



Office of Representative John E. Barnes, Jr.

Thank you, Chair Butler, Vice Chair Lanese, Ranking Member Boggs, and my esteemed colleagues on the Civil Justice Committee for the opportunity to give sponsor testimony on House Bill 672, which will create the “Final Order Correction Act.”

The Final Order Correction Act creates a procedure for when an error, omission, or legal defect exists in a public record, a person claiming an interest in its correction may file a petition in the court of common pleas requesting an order for correction or invalidation of the record. The petition must be filed either in the county where the public office responsible for the record is located or in the county where the record is kept.

The Final Order Correction Act will:

1. Create a judicial procedure for persons to correct any error, omission, or legal defect in a public record that personally affects them;
2. Specify that a court may find a public record legally defective if the public office improperly executed it, failed to comply with the procedural requirements of state law, or violated the petitioner's due process rights when it issued the record;
3. Require a petitioner to specify the error, omission, or legal defect, the basis for the petitioner's belief that the record is inaccurate or defective, and the manner in which the petitioner believes the record should be amended, if possible, to cure any inaccuracy;
4. Require the public office responsible for the record to respond by either acknowledging the error, omission, or defect, or denying the allegation, stating the basis for its belief that the record is accurate, complete, and properly executed;
5. Direct the court to make an order to correct or invalidate the public record after a hearing if the court finds by a preponderance of the evidence that the error described in the petition was made

and that the petitioner has been personally affected by the inaccurate or legally defective record;

6. Provide that, on or after the date of filing, the record and order correcting or invalidating it must be received as evidence in all subsequent judicial and administrative proceedings that the record was inaccurate or legally defective; and
7. Require every public office in the state to publish an explanation of the procedure by which an error, omission, or legal defect in a public record may be addressed.

The Final Order Correction Act will ensure that the constitutional right of due process is achieved. Thank you again for this opportunity, I would be happy to answer any questions.

