



PENNSYLVANIA STATE POLICE
BUREAU OF FORENSIC SERVICES
FORENSIC DNA DIVISION
80 NORTH WESTMORELAND AVENUE
GREENSBURG, PA 15601
(724) 832-5423 PH
(724) 832-6767 FAX

DNA EXPUNGEMENT PURSUANT TO 44 PA.C.S. § 2321

The criteria for expungement of DNA samples and profiles within the Pennsylvania State Police (PSP) DNA Databank and DNA Database may be found in 44 Pa.C.S. 2321 (Expungement).

I. Expungement of DNA can occur in only two circumstances:

- a. Upon request of an individual whose DNA sample was erroneously submitted to the PSP and the PSP concurs that a mistaken submission occurred.
- b. Upon court order, if either:
 - i. A person has requested that his or her mistakenly submitted DNA sample be expunged, and the PSP has incorrectly rejected that request, or
 - ii. A DNA sample taken from an individual who was convicted (as an adult), or adjudicated delinquent (as a juvenile) of an offense which requires DNA sampling under the Pennsylvania DNA Act, 44 Pa.C.S. Chapter 23, *and* that conviction or adjudication of delinquency was reversed by a court and no appeal is pending.

II. You ARE NOT eligible for expungement of your DNA sample if:

- a. You have requested expungement of a DNA sample you allege was submitted to the PSP in error, and the PSP is in possession of information indicating you were convicted, or adjudicated delinquent, of an offense requiring DNA sampling.
- b. You have obtained an order from a court directing expungement of your DNA sample pursuant to 44 Pa.C.S. § 2321, but you have been convicted or adjudicated delinquent of *additional* offenses that would also require DNA sampling under the DNA Act. 44 Pa.C.S. § 2321(b.1)(2).
- c. You attempt to obtain DNA expungement under any other mechanism. The only way to obtain expungement of a DNA sample is pursuant to 44 Pa.C.S. § 2321(b.1)(4).

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III. To obtain expungement of your DNA sample:

a. Mistaken Submission:

If you believe your DNA was mistakenly submitted to the PSP, you may submit an *Erroneous DNA Submission Removal Request Form* to the PSP's Forensic DNA Division at:

Pennsylvania State Police
Bureau of Forensic Services
Forensic DNA Division
Attn: DNA Expungements (Erroneous Submission)
80 North Westmoreland Avenue
Greensburg, PA 15601

Please note: If the PSP is in possession of information indicating that your DNA was not mistakenly submitted (e.g., you have been convicted or adjudicated delinquent of a qualifying offense), it will deny your request.

If you do not have the ability to access the form linked above, you may request one by writing to the Forensic DNA Division at the address listed above.

b. Court Ordered Expungement:

If you successfully petition a court for an expungement order pursuant to 44 Pa.C.S. § 2321, the court is required by statute to forward a certified copy of that order to the PSP under 44 Pa.C.S. § 2321(b.2). The order should be sent to the PSP's Forensic DNA Division at:

Pennsylvania State Police
Bureau of Forensic Services
Forensic DNA Division
Attn: DNA Expungements
80 North Westmoreland Avenue
Greensburg, PA 15601

If you believe the court has not forwarded a copy of the order to the PSP Forensic DNA Division, you or your attorney may do so by mailing a copy of the order to the PSP Forensic DNA Division. The order must be certified by either the clerk of courts or the prothonotary (a "certified copy").

IV. Notification of Expungement:

After receipt of either a valid request for expungement of an erroneously submitted DNA sample, or upon receipt of a valid court order directing expungement of your DNA, the PSP will process the expungement at no cost to you. The PSP will, within 60 days of expunging your DNA, notify you (and your attorney if one represented you in your expungement request) in writing that expungement has occurred.