

Testimony in Support of House Bill 1826
Before the House Judiciary Committee
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Americans for Prosperity – Pennsylvania
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Introduction

Thank you, Chairs Kauffman and Briggs, and members of the House Judiciary Committee for allowing me to testify today in support of House Bill 1826. My name is Ashley Klingensmith. I am the State Director for Americans for Prosperity – Pennsylvania. We are a grassroots organization dedicated to outreach, education, and advocacy on long-term solutions to the country's biggest problems that prevent people from realizing their full potential. This necessarily includes effective reforms to our nation's criminal justice system – one of the greatest existing barriers to realizing the American dream for both victims and those who have violated our laws.

Barriers to a Second Chance

We believe that accountability is an essential component of justice, but when someone has fulfilled the debt they owe to our community it is essential that we incentivize them to become productive citizens in their communities and avoid future criminal behavior. Thousands of individuals are released from Pennsylvania's prisons each year and tens of thousands more will be discharged from probation or parole.¹ Many of them will exit our justice system believing they will be able to move on from their past mistakes, but they quickly learn that they face countless barriers to their successful reentry back into society.

The more than 2.7 million Pennsylvanians with a prior criminal record face both societal stigma and almost 900 legal barriers in Pennsylvania law alone that prevent them from accessing meaningful employment, adequate housing, and additional education.² Some of these barriers are justified by legitimate public safety concerns but others only serve as arbitrary barriers that prevent them from contributing to our communities and providing for their families. In fact, many of these unnecessary barriers are a major contributing factor to Pennsylvania's 60% recidivism rate and serve as a net loss for public safety in the long term.³

¹ Kristofer Bret Bucklen, et al., *Pennsylvania Department of Corrections Annual Statistical Report*, Department of Corrections (2021), available at <https://www.cor.pa.gov/About%20Us/Statistics/Pages/Reports.aspx>; Kelly Evans, et al., *County Adult Probation And Parole Annual Statistical Report 2018*, <https://www.parole.pa.gov/About%20PBPP/county/Pages/default.aspx>.

² National Reentry Resource Center, *National Inventory of Collateral Consequences of Conviction*, Bureau of Justice Assistance (2022), <https://niccc.nationalreentryresourcecenter.org/consequences>; Becki R. Goggins & Dennis A. DeBacco, *Survey of State Criminal History Information Systems, 2018*, Bureau of Justice Statistics (2020), <https://www.ojp.gov/library/publications/survey-state-criminal-history-information-systems-2018>.

³ George Little, *FY 22-23 Budget Testimony*, Department of Corrections (2022), available at <https://www.cor.pa.gov/About%20Us/Statistics/Pages/Budget-Documents.aspx>.

Ensuring Second Chances Grows Our Economy and Tax Base

As you may know from our other efforts in the legislature, Americans for Prosperity seeks to stand up for taxpayers and ensure the government is effectively utilizing the tax money collected from millions of hardworking Pennsylvanians. Research shows that the barriers posed by a criminal record are preventing individuals from improving their economic situation and in turn limit the growth of our economy in Pennsylvania.

One study has found that individuals who were previously imprisoned will experience an average annual earnings loss of 52% and even a low-level misdemeanor conviction reduces someone's average annual earnings by 16%.⁴ This results in billions of lost economic growth for Pennsylvania each year.

Another Step Towards True Restoration

Our historic "clean slate" legislation has already provided citizens with relief from more than 62 million criminal records and we continue to experience overall reductions in crime statewide.⁵ This should not be surprising given that research has repeatedly reaffirmed the positive benefits of record relief for public safety and our local economies.⁶ Several states – including Utah, Virginia, Michigan, Oklahoma, and Colorado - have followed the Commonwealth's leadership and adopted similar reforms in recent years.

H.B. 1826 presents an opportunity to reasonably build upon the success of these reforms and ensure people with a criminal record can secure a true second chance if they have proven their willingness to follow the law. These reforms still require those who violate our laws to prove their restoration by only allowing relief from criminal records after a properly graduated number of years based on the severity of the convicted offense. H.B. 1826 also still correctly prioritizes the restoration of victims by requiring restitution be repaid before someone can have their record sealed and provides judicial safeguards for serious records or a series of multiple convictions.

On behalf of the thousands of AFP activists in Pennsylvania, I urge you to take this next step toward providing many of your constituents a true second chance. This legislation provides an opportunity for the Commonwealth to reaffirm its leadership in public safety and second chances.

⁴ Terry-Ann Craigie, et al., *Conviction, Imprisonment, and Lost Earnings*, Brennan Center for Justice (2020), https://www.brennancenter.org/sites/default/files/2020-09/EconomicImpactReport_pdf.pdf.

⁵ The Unified Judicial System of Pennsylvania, *Processed Clean Slate Counts by County (June 28, 2019 – June 15, 2022)*, The Unified Judicial System of Pennsylvania (2022), available at <https://www.pacourts.us/learn/learn-about-the-judicial-system/clean-slate-expungement-and-limited-access>; Pennsylvania State Police, Crime Dashboard, Pennsylvania State Police (2022), <https://www.ucr.pa.gov/PAUCRSPUBLIC/Home/Index>.

⁶ J.J. Prescott & Sonja B. Starr, *Expungement of Criminal Convictions: An Empirical Study*, 133 Harv. L. Rev. 2460 (2020); Jeffrey Selbin, et al., *Unmarked? Criminal Record Clearing and Employment Outcomes*, 108 J. Crim. L. & Criminology (2018); Amy Shlosberg, et al., *Expungement and Post-exoneration Offending*, 104 J. Crim. L. & Criminology (2014).