

Commentary

State ‘Clean Slate’ legislation will advance racial justice

By Michaëlle Solages

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With momentum building and Assembly Speaker Carl Heastie publicly calling for its consideration before the end of session, I urge my fellow lawmakers to take up and support the Clean Slate Act as a matter of not just economic justice but of racial justice.

This legislation represents meaningful and concrete progress for the 2.3 million New Yorkers — disproportionately Black and brown neighbors, family members, and community leaders — who are punished perpetually after serving their sentences and reentering their communities. Passage by the State Legislature will affirm New York’s prioritization of equity, fairness and dignity for all New Yorkers.

Data from the past 20 years collected by the Division of Criminal Justice Services and analyzed by the New York Civil Liberties Union reveals a consistent pattern across every county in New York: Black and brown people have experienced arrests and convictions at disproportionate rates. Statewide, Black New Yorkers account for roughly 40% of misdemeanor and felony convictions while representing 14% of the state’s population. Latinx New Yorkers were convicted of roughly 22% of misdemeanors and felonies, despite comprising about 16% of the statewide population. On the other hand, white people are about 60% of the state population but account for roughly 36% of misdemeanor and felony convictions. In Nassau County, Black people are convicted 8.7 times the rate of white people and Latinx people are convicted at a rate 2.2 times the rate of white people.

And the stigma of a criminal conviction stays with a person long after they have “paid their debt to society.” These permanent public records prevent individuals from gaining access to all that is necessary to participate and thrive in one’s community: housing, employment, lines of credit, and opportunities in higher education, among other areas.

The bill would provide individuals — and the families who rely upon them — with a clean slate to move on with their lives. When individuals have served their time, completed any community supervision, and have no new criminal convictions during the waiting period, the Clean Slate Act would automatically seal misdemeanor conviction records after three years and felony conviction records after seven years, not counting time in prison, for all convictions except sex offenses. With this reform, criminal records would be sealed for most civil purposes with certain exceptions such as work in regulated fields; records would remain available to police, prosecutors and the courts. Sealing old records would make a world of difference for the millions of New Yorkers living with the stigma of perpetual punishment. It would be a boon to our economy and, crucially, provide some measure of correction for the injustice of disproportionate, racialized involvement in the criminal justice system.

If we are committed to advancing equity and inclusion in New York, we must take steps to end the perpetual punishment of those who have been justice-involved. Clean Slate is an inclusive, common-sense bill that would have an immediate impact on improving public safety and quality of life for New Yorkers in every corner of the state. It is an anti-poverty bill that would strengthen our state’s economy. And it is a racial justice bill that would advance a crucial degree of relief to Black and brown New Yorkers who have borne the brunt of a system grounded in racial disparities and biased policing and conviction.

I urge my colleagues to join me in moving this historic legislation over the finish line.

THIS GUEST ESSAY reflects the views of Assemb. Michaelle Solages (D-Elmont), chair of the Black, Puerto Rican, Hispanic & Asian Legislative Caucus.

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