

INSIGHT

New York's Clean Slate Act

A Case Study in Advocacy and Strategy

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In 2023, New York became the 12th state to enact a clean slate law, which limits access to some criminal conviction records. By 2027, New York's law will have sealed the conviction records of people who have completed their sentences and stayed free of other convictions for a set number of years — three years for misdemeanors, eight for felonies.¹

At a time when other criminal justice reforms faced backlash or stalled, proponents of New York's Clean Slate Act succeeded. Examining the bill's path to enactment points to several strategic principles that could guide advocates in other states. To be sure, the path was not easy; it took three years for the bill to become law.² Along the way, advocates and legislators navigated the complicated politics of criminal justice reform. They debated and changed critical parts of the legislation — among them, how long a person must wait for relief, who can access sealed records and for what reasons, and what offenses are ineligible for sealing. The legislation also became narrower than originally conceived, dropping provisions that would have expunged criminal records (functionally erasing them) rather than sealing them (limiting who retains access to law enforcement and some potential employers).

To better understand how New York achieved this goal, Brennan Center researchers conducted semistructured

interviews between January and December 2024 with roughly a dozen people involved in the campaign to pass the bill, including legislative leaders.³ The Clean Slate Act's key supporters, like those in many other criminal justice reform campaigns, thought carefully about how to balance bold ideas against the tendency toward incremental progress and the necessity of crafting a bill that could win wide support. In addition, they worked with allies across civil society to frame the narrative around the bill and build momentum toward its passage. The following sections explore the strategic decisions that shaped these provisions and allowed the bill to become law, offering lessons for passing similar reforms.

The Path to Enactment

In 2020, people with criminal records, organizers working on their behalf, and legal service providers began discussing ways to improve New York's process for sealing criminal records. These records, which can show up on a background check years or even decades after a sentence has nominally ended, can result in unemployment, denied housing applications, and other harms.⁴ Indeed, research by the Brennan Center and other organizations shows that across the country, people with a conviction record

tend to earn between 16 and 52 percent less than their peers with no conviction record.⁵

More than 2 million New Yorkers have a conviction record.⁶ Although the state previously had a procedure for sealing some records by petition to the court, it was difficult to navigate and few people were able to take advantage of it.⁷ Inspired by the Clean Slate Initiative, an organization working to advance automated record-clearing policies across the country, and the experiences of states such as Michigan, Pennsylvania, and Utah, advocates looked beyond traditional record-sealing laws, which require applicants to hire a lawyer, pay a fee, file a petition in court, and sometimes appear in court for a hearing. Instead, they proposed a system that would automate the process of sealing criminal records after a set period of time, without the need for any filing or court appearance.⁸

In January 2021, State Senator Zellnor Myrie and Assemblywoman Catalina Cruz introduced the first version of what would become the Clean Slate Act. As originally drafted, the bill would have sealed criminal conviction records after a relatively short period, then expunged them after a longer wait.⁹ That May, Sens. Jamaal Bailey and Myrie convened a hearing on the bill. Criminal justice reform advocates and business leaders supported the legislation, while police and prosecutors expressed some reservations.¹⁰ Lawmakers amended it in early June, removing its provisions for expungement and lengthening the waiting periods for sealing. Ultimately, however, it failed to advance in the legislative session's final days.¹¹

The next year Gov. Kathy Hochul featured the bill in her executive budget proposals, boosting the bill's chances.¹² It passed the Senate but fell short in the larger and more closely divided Assembly, despite another round of 11th-hour changes designed to address apprehension about loss of access to records among some employers and licensors.¹³

Then came the November 2022 elections. Hochul won reelection, but the results were closer than expected.¹⁴ Four Democratic members of the House of Representatives from New York lost their seats.¹⁵ Politicians and commentators blamed crime, which had spiked during the first years of the Covid-19 pandemic, as one reason for these electoral shifts. Others pointed to bail reform, which had gone into effect in 2020 and had already been rolled back twice by the end of the 2022 legislative session.¹⁶

In preparation for the 2023 legislative session, Assembly leaders convened a hearing highlighting how the Clean Slate Act could boost the state's economy.¹⁷ As the session progressed, legislators sought unsuccessfully to have the bill included in budgeting negotiations.¹⁸ But that June, amid reports of a deal between lawmakers and Hochul and a series of amendments that, most notably, exempted the most serious violent crimes from sealing,

the bill passed both houses of the legislature.¹⁹ In November, Hochul signed the bill, stating that it would expand the state's workforce and enhance public safety by helping people secure employment, housing, and professional licenses after incarceration. The law, she argued, would also make the state's criminal justice system fairer and more consistent with principles of rehabilitation and second chances.²⁰ The law is now in the process of implementation, with the first records required to be sealed before November 2027.

As enacted, New York's Clean Slate Act applies to nearly all conviction records in the state, including most felonies, with exceptions for sex offenses and violent felonies such as murder. It is one of the broadest clean slate laws in the country. Some other states, by comparison, permit sealing only for misdemeanors and few, if any, felonies.

The act also updates New York's antidiscrimination laws for people with a criminal record. In most cases, employers and landlords will not be able to see a sealed record on a background check. Even if they do learn about a record, they cannot ask about or consider it, and a person with a sealed record may legally deny its existence. Further, a record's wrongful disclosure may trigger legal liability. Employers who will continue to see sealed records include those with special state or federal regulatory responsibilities, such as those entrusted with the care of children, older adults, and other vulnerable populations.²¹

Building a Diverse Coalition

A significant feature of the Clean Slate Act campaign in New York was the breadth of the coalition that emerged to support it. Participants in our study repeatedly emphasized how this dynamic resulted in the most robust coalition of any recent record-sealing campaign and directly contributed to the bill overcoming challenging political headwinds.

This coalition started small. Around 12 attorneys, criminal justice reform advocates, and individuals with criminal records initially began meeting monthly. These core constituencies included:

- **Directly impacted people.** From the start, people with criminal records were critical in setting strategy and goals for the campaign. They met regularly with legislators in personal conversations and during lobby days. Zaki Smith, a formerly incarcerated entrepreneur and activist with Next100, a public policy organization, provided early, vital leadership. Smith voiced his concerns and thoughts on potential legislation to Myrie, who would later become the bill's sponsor in the state senate. Smith also helped develop the bill's early messaging

strategy and organize grassroots support around his call to “End Perpetual Punishment.”

- **Law and policy organizations.** The Center for Community Alternatives, the Legal Action Center, Brooklyn Defender Services, Community Service Society of New York, and the Legal Aid Society were early coalition members and contributed technical expertise. Some of these groups had practiced under the state’s recently expanded legislation allowing people to petition courts for record-sealing orders but had found the process difficult for their clients to navigate.²² National groups, including the Clean Slate Initiative, offered financial support and strategic guidance.

The bill’s legislative sponsors and core advocates deliberately chose to build support beyond this nucleus. They brought the following allies into the coalition early in the campaign:

- **Business leaders.** Two longtime leaders in the New York business community, JPMorganChase and the Business Council of New York State (BCNYS), emerged as strong advocates for the Clean Slate Act. Other supporters included Verizon and some of the state’s major law firms.²³ Survey participants credited them as “game changers” who were far more than supportive on paper; on the contrary, they and other business allies “showed up and hustled” for the legislation and encouraged other business groups to join the cause.

The business leaders we spoke with joined the campaign out of shared concerns about a shrinking workforce during the Covid-19 pandemic. They believed that people with a criminal record could help fill the resultant vacancies. Statistics showing the staggering number of people with a criminal record who were out of work also helped make the case. (Brennan Center research estimates that nearly 50 million people in the United States have a criminal conviction, and around 8 million have spent time in prison.)²⁴ Some business leaders were already familiar with these problems; for years JPMorganChase had advocated for bringing people with criminal records into the workforce.²⁵ Others were made aware of the issue by employees and employee leaders of corporate social responsibility teams.

- **Organized labor.** Advocates also enlisted the support of labor unions, who drew on some members’ experiences trying to find work with a conviction record, to join the coalition. Unions with formerly incarcerated members were among the first to join, and others

followed shortly thereafter. Union leaders later used their own political networks to expand support during the critical end of the legislative period.

- **State prosecutors and local police.** Clean slate campaigns in other states have run into concerted opposition from law enforcement during both the legislation and the implementation phases. In New York, by contrast, some prosecutors signaled early support for the concept of automated record sealing at a 2021 legislative hearing. Bronx District Attorney Darcel Clark, for example, described clean slate as “something we can work on,” while expressing reservations about automatically sealing records of more serious offenses and arguing that some categories of employers should retain access to sealed records. The New York Police Department’s chief of department, the agency’s highest-ranking uniformed officer, Rodney Harrison, also spoke in support of the bill’s concept and purpose, while urging legislators not to permit the full expungement of criminal records.²⁶ (Generally, law enforcement retains access to records that are sealed. See appendix.) These were serious issues. But Clark and Harrison both indicated that they agreed with the bill’s goals and were willing to compromise.

From there, legislative sponsors and other advocates reached out to New York City–area prosecutors to seek common ground and listen to worries about the bill’s potential effects on public safety. Prosecutors’ willingness to negotiate, according to the bill’s supporters, differed from how they had engaged on previous reforms. Participants we spoke with described how advocates and state prosecutors came to agree that criminal records hindered reentry into society, a theme reflected at the 2021 hearing. In the words of one law enforcement member, when people with a criminal record are “completely shunned from society,” it is “contrary to our goal of keeping the public safe.” Questions, meanwhile, revolved around when and how law enforcement would retain access to records — a point that was largely addressed by removing expungement from the bill. By the time the bill reached the governor’s desk, District Attorneys Alvin Bragg (Manhattan), Eric Gonzalez (Brooklyn), Melinda Katz (Queens), and Darcel Clark (Bronx) all expressed support for the bill, as did at least one upstate prosecutor and two sheriffs.²⁷

New York’s experience suggests that these constituencies can form a powerful coalition in support of automated record-sealing legislation in other jurisdictions as well.

Working with Effective Legislative Sponsors

In New York, Senator Myrie, a Brooklyn Democrat, served as the Clean Slate Act's sponsor in the state's upper house. Myrie was motivated by the experiences of constituents who were unable to find work due to years-old criminal convictions. Working with advocates, Myrie then approached Assemblywoman Catalina Cruz, a Queens Democrat, to serve as the bill's sponsor in the state assembly. Cruz had knowledge of the politics of criminal justice reform in the state capital, a clear passion for the issue, and a team with criminal defense experience.

Myrie and Cruz were effective sponsors for several reasons. First, they were persistent. Early on, the lawmakers and their staffs concluded that clean slate legislation would be a political challenge, determining that it was “not going to be a bill that you can pass in the first year.” The bill's sponsors set their sights on building support for the bill and expanding its base of supporters throughout the three years it took to be enacted.

Second, Myrie and Cruz could credibly and productively negotiate with lawmakers in both houses while maintaining close ties with the bill's supporters outside the legislature. Outside observers may view New York as a deep-blue state whose Democratic trifecta — that is, control of both houses of the legislature and the governorship — makes legislating seamless. The truth is more complicated and called for careful coalition building in both houses. Cruz especially faced the challenging task of persuading Democratic moderates, a powerful and influential constituency in the Assembly, to support new criminal justice legislation even as the state's 2019 bail reform legislation remained a live and politically charged issue.

She and Myrie also reached out to Republican lawmakers. Clean slate legislation has had bipartisan support in other states; Utah, for example, passed its 2019 law unanimously.²⁸ But survey participants said that Democratic control of Albany made it unlikely that any Republicans would officially support the bill.²⁹ Indeed, overtures from Myrie, Cruz, and advocates indicated some conservative support for the principles behind the Clean Slate Act — but no commitments to the bill itself. However, according to some participants, the mere act of reaching out may have helped temper opposition.

Ultimately, passage of the Clean Slate Act would require strategic compromise; several participants said that the compromises would not have been possible, or nearly as successful, without the leadership of the bill's sponsors. Both legislators signaled throughout the three-year campaign that they were willing to negotiate and committed to ensuring that “everyone had their say.” They counseled against and personally avoided tactics that might have drawn attention to the bill but would have height-

ened conflict and controversy between the bill's supporters and holdouts. Rather, they strove to hear out valid concerns, such as those of specific employers wanting access to sealed records, and integrate them where possible, thus drawing support from skeptical or more politically vulnerable members of their party while heading off opposition. This approach avoided flash points that could have grabbed headlines but also could have risked sweeping the Clean Slate Act into New York's broader, highly polarized debates around criminal justice reform.³⁰

Myrie and Cruz also negotiated technical challenges. State legislatures typically require a fiscal note for any bill that would have budgetary impacts; typically, the note provides estimates of costs and benefits. Fiscal notes often become political lightning rods, especially in tight budget years when even nominal costs can sink legislation.³¹ Additionally, opponents can manipulate notes by working with the agencies or lawmakers who draft them to make legislation appear more expensive than it actually is. This process has complicated clean slate campaigns in other states; in one case discussed at the Clean Slate Initiative's 2024 convening, for example, a state fiscal note overestimated the number of employees (and therefore payroll costs) needed to automate record sealing.

While New York's legislative procedure provides for fiscal notes, the Clean Slate Act never had one attached to it. Supporters avoided such a challenge, according to one participant, in part by securing an agreement to fund implementation separately from the main legislation. Another contributing factor may have been that rules around fiscal notes in New York tend to be less rigid in practice than in theory.³²

Fine-Tuning the Message

Criminal justice reform can be contentious in New York, requiring a broad base of support to pass legislation. That was especially true between 2020 and 2023. The Covid-19 pandemic, which profoundly shaped the state's economy and job market, also contributed to a spike in violent crime around the country. Although crime levels had partially receded by 2022, perceptions of high crime persisted, driving backlash to reforms, including New York's then three-year-old bail reform legislation. As a result, politicians were wary of other reforms, especially following the 2022 election, during which crime and safety were salient issues.³³

Ultimately, the Clean Slate Act's broad coalition helped to defuse common political debates around criminal justice reform. While “data certainly is helpful,” one participant emphasized, “the thing that actually moves people is stories.” Supporters portrayed the bill as a common-sense criminal justice reform, an economic development plan, and a tool to enhance public safety.³⁴

- **Criminal justice reform.** Advocates emphasized that the legislation would offer second chances to people with convictions by “making it easier for formerly incarcerated New Yorkers to find stable housing, good-paying jobs, and quality education.” New Yorkers with prior convictions led the charge on this front. Drawing on their own experiences, they recounted how laws, policies, and sanctions had stymied their ability to reintegrate into society. Zaki Smith, for example, spoke about his painful experience of losing a job because of a background check.³⁵ People with past criminal convictions also expressed frustration with the state’s existing system for sealing records, which required a petition. These stories played a fundamental role in both strategy and political development. And they changed legislators’ minds. Press statements from supporters on the law’s passage emphasized the need for second chances to allow people to “rebuild their lives,” for example.³⁶

- **Economic development.** New York State lost 1.8 million jobs in the Covid-19 pandemic’s first months. As late as 2024, the state was still struggling to rebound.³⁷ The economic stakes made business leaders’ support of the Clean Slate Act pivotal. JPMorganChase and BCNYC credibly framed the bill to voters and lawmakers as a sensible way to fill job vacancies and promote economic recovery. Supporters in the business community developed these arguments in private conversations with lawmakers, during meetings with politically influential and center-leaning upstate constituencies, and in a 2022 hearing on the bill.

Advocacy from business leaders persuaded many lawmakers to overcome their skittishness about advancing criminal justice reform and to embrace the policy. If the Clean Slate Act had been seen only as “a criminal justice bill,” one participant close to lawmakers felt, it would not have passed. Supporters cast the legislation as fundamentally different from other criminal justice reforms “because of what it provides on the economic side.” There is every reason to believe that these arguments would resonate beyond New York. In Georgia, for example, the influential utility Georgia Power funded work in 2021 to support record-sealing laws and help people reenter the workforce after conviction or imprisonment.³⁸ Major state employers, with large and ongoing hiring needs and human resources departments, may be a natural and powerful clean slate constituency.

- **Public safety.** One of the campaign’s fundamental messages, supported by law enforcement members of the coalition, was that allowing criminal records to shut people out of jobs, housing, and other areas of life ultimately undercuts public safety. When criminal records prevent someone from getting a job or an apartment,

one member of the law enforcement community said, it means “they’re just not going to be able to be productive members of society.” Law enforcement professionals understood that removing these barriers to reentry would motivate people to not violate the law again, cutting recidivism and enhancing public safety.

This message helped supporters avoid the threat of “unified law enforcement opposition” to the bill, which survey participants stressed could have complicated passage. By the same token, those involved in setting the bill’s strategy believed that having even one law enforcement supporter helped persuade lawmakers of the bill’s viability. Indeed, when Hochul signed the bill, she said that “the best anti-crime tool is a job” and noted that the law would still “allow police, prosecutors, and school officials to protect their communities.”³⁹

Compromising Strategically

Compromise is inescapable in lawmaking. The Clean Slate coalition and the bill’s sponsors realized early on that they would have to make trade-offs regarding two critical aspects of the bill: which offenses would be eligible for relief under the proposed automated system and how restricted access to records would be. Would the bill automate the sealing of only misdemeanor records, or would it include felonies? Would records be expunged, removing them even for law enforcement purposes, or simply sealed? If the latter, who should have access to sealed records? These are key questions for any clean slate law, and different states have reached different answers (see appendix).

Well before making any compromises, even before the first version of the bill was drafted, campaign leaders determined what the legislation’s core goals and animating values would be. Guided by people with prior convictions, advocates decided that they would not lend their support to changes that would exclude some types of criminal records from automated sealing. Permitting certain offenses to be carved out of the bill, they believed, would pit some groups of people with a record against others. As one survey participant put it, the expectation was that “everyone should be able to move forward.”

They then built consensus among allies — including those “that have sometimes taken more of that middle ground” — around not exempting specific offenses or types of records. While other states do not include serious or violent felonies in their sealing laws, inclusion of these offenses became a central goal of the New York campaign.

Clarity and unanimity on the campaign’s priorities gave the coalition a stronger negotiating position, as all members agreed to support the same basic framework

for the bill and knew what they would and would not compromise on. Consensus also prevented partners from accidentally undermining one another's messaging or supporting weaker proposals during the negotiation process. Indeed, participants described the decision to prioritize broad offense coverage as a turning point that was largely responsible for the final legislation's expansive coverage. Not every state campaign will be able to build a broad coalition and unite it behind such an ambitious goal, but every campaign should seek to build early consensus around a clear set of priorities.

At introduction, the Clean Slate Act provided for sealing and expungement of nearly all conviction records in the state. Participants acknowledged that they "did not expect the bill to pass in [that] exact form." Instead, establishing priorities created "some negotiating room" that allowed for compromises where necessary and consistent with the coalition's core goals.

Two major opportunities for compromise, both related to groups that would ultimately become key coalition partners, emerged early in the campaign. First, while business leaders were eager to support the bill, some would not do so without language making clear that employers would not incur legal risk for hiring workers with sealed records. Such liability language was relatively easily addressed. In late 2021, a revised version of the bill added two provisions: one making clear that employers had no duty to investigate sealed records, the other making sealed records inadmissible in tort litigation. Both were eventually enacted as part of the final bill.⁴⁰

Second, as noted above, some state prosecutors were initially troubled that expunged records would hinder their ability to protect public safety. Having a full view of someone's criminal record, according to one stakeholder, better informs plea bargaining and, in some cases, permits prosecutors to seek sentencing enhancements based on criminal history. These objections to full expungement, also raised in the 2021 hearing by the NYPD's Harrison, were likely to prove a sticking point for law enforcement. They also provided an opportunity to build trust through compromise.⁴¹

In June 2021, coalition leaders worked with the bill's sponsors to remove language that would allow records to be expunged after being sealed. From then on, the bill focused solely on sealing criminal records — which as defined in the bill preserved access by law enforcement — without authorizing their permanent deletion.⁴² This

was a trade-off that the coalition had been prepared to make. According to one person involved in the campaign launch, the bill was "structured in a way that made it very easy to compromise" on expungement without requiring a major rewrite of the bill. Another person involved in the bill's negotiation described this as "a place for us to compromise and to also comport with what other states had done." (Though some clean slate states use the term, few actually permit the full expungement of criminal records — that is, their deletion and the destruction of corresponding files on an automated basis.)

In both cases, compromise expanded the bill's base of support and brought valuable allies into the coalition.

Other changes implicated which types of employers would be able to access sealed records. The bill's earliest drafts had allowed employers to view sealed records only if they were required by other laws to conduct a "fingerprint-based background check."⁴³ This provision covered, among others, some employers in the financial sector and government.⁴⁴ It also solved a drafting challenge some other states had faced. Rather than itemizing the types of employers that should have access to sealed records, the Clean Slate Act in New York would determine access based on the level of scrutiny employers already exercised under existing law. (The final bill specified that only laws that predated its passage by more than a year would count for this analysis.)⁴⁵ Drafters hoped this interface would address reservations about sensitive professions and fields in which employers were already required to navigate complex state and federal regulations during hiring.

In late 2022, however, drafters amended the bill to also permit disclosure of sealed records to another category of employers: those not required but "authorized" to conduct a fingerprint-based check to evaluate a person's "fitness to have responsibility for the safety and well-being" of vulnerable populations, such as adults with disabilities and children.⁴⁶ They added this change to address objections raised by the state's education department in the closing days of the 2022 legislative session.

Last, in final negotiations with the governor, the bill's implementation timeline was pushed back, the sealing timeline extended, and non-drug class-A felonies — principally, murder — excluded from sealing altogether. This was the only time the coalition or legislative sponsors compromised on offense-based exclusions, and they did so only in exchange for firm commitments to pass the bill.

State Budgeting Processes and Legislative Strategy

The New York Clean Slate Act ultimately became law through the typical legislative process in the state: Lawmakers introduced it as a stand-alone bill and passed it at the end of the legislative session.⁴⁷ But sometimes legislators can enact a bill by including it in the state budget, rather than as a stand-alone proposal.

In New York and most other states, governors present the state legislature with an executive budget proposal, which serves as the framework for the state's annual budget and starts negotiations between the executive and legislature on fiscal and substantive policy issues.⁴⁸

The Clean Slate Act's supporters in New York pursued a budget strategy with mixed success. While Governor Hochul included a version of the bill in her executive budget proposal in 2022, for a variety of reasons, this version did not advance beyond the initial phase of the budget process.

Yet a budget strategy may build support for policies even if they ultimately fail to advance through the final budget process. Participants in New York said that their work on the state budget in 2022 helped build momentum and paved the way for successful final negotiations in 2023, resulting in the governor's decision to sign the measure into law. And the budget process revealed which policy priorities embedded in the bill were compelling to lawmakers. In 2022, Hochul had packaged the bill as part of her Jail to Jobs reentry initiative. She would return to that theme when signing the law in 2023.⁴⁹

Engaging Implementing Agencies

Advocates in other states and the Clean Slate Initiative now advise coalitions to begin planning for implementation as early as possible. Typically, outreach involves meetings with state courts and state agencies charged with maintaining criminal records. These conversations serve two purposes. First, they can help ensure that agencies are technologically capable of implementing the bill as written, with as few post-passage technical fixes as possible. (Such fixes have arisen following some successful state campaigns and can be a strategic or practical

necessity.) Second, they can help ensure that agencies will not lobby against the legislation. Concerted opposition from implementing agencies, typically focused on a bill's cost or complexity, has jeopardized or even derailed clean slate laws in other states, underscoring the need for early and strategic engagement with such agencies.⁵⁰

From the New York campaign's earliest days, sponsors and supporters thought seriously about implementation challenges. However, their engagement with implementing agencies, which largely raised few objections to the bill, was initially limited.

- **State courts.** Because the New York Office of Court Administration (OCA) did not oppose the bill, supporters did not reach out to the office until relatively late in the campaign. Eventually advocates built a strong relationship, and OCA is now working closely with sponsors on implementation. State finances may have played a role in this dynamic. Lawmakers had already funded significant upgrades to the courts' technological capacity, which would as a side effect streamline the operationalization of clean slate as the process scaled to cover the more than 2 million New Yorkers with conviction records. This headed off any fiscal and technical concerns the courts may have had. Additionally, Chief Judge Rowan Wilson, who has overseen the court system since April 2023, has expressed interest in promptly implementing the Clean Slate Act.
- **Criminal record repository.** Criminal record data in New York is overseen by the state's Division of Criminal Justice Services, an executive agency that reports to the governor. The agency seems to have raised questions about implementation with Hochul, likely influencing the governor's decision to propose longer waiting periods in her 2022 executive budget. Earlier or deeper engagement with DCJS could have helped during the 2022 budget negotiations. But that possibility is clear only in hindsight.

It is too early to evaluate whether Clean Slate New York's leaders successfully navigated relationships with implementing agencies. The bill is still two years away from being fully implemented. But the experience to date points to opportunities for earlier engagement that other campaigns could seize, as well as legislative groundwork that may help those relationships flourish.

Conclusion

Clean slate campaigns in other states can draw broad lessons from New York that can help propel their efforts. The most critical of these is the value of a broad coalition to support strategic compromise and messaging.

This policy brief does not cover the crucial period after enactment, when advocates must stay engaged with lawmakers and implementing agencies to prevent political backlash and ensure that the law is carried out promptly and faithfully. That may mean securing funding or addressing technical challenges in a later legislative

session. Advocates should also consider how success stories can support campaigns in other states. Research into a well-implemented statute, for example, may help build the economic case for clean slate laws around the country. National partners, such as the Clean Slate Initiative, can be invaluable in this phase and across entire campaigns due to their technical and research expertise.

In addition, the strategies described here can advance other criminal justice reforms. They may be especially relevant to campaigns focused on securing second chances and economic justice for people leaving prison.

Appendix: Comparative Clean Slate Policies, 2025

A dozen jurisdictions have now enacted clean slate laws. They vary across several policy dimensions, including:

- **Eligible offenses.** Older policies tend to automate the process of sealing only non-conviction and misdemeanor records. Newer and expanded policies have gone further to cover some or even most felony records.
- **Waiting periods.** Clean slate policies require beneficiaries to demonstrate that they have been in the community while avoiding crime for a set period of time.
- **Level of protection for a prospective employee or employer.** Most policies specify that someone with a sealed or expunged record may apply for a job as if the record did not exist, subject to certain exclusions. Some states also provide protections for employers who hire people with sealed records or landlords who

lease to them. These can be powerful incentives for businesses to support clean slate legislation.

- **Permissible use of sealed records.** Most sealing policies allow some government actors and types of employers to access restricted records. Nearly all, for example, provide for law enforcement access to records.

The table below compares state policies according to these key points. Classifying these laws often requires judgment calls due to differences among states in how they phrase or implement similar policies. Therefore, while this table can inform policy conversations about clean slate legislation, it should not be relied on when making decisions about how and whether to apply for jobs, housing, or other benefits or as a legal opinion about the status of the law in each state. People seeking to understand how their state's clean slate law impacts them should consult an attorney or legal services organization.

TABLE A1

Automated Sealing of Conviction Records in Clean Slate States

STATE	ELIGIBLE OFFENSES	WAITING PERIODS	PROTECTION FOR A PROSPECTIVE EMPLOYEE OR EMPLOYER	PERMISSIBLE USES OF SEALED RECORDS
California (2022, eff. 2023)	Most misdemeanors, some felonies	1 year (misdemeanors) 4 years (felonies)	Unlawful to deny employment based on sealed record Individual may deny or will not be asked about sealed records in job applications	Subsequent criminal proceedings Position with a state or local agency or other employer that is required by law to conduct a criminal history check Position with a criminal justice or law enforcement agency Position within a school or other role interacting with children or vulnerable adults

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TABLE A1

Automated Sealing of Conviction Records in Clean Slate States (continued)

STATE	ELIGIBLE OFFENSES	WAITING PERIODS	PROTECTION FOR A PROSPECTIVE EMPLOYEE OR EMPLOYER	PERMISSIBLE USES OF SEALED RECORDS
Colorado (2022, eff. 2024)	Most misdemeanors, some felonies	7 years (misdemeanors) 10 years (felonies)	Unlawful to deny employment based on sealed record Individual may deny or will not be asked about sealed records in job applications Protection for employer against negligence suits	Subsequent criminal proceedings Position with a state or local agency or other employer that is required by law to conduct a criminal history check Position with a criminal justice or law enforcement agency Position within a school or other role interacting with children or vulnerable adults
Connecticut (2021, eff. 2023)	Most misdemeanors, some felonies, decriminalized offenses	7 years (misdemeanors) 10 years (felonies)	Individual may deny or will not be asked about sealed records in job applications Protection for employer against negligence suits	Subsequent criminal proceedings Position with a criminal justice or law enforcement agency
Delaware (2021, eff. 2024)	Most misdemeanors, some felonies Sealing available only if all convictions on record are eligible	5 years (misdemeanors) 10 years (felonies)	Individual may deny or will not be asked about sealed records in job applications	Subsequent criminal proceedings Position with a criminal justice or law enforcement agency
Michigan (2020, eff. 2023)	Most misdemeanors, some felonies Lifetime limit of two felony and four misdemeanor convictions	7 years (misdemeanors) 10 years (felonies)	Unlawful to deny employment based on sealed record, Protection for employer against negligence suits	Subsequent criminal proceedings Position with a state or local agency or other employer that is required by law to conduct a criminal history check Position with a criminal justice or law enforcement agency

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TABLE A1

Automated Sealing of Conviction Records in Clean Slate States (continued)

STATE	ELIGIBLE OFFENSES	WAITING PERIODS	PROTECTION FOR A PROSPECTIVE EMPLOYEE OR EMPLOYER	PERMISSIBLE USES OF SEALED RECORDS
Minnesota (2023, eff. 2025)	Many misdemeanors, some felonies	2 years (petty misdemeanors, misdemeanors) 3 years (gross misdemeanors) 5 years (felonies)	Individual may deny or will not be asked about sealed records in job applications Protection for employer against negligence suits	Subsequent criminal proceedings Position with a state or local agency or other employer that is required by law to conduct a criminal history check Position with a criminal justice or law enforcement agency Position within a school or other role interacting with children or vulnerable adults
New Jersey (2019, no eff. date)	Some felonies, most misdemeanors	10 years	Individual may deny or will not be asked about sealed records in job applications Protection for employer against negligence suits	Subsequent criminal proceedings Position with a state or local agency or other employer that is required by law to conduct a criminal history check Position with a criminal justice or law enforcement agency
New York (2023, eff. 2027)	Nearly all felonies and misdemeanors, traffic infractions	3 years (misdemeanors) 8 years (felonies)	Unlawful to deny employment based on sealed record Individual may deny or will not be asked about sealed records in job applications Protection for employer against negligence suits	Subsequent criminal proceedings Position with a state or local agency or other employer that is required by law to conduct a criminal history check Position with a criminal justice or law enforcement agency Position within a school or other role interacting with children or vulnerable adults

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TABLE A1

Automated Sealing of Conviction Records in Clean Slate States (continued)

STATE	ELIGIBLE OFFENSES	WAITING PERIODS	PROTECTION FOR A PROSPECTIVE EMPLOYEE OR EMPLOYER	PERMISSIBLE USES OF SEALED RECORDS
Oklahoma (2022, eff. 2025)	Misdemeanors, nonviolent felonies later reclassified as misdemeanors Cannot have a felony conviction on record or an out-of-state or federal arrest record	5 years (misdemeanors) 30 days (reclassified offenses)	Individual may deny or will not be asked about sealed records in job applications	Subsequent criminal proceedings Position with a criminal justice or law enforcement agency Position within a school or other role interacting with children or vulnerable adults
Pennsylvania (first eff. 2018, most recent policy expansion eff. 2024)	Some felonies, most misdemeanors, all "summary convictions" (lowest level of offense, including non-traffic citations and retail thefts less than \$150) Cap on number of records that may be sealed; further exclusions for people with ineligible convictions	5 years (summary convictions) 7 years (most misdemeanors) 10 years (felonies and some misdemeanors)	Unlawful to deny employment based on sealed record Individual may deny or will not be asked about sealed records in job applications Protection for employer against negligence suits	Subsequent criminal proceedings Position with a state or local agency or other employer that is required by law to conduct a criminal history check Position with a criminal justice or law enforcement agency Position within a school or other role interacting with children or vulnerable adults
Utah (2019, eff. 2022)	Many misdemeanors Cap on number of records that may be sealed	5–7 years, depending on severity	Individual may deny or will not be asked about sealed records in job applications Protection for employer against negligence suits	Subsequent criminal proceedings Position with a state or local agency or other employer that is required by law to conduct a criminal history check Position with a criminal justice or law enforcement agency Position within a school or other role interacting with children or vulnerable adults

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TABLE A1

Automated Sealing of Conviction Records in Clean Slate States (continued)

STATE	ELIGIBLE OFFENSES	WAITING PERIODS	PROTECTION FOR A PROSPECTIVE EMPLOYEE OR EMPLOYER	PERMISSIBLE USES OF SEALED RECORDS
Virginia (2021, eff. 2026)	Select misdemeanors Cannot have an ineligible conviction on record as of the time of the eligible conviction	7 years	Individual may deny or will not be asked about sealed records in job applications	Subsequent criminal proceedings Position with a state or local agency or other employer that is required by law to conduct a criminal history check Position with a criminal justice or law enforcement agency Position within a school or other role interacting with children or vulnerable adults

Notes: This table lists states that have adopted laws that limit access to criminal records on an automated basis and meet the Clean Slate Initiative's policy minimums. It does not include state laws covering sealing of non-conviction records, civil infractions, or decriminalized/reclassified drug offenses such as marijuana possession. (For example, we exclude Virginia's expansion of expungement to cover marijuana possession.) Different states may use terms such as *sealing*, *expungement*, or *erasure* differently. We use the term *sealing* to describe limitations on access to an eligible criminal record and *expungement* to mean the record's complete erasure, even with regard to state law enforcement. Effective dates reflect the date automatic record relief was legally slated to begin, but they do not reflect delays that have materialized in several states. Some waiting periods noted here run from conviction, while others run from completion of all obligations under sentence, including community supervision. States were listed as having employer protections against negligence suits only where a statute has clearly created those protections; employers may be shielded from liability under other legal principles in other states. Last, though not indicated on the table, most if not all states that automate record sealing permit firearm licensors to access sealed records.

Source: Brennan Center analysis of automatic record-sealing laws and related legislation on the effects and benefits of sealing. For additional sources and statutory citations, see the following pages.

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This table relies heavily on the Clean Slate Initiative's state policy tracker. Inclusion as a clean slate state by the Clean Slate Initiative's metric requires the adoption of policies that provide for (1) automation in managing criminal record data, (2) automated sealing upon eligibility, (3) "inclusion of arrest records" within the automated process, and (4) "inclusion of misdemeanor records" in the same. The Clean Slate Initiative also has a preference for states that make at least one type of felony record eligible for automated sealing. States with automated sealing laws that do not meet these criteria do not appear on this table. See generally "Clean Slate in States," Clean Slate Initiative, last accessed April 18, 2025, <https://www.cleanslateinitiative.org/states>. It also integrates research on employer and employee protections compiled by the Council on State Governments. See Joshua Gaines, "Limiting Employer Liability: Addressing the Perceived Risks of Hiring Workers with Criminal Histories," Council on State Governments Justice Center, March 2023, <https://csgjusticecenter.org/publications/limiting-employer-liability-addressing-the-perceived-risks-of-hiring-workers-with-criminal-histories/>.

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ACKNOWLEDGMENTS

This work was made possible with generous support from JPMorganChase. The Brennan Center extends deep gratitude to all of our supporters, who make this report and all of our work possible. See them at brennancenter.org/supporters.

The authors are first deeply grateful to the experts who generously agreed to be interviewed; only with their contributions was this report possible. They include:

John Cooper, executive director, Safe & Just Michigan
Catalina Cruz, assemblywoman, New York State Assembly
Robyn Enes, chief of staff to Assemblywoman Catalina Cruz, New York State Assembly
Nan Gibson, executive director, JPMorganChase Policy Center
Kate Wagner Goldstein, independent consultant
Crystal Griffith, director of workforce development, Business Council of New York State
Scott Levy, chief policy council, FWD.us
Sheena Meade, chief executive officer, Clean Slate Initiative
Zellnor Myrie, state senator, New York State Senate
Maggie O'Donnell, director of policy and advocacy, Responsible Business Initiative for Justice
Katie Schaffer, director of advocacy and organizing, Center for Community Alternatives
Michael "Zaki" Smith, leadership coach, Next100
Kate Spaulding, chief strategy officer, Exalt
Joeann Walker, senior attorney, Con Edison
Paul Zuber, executive vice president, Business Council of New York State

We express profound appreciation to John Kowal, Lauren-Brooke Eisen, Ram Subramanian, and Nan Gibson for their guidance and review of this paper as well as their careful revisions and insightful comments; Zaki Smith for contributing and checking this paper against his firsthand account of the New York campaign; Marcelo Agudo for his keen-eyed editorial review; Zachary Laub for his guidance; and Maris Mapolski for her detailed fact-checking and suggestions. The authors further extend a special thanks to former Justice Program counsel Stephanie Wylie for her strategic contributions to this project's launch and further thank Brianna Seid for her perspectives on legislative advocacy in New York; Josy Hahn and Benjamin Nyblade for their guidance on research methodologies and feedback on plans for participant interviews; Kyle Smith for his perceptive and thorough revisions to the appendix; Tiffany Sanabia for her extensive editorial support; JC Hendrickson for his insights on the report's nexus with state and federal advocacy; and Alex Norman and Alex Taylor for their research support.

Last, the authors thank Elise Marton, Brian Palmer, Alexandra Ringe, Janet Romero-Bahari, Becca Autrey, and Alden Wallace for their review of this report, communications assistance, and work to ensure its successful publication.

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