall obtain a Rule Returnable from the Court Administrator's Office

(4) A copy of said petition with the date of the Rule Returnable shall be served either on the District Attorney or the First Assistant District Attorney by petitioner. Said petition is to be served at least 25 days prior to the date of the Rule Returnable.

(5) If no answer is filed by the District Attorney's Office on the return date and petitioner files an affidavit of service that said petition was served as required by the rule, said rule is to be made absolute.

(6) If an answer is filed by the District Attorney's Office, the Court Administrator is to immediately set a hearing date at which time the Commonwealth may produce evidence, if necessary, and give arguments to the Court in opposition to the expungement, after which the petitioner has the right to produce evidence and arguments in favor of the expungement.

(7) If the Court grants the order of expungement, the petitioner or petitioner's counsel shall obtain all necessary certified copies of the order from the Clerk of Courts office and mail the certified copies of the expungement order to all criminal justice agencies enumerated in the proposed order of expungement with a selfaddressed stamped envelope so that the criminal justice agencies can notify the petitioner or petitioner's counsel that their records have been expunged.

(8) Upon notification by the criminal justice agencies that the petitioner's records have been expunged, the petitioner and/or petitioner's counsel will notify the Clerk of Courts and they will expunge their records, notifying the petitioner and/or the petitioner's counsel of the same.

(B) Section 17 Disposition

(1) When a defendant has successfully completed a Section 17 Disposition under the Drug Act, the Adult Probation Office of Montgomery County shall certify that fact to the Clerk of Courts of Montgomery County within 14 days.

(2) The Clerk of Courts of Montgomery County shall prepare an expungement order for the Court to sign in accordance with Pennsylvania Rule of Criminal Procedure 722 within 14 days.

(3) After the Court has signed the expungement order, the Clerk of Courts shall send the Order to the defendant and/or defendant's attorney within 14 days for service on all appropriate criminal justice agencies.

(4) Upon notification by the defendant and/or defendant's attorney that the defendant's record has been expunged by the appropriate criminal justice agencies, the Clerk of Courts will expunge its record and notify the defendant and/or defendant's attorney.