



## **Clean Slate Act** **(Bill S.211-A-Myrie; Bill A.1029-A-Cruz; Bill S.4005-B-Budget, Part UU)**

### **Memorandum of Opposition**

The Clean Slate Act would require that many felony and misdemeanor convictions be sealed. While the sponsor's attempt to give second chances to persons with criminal records is laudable, this bill would unfairly deprive employers of important information about job applicants.

The proposed legislation 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 a 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 to persons other than the defendant and his/her attorney in 14 different situations, including background checks for potential law enforcement officers and for gun license applicants. 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 recordkeeping provisions of the Clean Slate Act are arduous, to say the least. By requiring that large numbers of convictions be sealed but creating 14 exceptions under which they must be disclosed, the bill would invite confusion and errors.

Worse yet, the Clean Slate Act would make it impossible for many employers to obtain complete information when they request background checks on potential employees with criminal records. The sponsor of this bill recognizes that even when a defendant has completed his or her sentence, information about that defendant's criminal record 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? When it comes to crime and public safety, transparency is the best policy.

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, and to oppose its inclusion in the 2023-2024 New York State Budget.