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RE: Testimony In support of the NY Clean Slate Act, S1553C/A6399B

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My name is Erin George, Campaigns Manager at the [Clean Slate Initiative](https://cleanslateinitiative.org), a national bipartisan coalition dedicated to advancing policies that automatically clear arrest and conviction records in states across the country. I am pleased to submit this testimony in support of the Clean Slate Act, S1553C (Myrie) / A6399B (Cruz) and urge the legislature to include these bills in your one house budget proposals.

The Clean Slate Initiative was pleased that Governor Hochul included key principles of New York's Clean Slate Act in the Executive Budget. However, the proposed language includes changes that significantly weaken the bill and will leave behind many who need automatic record clearance now more than ever before. We ask that your one house budget bills include the full Clean Slate Act (S. 1553C/A. 6339B) without these changes.

S1553C/A6399B represents a critical step to creating a safer, more equitable and just New York. Everyone should have a fair opportunity to work, have a safe home, take care of their families and contribute to their community. But in a state where an astonishing one in seven New Yorkers has a conviction history, more than 2.3 million have lost that opportunity because a past conviction has left them with a permanent record and lifelong barriers to accessing employment, education, housing, economic stability, full civic engagement and a better future.

In the digital era, nearly 4 in 5 landlords, 3 in 5 colleges and 9 in 10 employers use background checks to screen applicants – no matter how old or minor the record may be. People with records are half as likely as other jobseekers to get a call-back from an employer. And shutting people out of the labor market due to records costs the U.S. economy an estimated \$87 billion per year in lost GDP.

S1553C/A6399B will improve New York's record clearance laws and put into place a system for automatically erasing qualifying records for people who remain crime-free for a set period of time. This legislation will help people capture the second chance they've earned by streamlining petition-based record-clearing—a costly and time-intensive process that prevents the vast majority of eligible people from ever obtaining needed relief.

Under New York's existing law, research shows that less than 1 percent of eligible people successfully clear their conviction records.¹ S1553C/A6399B is a common sense reform that ensures that those with eligible records are

¹ <https://paperprisons.org/states/pdfs/reports/The%20New%20York%20Second%20Chance%20Sealing%20Gap.pdf>

able to have those records cleared automatically – regardless of race, wealth or access to legal representation. It’s good government practice.

As New York enters a phase of post-pandemic planning, the need for expedited and inclusive economic recovery is paramount. New York’s Clean Slate Act can support impacted individuals, local businesses, and the economy. Studies have shown that an individual is 63 percent more likely to receive a job interview if they have a clean record.² People who have had a record cleared are 11 percent more likely to secure employment and 22 percent more likely to see an increase in income than those who have not.³

People believe in redemption and second chances, which is why Clean Slate policies across the country are supported by advocates, impacted people, faith communities, business leaders and people of all political affiliations. 70 percent of Americans support Clean Slate policies—including 66 percent of Republicans and 75 percent of Democrats.

And research shows that clearing records *promotes* public safety by increasing access to jobs, housing, and educational opportunities that support community re-integration and stability. Empirical data from a recent study demonstrates that five years after benefitting from record clearance, individuals were *less* likely than members of the general public to commit a crime.⁴

In June 2018, Pennsylvania became the first state in the nation to enact Clean Slate legislation. Since then, Clean Slate reforms have passed in Utah, Michigan, Connecticut and Delaware, and campaigns to advance Clean Slate policies are active in states across the country including Texas, Colorado, Oklahoma and Oregon. New York has the opportunity to play a leading role in the national movement to create equity and meaningful second chances by passing S1553C (Myrie) and A6399B (Cruz) . The Clean Slate Initiative strongly encourages the New York State Senate and Assembly to include these bills in your budget proposals and advance them to passage.

Thank you for your consideration,

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² Amanda Agan and Sonja Starr. “Ban the Box, Criminal Records, and Racial Discrimination: A Field Experiment.” *The Quarterly Journal of Economics*, Volume 133, Issue 1, February 2018, Pages 191–235, <https://doi.org/10.1093/qje/qjx028>

³ Collateral Consequences Resource Center. “Michigan set-asides found to increase wages and reduce recidivism.” February 27, 2018. <https://ccresourcecenter.org/2018/02/27/michigan-set-asides-found-to-increase-wages-and-reduce-recidivism/>

⁴ J.J. Prescott and Sonja B. Starr, *Expungement of Criminal Convictions: an Empirical Study*, Harvard Law Review (forthcoming), at 35-36 (noting recidivism rates of Michigan set-aside recipients are “lower than those found in most studies of criminal recidivism” and “suggest that set-aside recipients pose a lower crime risk than the general population of Michigan as a whole.”); *see also* Alfred Blumstein and Kiminori Nakamura, *Redemption in an Era of Widespread Criminal Background Checks*, National Institute of Justice Journal, Issue No. 263, 11 (September 2009) (noting most people desist from crime after 3 years of remaining crime free).