



August 30, 2018

Support the Clean Slate Act, H.R. 6677

On behalf of FreedomWorks activists nationwide, I urge you to contact your representative and ask him or her to support the Clean Slate Act, H.R. 6677, introduced by Reps. Lisa Blunt Rochester (D-Del.) and Rod Blum (R-Iowa). Following in the wake of a similar recently-enacted bill in Pennsylvania, the Clean Slate Act would create an automatic sealing process for certain criminal records and a streamlined petition process for sealing other criminal records to promote successful reentry into society.

As is commonly known, the impact of a criminal record follows former offenders for life, no matter how hard they have worked to reform themselves and become model citizens after incarceration. Also notable is how the presence of an arrest or a non-conviction can do the same thing. These records result in lack of opportunity needed for all Americans to be successful, including immediate denial from jobs and interviews, difficulty obtaining housing, and inaccessible education.

These are three key areas necessary to reduce the likelihood of recidivism for formerly incarcerated individuals and ensure that those who do not wish to live a life outside of the law are not drawn into doing so by lack of other options. Common sense record sealing for certain individuals who pose little or no threat to society is both necessary and good policy to reduce crime, enhance the labor force, and ensure that human capital is not lost by denying opportunities to reformed offenders and those not even convicted of or charged with a crime in the first place.

Under the legislation, automatic sealing of records would apply to individuals who are not sex offenders who have completed each term and condition of their sentences for offenses under Section 404 of the Controlled Substances Act, covering simple possession, or any federal nonviolent offense involving marijuana. For convictions, records will be automatically sealed one year after completion of the sentence absent a subsequent conviction. For acquittals, records will be automatically sealed 60 days after acquittal. For arrests, records will be automatically sealed if the government does not file charges within 180 days of arrest.

The Attorney General will establish a process to seal records, applicable to arrests or convictions entered before, on, or after the date of enactment, within two years. Following automatic sealing, the records will not be available to any person except law enforcement and courts for investigation, background checks for certain qualified positions, and only to carry out these purposes.

The Clean Slate Act also creates a streamlined petition process for individuals who are not violent offenders or sex offenders who have completed each term and condition of their sentences for not more than two covered nonviolent offenses. One year after fulfilling the requirements, a covered individual may file a petition for a sealing order in a district court. The court decision will be based on a balance of the interest of public knowledge and safety, legitimate interest of the government including potential impact of sealing, conduct and demonstrated desire of petitioner to be rehabilitated and positively contribute to society, and the interest of the petitioner in having it sealed.

The burden of proof is on the government to show that the interests of public knowledge and the government outweigh the interests of the petitioner. In the case of denial, the petitioner may not file a new sealing petition for the same offense for two years after denial. Indigent petitioners may obtain a waiver of any fee for filing a sealing petition, and the district court may appoint a public defender to represent a petitioner after considering the complexity or adversity of the hearing. Not later than two years after enactment, a public report will be written describing the number of sealing petitions granted and denied, the number of instances that a U.S. attorney supported or opposed sealing, and any relevant supporting data that does not name any petitioner.

Record sealing that maintains standards of public safety, as the automatic sealing and petition sealing processes outlined in the Clean Slate Act do, are common sense measures to ease reentry into society and improve communities across the country that 95 percent of those currently incarcerated will be returning to. It is incumbent upon lawmakers to ensure that once these individuals return, their paths to a life as law-abiding citizens are not unattainable, as is unfortunately often the result of a criminal record. Record sealing can change this reality and help turn potential reoffenders into model citizens. For these reasons, I urge you to contact your representative and ask him or her to support the Clean Slate Act, H.R. 6677.

Sincerely,

A handwritten signature in black ink, appearing to be a stylized name, possibly "M. B. H.", written in a cursive style.

Adam Brandon
President, FreedomWorks