

Commentary

Now is New York's Time to Pass The Clean Slate Act

by Vincent Southerland

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This year, New York has an opportunity to move away from perpetual punishment by passing the Clean Slate Act, legislation aimed at erasing the scourge of a criminal record by providing for automatic sealing of prior misdemeanor and felony convictions after a waiting period.

The challenges that a conviction can pose for those seeking to reintegrate into society following involvement with the criminal legal system makes passing Clean Slate essential.

A criminal record is just one of the many consequences that can flow from interaction with the criminal legal system, but it carries with it outsized importance. Criminal records too often have the effect of marking the bearer as a second-class citizen unable to move beyond the label of criminal. They can prevent those who have paid their debt to society from obtaining what they need to move beyond their past: housing, employment, and education.

The challenges posed by a criminal conviction for those working to secure housing provides a helpful example. According to the Fortune Society, a 2015 report showed that over half of New York City landlords who are aware that an applicant has a conviction would not even allow that applicant to view a rental property. That forces people to invest inordinate time, energy, and resources into their housing search. They must apply countless times, incurring fees to pay for applications, background checks, and credit reports until they are met with success. This process does more than just upend their finances. Without the stability that comes with a permanent home, it is more difficult to find and maintain employment, or secure educational opportunities for their children.

Consistent with the range of harms that the criminal system visits on its targets, the problem with criminal records is widespread and disproportionately burdens Black and Latino New Yorkers. More than 2 million New Yorkers are burdened by prior convictions. The racial dynamics make these numbers even more troubling.

A 2020 report of arrests and sentences by the New York State Division of Criminal Justice Services noted that people of color made up 73% of people with prison sentences, with Black and Latino people making up 48% and 23%, respectively. While these numbers only indicate the racial breakdown of the prison population in 2019, they indicate that there is a massive disparity among people living with convictions, particularly those living with felony convictions. A separate report by the Data Collaborative for Justice at John Jay College showed that roughly 80% of people in New York City with conviction records for misdemeanors and felonies are Black or Latino. No matter how we look at it, these convictions create a substantial barrier to reentry for Black and Latino New Yorkers.

The Clean Slate Act is responsive to these concerns. It is a broadly supported bill that will allow people who remain conviction-free to seal prior misdemeanor convictions after three years and felony convictions after seven years. The automatic sealing of these prior convictions will remove the barriers that far too many New Yorkers face in accessing the resources they need to successfully move forward with their lives after justice involvement, providing relief for approximately 1.4 million New Yorkers when it goes into effect. And it will advance racial justice by addressing a harm — the existence of a criminal record — that disproportionately burdens New Yorkers of color.

The legislation could also have immediate economic benefits for the state. By removing barriers to employment for New Yorkers with convictions, Clean Slate stands to yield up to \$7.1 billion in annual increased earnings for New Yorkers. That revenue could help expand the state's economy, and allow for investments in infrastructure, the environment, and other priorities that will improve the quality of life for all New Yorkers.

Last year, at a rally in support of Clean Slate, State Senator Zellnor Myrie, one of the bill's sponsors, said, "The biggest crime-fighter we have is opportunity. It's jobs, it is housing, it's stability, all of the things we want our communities to be filled with." That is emphatically true. Passing Clean Slate, making it the law of New York, will revitalize our communities and give countless people a fair and real shot at moving forward with their lives. Now is the time to pass Clean Slate.