

Clean Slate Act of 2020

Senators Robert P. Casey, Jr. (D-PA) and Joni Ernst (R-IA)

Background:

More than 70 million Americans—or 1 in 3 adults—have some form of a criminal record. This creates barriers for individuals in every facet of life, with nearly 9 in 10 employers, 4 in 5 landlords and 3 in 5 colleges now utilizing background checks. Additionally, barriers to employment faced by those with felony convictions and formerly incarcerated individuals cost the U.S. over \$80 billion in annual GDP in 2014. The Clean Slate Act aims to reduce this gap by automatically sealing federal arrest records for individuals not convicted and records for individuals convicted of simple drug possession after successfully completing their sentence.

The Clean Slate Act is an opportunity to give Americans a second chance at fully participating in society. Even an individual with a minor record can face upwards of 40,000 collateral consequences due to an increasing number of laws that limit access to employment, entrepreneurship, occupational licenses, credit, housing, education and other opportunities. Nearly half of U.S. children now have at least one parent with a criminal record. Due to the difficulties of obtaining employment, housing or education, a parent's record could hold back his or her whole family by negatively impacting children's cognitive development, housing stability, school performance and even employment outcomes in adulthood.

The Clean Slate Act:

- Automatically seals an individual's federal criminal record for simple drug possession one year after successfully completing his or her sentence.
- Automatically seals arrest records and other related records for individuals who have been acquitted, exonerated or never had charges filed against them.
- Establishes new procedures to allow individuals to petition to seal records for nonviolent offenses that are not automatically sealed.
- Permits law enforcement to access sealed records for public safety reasons, such as investigatory purposes and background checks for firearms.
- Authorizes district courts to appoint a public defender to help indigent petitioners file and successfully seal their records.
- Protects employers from liability for any claim arising out of the misconduct of an employee if the misconduct relates to a sealed criminal record.

What the Clean Slate Act does not do:

- The bill would NOT allow sex offenders to seal their records.
- The bill would NOT allow those convicted of terrorism, treason or other national security-related offenses to seal their records.
- The bill would NOT allow the sealing of records if the petitioner has been convicted of other violent crimes.

Endorsements:

Center for American Progress, FreedomWorks, Justice Action Network, Brennan Center for Justice at NYU School of Law, Faith & Freedom Coalition, JPMorgan Chase, Business Roundtable, Community Legal Services of Philadelphia