



**Causing Certain Criminal Convictions to be Automatically Sealed (the Clean Slate Act)
(Bill S.1553-D-Myrie/A.6399-C-Cruz)
Memorandum of Opposition**

Bill S.1553-D-Myrie/A.6399-C-Cruz, the Clean Slate Act, would require that many felony and misdemeanor convictions be sealed. Specifically, this bill would cause most felony convictions to be automatically sealed seven years following sentencing and would cause most misdemeanor convictions to be automatically sealed three years following sentencing, provided that the defendant (a) has no criminal charges pending; (b) is no longer on parole or probation; and (c) is not a registered sex offender. However, records of a conviction that has been sealed pursuant to this legislation would be made available in 14 different situations, including background checks for potential law enforcement officers and background checks for gun license applicants. Under the Clean Slate Act, defendants would be allowed to sue if their criminal histories were not sealed in accordance with law. Furthermore, Section Four of the proposed legislation expressly allows defendants to lie on applications that request information about aspects of their criminal histories that have been sealed.

The Clean Slate Act is, quite frankly, a mess. By requiring that large numbers of convictions be sealed but creating 14 exceptions under which they must be disclosed, the bill would create major burdens on those responsible for recordkeeping. The complexity of the bill invites confusion and errors. Worse yet, the Clean Slate Act would make it impossible for many employers to obtain complete and accurate information when they request background checks on potential employees or volunteers. Such background checks could be rendered useless because they would be required to omit key information about an applicant's criminal history. The sponsors of this bill recognize that even when a defendant has completed his or her sentence, information about that defendant's criminal history is still relevant if that person applies for a firearm license or for a job as a law enforcement officer. Why, then, should a person's complete criminal background not be made available to potential employers? Why should this information be shared with government agencies, but hidden from others who may need it? When it comes to safety, transparency is the best policy. The Legislature should allow employers to decide for themselves whether a person's criminal history is relevant to his or her job application.

The Clean Slate Act places the interests of those with criminal histories ahead of the interests of the rest of society. Members of the Legislature are urged to oppose it.