



Testimony from Jenna Bottler, Deputy Director, Justice Action Network

August 31<sup>st</sup>, 2022

To: Chairman Rob Kauffman, Democratic Chair Tim Briggs, and Members of the Pennsylvania House Judiciary Committee

Re: Support for House Bill 1826, Clean Slate Expansion

On behalf of the Justice Action Network, the nation's largest organization supporting effective, data-driven criminal justice policies, I appear before you today in strong support of House Bill 1826.

The values and virtues of rehabilitation and redemption are at the core of the founding of our country and the Commonwealth of Pennsylvania.

Pennsylvania's own delegate to the Second Continental Congress, Benjamin Franklin, wrote of the importance of the "eternal principle of justice and equity, that punishments should be proportioned to offences."

Clean Slate recognizes this need to ensure that punishments fit the crime, that one bad day does not destroy an entire life, and that natural instinct to improve as humans and strive for more and better for ourselves, our families, and our communities.

In 2018, Pennsylvania made history by enacting the first-ever Clean Slate, an automatic record sealing law. The original measure applied to nonviolent misdemeanors, and required a waiting period of 10 crime-free years prior to receiving a Clean Slate.

Since then, at least six other states have enacted a version of Clean Slate. In addition, in 2021 alone, 34 states enacted 82 laws to authorize, expand, or streamline record clearing or set-asides. As a result, thirty-five other states already provide some form of sealing or expungement for felonies, and half the states that followed Pennsylvania's lead on Clean Slate did so while surpassing the original law by providing for felony record sealing.

If this seems like an outsized focus for state lawmakers, it's because it should be. Twenty million Americans have a felony conviction; 70 million have some form of criminal record. The Federal Bureau of Investigation adds 10,000 names to its database every day. States need sufficient tools to address this growing population, ensuring that those who have served their sentence and chosen to desist from criminal behavior are safely provided with an avenue to rehabilitation via record sealing.

This booming expansion of criminal record sealing and expungement is buttressed by both public safety and economic arguments.

First, people with criminal records who have remained crime-free for four to seven years are no more likely than the general population to commit a new crime. In light of this, record sealing can reduce the likelihood of recidivism by improving access to employment, education, and housing. Indeed, a 2019 Michigan study found that, of those who received an expunged record, "99 percent



of such individuals are not convicted of any felony, 99.4 percent are not convicted of any violent crime, and 96 percent are not convicted of any crime at all within five years of sealing their criminal records."

Specifically for those who received an expungement for a *felony* record, just 4.6% of this population was reconvicted, compared to 3.8% of those with an expunged misdemeanor record.

Second, record sealing is a necessary policy tool to strengthen states' economies. Today, as rising inflation is paired with a job market still rebounding from the impacts of a pandemic, it is more important than ever for states to access all possible sources of workforce, all while empowering individuals to better their economic positions.

Criminal histories can serve as a significant barrier to employment. A 2016 study found employment rates "0.9 to 1.0 percentage points lower as a result of the employment penalty faced by the large population of former prisoners and people with felony convictions." The situation is worse for those less than a high school degree, as much as 7.3 to 8.2 percent lower. That report estimated an annual GDP loss of over \$70 billion because of those depressed employment rates.

At the same time, as of June of this year, 6.2% of jobs in Pennsylvania are unfilled. An expanded Clean Slate under House Bill 1826 can serve to dramatically expand the available workforce, while improving the economic outlook for Pennsylvanians across the state. The same study out of Michigan found that just one year after receiving an expungement, individuals benefitted from an increase in wages of 23%.

Because of these important public safety and economic considerations, House Bill 1826 is an important next step for Pennsylvania, and positions the state to join thirty-five other states that already provide some form of sealing or expungement for felonies.

This legislation is a nuanced, carefully tailored next step. It applies only to nonviolent drug felonies that carry an imposed sentence of 30 months or less. It retains all the key exclusions that the original bill enacted. It furthermore follows the research behind time to redemption by setting the waiting period for nonviolent drug felonies at 10 years, and nonviolent misdemeanors at 7 years.

To date, 1.2 million Pennsylvanians have benefitted directly from Clean Slate, and countless more have indirectly received a benefit.

We urge the honorable members of this committee and your colleagues to cast your vote in favor of House Bill 1826, and for the belief in rehabilitation and redemption the legislation imparts.

Sincerely,

A handwritten signature in black ink, appearing to read "Jenna Bottler", written over a horizontal line.

Jenna Bottler