



PR Criminal Reporting Guidelines Reference Charts

THIS JOB AID REFLECTS LEGAL REPORTABILITY, NOT HIRERIGHT POLICIES, SEARCH DEPTH OR CUSTOMER GUIDELINES.

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Summary

Criminal Reporting Guidelines Reference Charts

The charts on the following pages are provided for reference purposes only to assist Public Records team members with determining the correct reporting guideline to apply to a particular criminal record. The charts must be used in conjunction with HireRight's Criminal Records Reporting Guidelines, Guidelines for Counting the Reporting Period for Criminal Records, and Violations of Probation and Parole Guideline. Please see your supervisor if you ever have a question about the correct guideline to apply.

To determine if a particular record should be reported, the customer's selected search depth should always be applied first, and then the appropriate reporting guideline must then be applied. If a record is either non-reportable according to the applicable reporting guideline or is outside the customer's search depth, it should generally not be reported.

To view the correct chart, click the desired state below, or click "All Other States" for states that are not listed:

[CA](#) [IN](#) [KS](#) [MA](#) [MD](#) [MT](#) [NH](#) [NM](#) [NY](#) [WA](#)

[All Other States](#)

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Criminal Reporting Guidelines Reference Chart

State	Case Type	Salary Exception Amount	Guideline With Salary Exception	Guideline With Salary Exception
California, New Mexico No salary exception; non-conviction rule	Dismissed cases, Non-conviction final dispositions, Original charges, Expunged/sealed records	Do not report	None	Do not report, regardless of salary
	Lesser Offenses, Violations of Probation & Parole	Report for 7 years only	None	Report for 7 years only, regardless of salary
	CA ONLY: <ul style="list-style-type: none"> • Pending/successful pre-trial/pre-guilty or post-trial diversion program or deferred adjudication /entry of judgment program • Judicial dismissals (e.g., CA Penal Code 1203.4) • Misdemeanor marijuana convictions older than 2 years 	Do not report	None	Do not report, regardless of salary
	Arrests	Do not report	None	Do not report, regardless of salary
	Active Arrest Warrants	Follow Guidance on Arrest Warrant PPT	None	Follow Guidance on Arrest Warrant PPT
	Convictions	Report for 7 years only	None	Report for 7 years only, regardless of salary
	Pardoned Convictions	Do not report	None	Do not report, regardless of salary

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Criminal Reporting Guidelines Reference Chart

State	Case Type	Guideline Without Salary Exception	Salary Exception Amount	Guideline With Salary Exception
Indiana FCRA \$75k Salary Exception; other state-specific Rules. Apply these rules to any records sourced from the state of Indiana.	Dismissed cases, Non-conviction final dispositions, Original charges	Report for 7 years only	\$75,000 /yr or more	Report indefinitely if \$75k salary exception applies
	Lesser offenses, Violations of Probation & Parole	Report for 7 years only	\$75,000 /yr or more	Report indefinitely if \$75k salary exception applies
	Level 6/Class D Felony "Original Charges"	Do not report	None	Do not report, regardless of salary
	Arrests	Follow active/pending rule; do not report if not active/pending or no conviction resulted	None	Follow active/pending rule; do not report if Not active/pending or no conviction resulted, regardless of salary
	Active Arrest Warrants	Follow Guidance on Arrest Warrant PPT	None	Follow Guidance on Arrest Warrant PPT
	Convictions, Pardoned Convictions	Report indefinitely	N/A	Report indefinitely
	Expunged/Sealed Records	Do not report	None	Do not report, regardless of salary

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Criminal Reporting Guidelines Reference Chart				
State	Case Type	Guideline Without Salary Exception	Salary Exception Amount	Guideline With Salary Exception
Kansas, Maryland, New Hampshire, Washington \$20k salary exception for convictions, otherwise FCRA \$75k salary exception	Dismissed cases, Non-conviction final dispositions, Original Charges, Lesser Offenses, Violations of Probation & Parole, Arrests	Report for 7 years only	\$75,000/yr. or more	Report indefinitely if \$75k salary exception applies
	Convictions, Pardoned convictions	Report for 7 years only	\$20,000/yr. or more	Report indefinitely if \$20k salary exception applies
	Expunged/sealed records	Do not report	None	Do not report, regardless of salary
	Active Arrest Warrants	Follow Guidance on Arrest Warrant PPT	None	Follow Guidance on Arrest Warrant PPT

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Criminal Reporting Guidelines Reference Chart

State	Case Type	Guideline Without Salary Exception	Salary Exception Amount	Guideline With Salary Exception
Massachusetts No salary exception; non-conviction rule	Dismissed cases, Non-conviction final dispositions, Original charges, Expunged/sealed records	Do not report	None	Do not report, regardless of salary
	Lesser Offenses, Violations of Probation & Parole	Report for 7 years only	None	Report for 7 years only, regardless of salary
	Arrests	Do not report	None	Do not report, regardless of salary
	Active Arrest Warrants	Follow Guidance on Arrest Warrant PPT	None	Follow Guidance on Arrest Warrant PPT
	Convictions, Pardoned convictions	Report for 7 years only	None	Report for 7 years only, regardless of salary

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Criminal Reporting Guidelines Reference Chart

State	Case Type	Guideline Without Salary Exception	Salary Exception Amount	Guideline With Salary Exception
Montana	Convictions, Pardoned convictions, dismissed cases, Non-conviction final dispositions, Original charges, Lesser Offenses, Violations of Probation & Parole, Arrests	Report for 7 years only	None	Report for 7 years only, regardless of salary
	Expunged/sealed records	Do not report	None	Do not report, regardless of salary
	Active Arrest Warrants	Follow Guidance on Arrest Warrant PPT	None	Follow Guidance on Arrest Warrant PPT

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Criminal Reporting Guidelines Reference Chart

State	Case Type	Guideline Without Salary Exception	Salary Exception Amount	Guideline With Salary Exception
New York \$25k salary exception for convictions, otherwise FCRA \$75k salary exception; non-conviction rule; salary exception does not apply to non-conviction rule	Dismissed cases, Non-conviction final dispositions, Original charges, Lesser offenses, Expunged/sealed records	Do not report	None	Do not report, regardless of salary
	Violations of Probation & Parole	Report for 7 years only	\$75,000/yr or more	Report indefinitely if \$75k salary exception applies
	Arrests	Do not report	None	Do not report, regardless of salary
	Active Arrest Warrants	Follow Guidance on Arrest Warrant PPT	None	Follow Guidance on Arrest Warrant PPT
	Convictions, Pardoned convictions	Report for 7 years only	\$25,000/yr or more	Report indefinitely if \$25k salary exception applies

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Criminal Reporting Guidelines Reference Chart

State	Case Type	Guideline Without Salary Exception	Salary Exception Amount	Guideline With Salary Exception
All Other States FCRA \$75k salary exception applies to all reporting restrictions except convictions of crimes and active arrest warrants which can be reported indefinitely	Dismissed cases, Non-conviction final dispositions, Original charges, Lesser Offenses, Violations of Probation & Parole, Arrests *see WI, PA and MI exceptions below	Report for 7 years only	\$75,000/yr. or more	Report indefinitely if \$75k salary exception applies
	PA ONLY Lesser Offenses	Do not report	N/A	Do not report, regardless of salary
	WI ONLY Arrests	Do not report	N/A	Do not report, regardless of salary
	MI ONLY Misdemeanor Dismissed cases, Misdemeanor Non-conviction final dispositions, Misdemeanor Original charges, Arrest Only Cases	Do not report	N/A	Do not report, regardless of salary
	Convictions, Pardoned convictions	Report indefinitely	N/A (follows FCRA)	Report indefinitely, regardless of salary
	Active Arrest Warrants	Follow Guidance on Arrest Warrant PPT	None	Follow Guidance on Arrest Warrant PPT

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Counting Guidelines Quick Reference

NOTE: The information provided below is for quick reference purposes only. Refer to HireRight's Counting Guidelines for our complete policy. This document is the proprietary and confidential information of HireRight, LLC. and is intended solely for internal purposes. This document may not be distributed or otherwise transferred to any third party without the advance authorization of HireRight's Legal Department.

HireRight Reporting Guidelines & Search Depth	The customer's selected search depth is applied to all products/searches/results. In addition, HireRight's Criminal Records Reporting Guidelines are further applied in accordance with applicable Federal and State reporting restrictions. For clients with a 10-year Regulated Search Depth, the reporting depth of 10 years is applied, and HireRight's Criminal Records Reporting Guidelines are further applied except that the 7-year reporting restriction on criminal for applicants living or working in California does not apply, such that 10 years of conviction information can be returned. HireRight's counting guidelines should be applied to determine if disposition, release or parole is within 10-year scope.		
Reporting Date	Only report a record when the applicable and compliant reporting period has not expired as of the reporting date.		
Start Date of Reporting Period	Generally, for convictions, start date of reporting period is:	• For 7-year states (CA, KS*, MD*, MA, MT,NH*, NM, NY* & WA*) Date of Disposition Date of release Date of parole	• For other states: Date of disposition Date of release Date of parole End of probation (see conviction with probation below)
	***For criminal records other than convictions, use the date of case filing		
Convictions with Probation	General - Count reporting period from end date of probation Exceptions: CA, KS*, MD*, MA, MT, NH*, NM, NY* & WA* • Count reporting period from date of disposition, release, or parole • Do not count probation period *With Salary: KS, MD, NH, WA (\$20,000) → apply general guideline above *With Salary: NY (\$25,000) → apply general guideline above Probation violations are not used to determine when case is reportable (even when applicant is incarcerated for the probation violation). Probation revocations will reset counting for the case. For cases involving deferred adjudication, refer to applicable deferred adjudication guidelines		

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