December 21, 2020

Support the Clean Slate Act, S. 5047

On behalf of FreedomWorks’ activist community, I urge you to contact your senators and ask them to cosponsor the Clean Slate Act, S. 5047. Introduced by Sens. Bob Casey (D-Pa.) and Joni Ernst (R-Iowa), the Clean Slate Act would create an automatic sealing process for certain federal criminal records, including simple arrests without conviction, and a streamlined petition process for sealing other criminal records to promote successful reentry into society.

A criminal record can be a barrier to employment, education, and housing opportunities for individuals with a criminal record. While most states -- including Pennsylvania, Utah, and, most recently, my home state of Georgia -- have taken steps to provide a way for individuals convicted of certain offenses to seal their records, the federal government remains far behind.

The Clean Slate Act would provide individuals who have been arrested, as well as convicted, of simple possession under federal law with the automatic sealing of their record or the opportunity to petition for the sealing of their nonviolent records not covered by automatic sealing.

The Clean Slate Act would provide for the automatic sealing of records for simple possession under 21 U.S.C. 844 after the individual has completed and satisfied each condition of his or her term of imprisonment, probation, or supervised release. The individual cannot be a sex offender as defined under 42 U.S.C. 16911, nor have been convicted of any offense related to treason, terrorism, and other national security-related offenses. The automatic sealing would apply to an individual arrested but not convicted of a federal offense. Automatic sealing would also apply to an individual acquitted of a federal offense.

The bill also provides for another avenue for an individual to petition for the sealing of his or her record related to a nonviolent offense. A crime of violence under 18 U.S.C. 3156(a), a sex offense under 42 U.S.C. 16911, and any offense for which a sentence of more than two years is imposed are explicitly excluded under this provision of the bill. The individual seeking the sealing of his or her record may not have been convicted of more than two felonies, nor convicted of any violent felony or offense related to treason, terrorism, and other national
security-related offenses.

The individual must have completed and satisfied each condition of his or her term of imprisonment, probation, or supervised release. The individual may petition for the sealing of his or her record one year after he or she has fulfilled the requirements of the imposed sentence. There also notice requirements to both the individual eligible for record sealing and the U.S. Attorney who prosecuted the individual.

There’s no better way to address recidivism than a good job. The Clean Slate Act gives those who want a better life for themselves an opportunity to succeed by empowering them to move past a mistake they have made. For these reasons, I urge you to contact your senators and ask them to cosponsor the Clean Slate Act, S. 5047.

Sincerely,

Adam Brandon
President, FreedomWorks