

Center for American Progress

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New York State Assembly Senate Finance and Assembly Ways and Means Committees

Written Testimony in support of the NY Clean Slate Act, S1553C/A6399B *An Act Concerning Erasure of Criminal Records*

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My name is Akua Amaning and I am the Director for Criminal Justice Reform at the Center for American Progress. It is my pleasure to submit written testimony in support of the Clean Slate Act, S1553C/ A6399B, which would open doors to opportunity for millions of New York residents currently held back by conviction records. I urge the legislature to include these measures in your budget proposals.

Today, more than [2.3 million New Yorkers](#) carry a conviction record. [No record is too old or too inconsequential](#) to serve as a barrier to employment, housing, education, public assistance, family reunification and the ability to build good credit. For too many justice-involved people, a record can leave them with lifelong restrictive barriers which preclude them from accessing resources needed to promote stable futures for themselves and their families.

Every constituent of New York should have a fair opportunity to earn a living, support their family and contribute to their community. While felony convictions carry perhaps the greatest stigma, any criminal record can present insurmountable hurdles to gainful employment. Nearly [9 in 10 employers](#) use background checks to make hiring decisions, which often can mean the difference between a job offer and a rejection. As a result, the unemployment rate among formerly incarcerated people is over [27 percent](#) – higher than the U.S. unemployment rate during the Great Depression.

Safe and stable housing can also be out of reach for individuals with criminal records, with an estimated [4 in 5 landlords](#) conducting background checks on prospective renters. Formerly

incarcerated people are [10 times more likely](#) to experience homelessness than the general population.

These barriers to opportunity can have ripple effects for generations. According to analysis by the Center for American Progress, [nearly half of all American children](#) have at least one parent with a criminal record. When parents are shut out of the labor and housing markets, it can significantly undermine family stability and economic security. A child's long-term outcomes are closely tied to childhood circumstances, and thus the barriers associated with parental criminal records can prevent kids from realizing their full potential into adulthood.

Record expungement is a powerful solution to breaking down barriers to opportunity for justice-involved individuals and their families. A [major study](#) from researchers at the University of Michigan found that within a year of expungement, people who were successfully able to clear their records saw their wages increase by more than 20 percent. The study also found evidence that record clearing can reduce recidivism rates: Michiganders who received expungements were less likely to commit a crime than the general population.

While petition-based record clearance measures exist under current New York law, these remedies often leave most eligible people behind. Many people may be unaware that they are entitled to record-clearing; others struggle to navigate the expensive and complicated process of filing a record-clearing petition in court, which for most requires hiring a lawyer and taking time off to appear in court, often racking up thousands of dollars in legal bills and court costs. Meanwhile, the courts must process each petition one by one, straining valuable judicial resources. Consequently, record-clearing is out of reach for all but the most well-resourced Americans. These same challenges are evidenced [by research from The Paper Prisons Initiative of Santa Clara University](#), which found that under New York's existing record clearance measures, less than 1 percent of eligible people successfully petition to clear their conviction records.

New York's Clean Slate legislation (S1553C/A6399B) will implement a system which automatically seals eligible records through the use of technology and will ensure that everyone who qualifies for record-clearing gets the clean slate they've earned—regardless of whether they can afford a lawyer and expensive court fees and without navigate a complex court process.

Equitable measures such as Clean Slate legislation are needed now more than ever before—especially as New York focuses on economic recovery and growth in a post-pandemic era. Recovery efforts rooted in equity, which encourage and support workforce participation for as many people as possible, not only benefit those who are directly impacted, but ultimately help stimulate local businesses, communities, and the state's overall economy.

At the national level polling suggests that most Americans—across the political spectrum—agree. [Seventy percent](#) of Americans support clean slate policies—including 66 percent of Republicans and 75 percent of Democrats. And [states across the country](#) (as diverse as Connecticut, Michigan, Delaware, Utah, Texas, and Virginia to name a few) have already taken steps to implement their own automatic record sealing/clearing measures.

On behalf of the Center for American Progress, I urge the New York State Senate and Assembly to include S1553C and A6399B in your budget proposal and swiftly pass and sign these bills into law. With these measures, New York has the ability to uplift justice-impacted individuals and their families while building safer and healthier communities for generations to come.

Thank you for the opportunity to submit this written testimony for the record.

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