



April 8, 2021

Hon. Nancy Pelosi
Speaker
House of Representatives
Washington, DC 20515

Hon. Chuck Schumer
Majority Leader
United States Senate
Washington, DC 20510

Hon. Kevin McCarthy
Minority Leader
House of Representatives
Washington, DC 20515

Hon. Mitch McConnell
Minority Leader
United States Senate
Washington, DC 20510

Dear Speaker Pelosi, Majority Leader Schumer, Minority Leader McConnell, and Minority Leader McCarthy,

In the United States today, one-in-three working-age adults have a record of arrest or prior conviction. As a result, millions are disenfranchised from participating in democracy, have restricted civil rights, and find significant barriers to employment, education, housing, and other economic opportunities. Many states have laws to clear or seal records, but applying is expensive, time-consuming, and confusing. As a bipartisan group of state Attorneys General, we write to urge Congress to appropriate necessary funds for technology and process improvements to upgrade our criminal justice sealing and expungement data infrastructure.

Nearly every state has laws in place to seal or clear certain arrest or conviction records for people who have demonstrated reformation after a crime-free period. Yet only a small fraction of the millions eligible pursue such remedies. Their reasons are varied. Some people are unaware that they are eligible for expungement or sealing. Others find the process too complex, costly, or time-consuming, and simply give up. Even when filed, petitions move slowly through busy courts.

Research shows that automatic record clearing could regain billions in lost economic activity for eligible people by paving the way for secondary education, job opportunities, professional licensing, and stable housing. In contrast, having an arrest or conviction record significantly increases the likelihood that a person will face joblessness and recidivate. Implementing thoughtful automation processes to clear records makes the criminal justice system more efficient, more cost-effective, and most importantly, more just.

Recently, a growing number of states have recognized the need to modernize their criminal justice data systems. As of October 2020, 10 states had automatic expungement or sealing of some convictions.¹ As part of reform efforts, Pennsylvania,² Utah,³ and Michigan⁴ implemented sensible automated record clearing laws. New Jersey⁵ and Connecticut⁶ are studying implementation, and legislation is pending in nearly a dozen more states.⁷

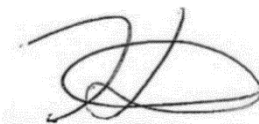
Despite this progress, criminal justice data remains siloed among courts and agencies, often lacking standardized formats. Streamlining and automating processes can reduce costs and increase the scale of state record-clearing laws. The upfront investment to fund technology improvement programs, however, remains a key obstacle that states face in enacting large-scale record clearing reforms.⁸ It is critical that states have the capability to accelerate investments needed to transform their criminal justice data infrastructure.

The First Step Act of 2018 demonstrated a bipartisan commitment in Congress to improving criminal justice outcomes while maintaining public safety. In addition, bipartisan legislation has previously been introduced in both the U.S. House⁹ and Senate¹⁰ that would provide automatic clearing for certain nonviolent federal arrest or conviction records. We call on Congress to take another step toward modernizing the criminal justice system. Funding for automated record clearing systems can enfranchise millions, giving them an opportunity to improve their, and their families' lives.

Sincerely,



Mark Brnovich
Arizona Attorney General



Karl A. Racine
District of Columbia Attorney General

¹ [50-State Comparison: Expungement, Sealing & Other Record Relief | Collateral Consequences Resource Center \(ccresourcecenter.org\)](https://www.ccrsourcecenter.org/50-State-Comparison-Expungement-Sealing-Other-Record-Relief-Collateral-Consequences-Resource-Center)

² <https://www.legis.state.pa.us/cfdocs/billInfo/billInfo.cfm?sYear=2017&slnd=0&body=H&type=B&bn=1419> (First law in the nation to seal certain criminal records from public view through an automated process.)

³ <https://le.utah.gov/~2019/bills/static/HB0431.html>

⁴ [http://www.legislature.mi.gov/\(S\(k4kq5t1arwclgdukigo0cqtq\)\)/mileg.aspx?page=getObject&objectName=2019-HB-4980](http://www.legislature.mi.gov/(S(k4kq5t1arwclgdukigo0cqtq))/mileg.aspx?page=getObject&objectName=2019-HB-4980); <https://www.bridgemi.com/michigan-government/whitmer-signs-clean-slate-michigan-allowing-automatic-felony-expungement>

⁵ <https://www.nj.gov/governor/news/news/562019/approved/20191218a.shtml> (Task force studying the technological, fiscal, and practical issues and challenges associated with an automated clean slate system.)

⁶ <https://www.ncsl.org/research/civil-and-criminal-justice/clearing-criminal-records-for-those-who-ve-earned-a-second-chance-magazine2020.aspx>

⁷ [50-State Comparison: Expungement, Sealing & Other Record Relief | Collateral Consequences Resource Center \(ccresourcecenter.org\)](https://www.ccrsourcecenter.org/50-State-Comparison-Expungement-Sealing-Other-Record-Relief-Collateral-Consequences-Resource-Center)

⁸ Utah: House Bill 431 [Expungement Act Amendment](#) Fiscal Note: \$1,648,200; Michigan: [Package of bills, including automation](#) Fiscal Note: \$25.7 million over 5 years. Of that, approximately \$10 million over 5 years for automated components; Pennsylvania: [Act 56 of 2018 \(House Bill 1419\)](#) Fiscal Note: \$245,000

⁹ <https://www.congress.gov/bill/116th-congress/house-bill/2348>

¹⁰ <https://www.congress.gov/bill/116th-congress/senate-bill/5047?q=%7B%22search%22%3A%5B%22%5C%22clean+sate+act%5C%22%22%5D%7D&s=1&r=2>



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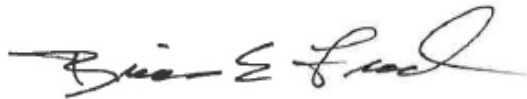
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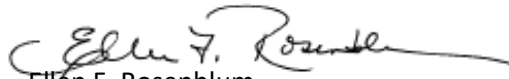
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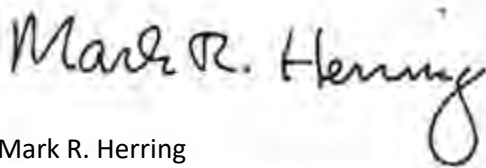
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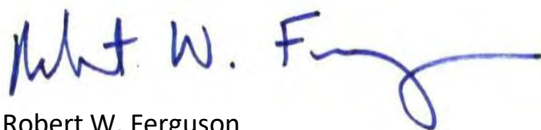
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