The Clean Slate Act Can Build a More Prosperous New York

A criminal record is almost always permanent and public, causing economic hardship for people saddled with misdemeanor or felony convictions, and especially for those who have served time behind bars. The Brennan Center supports the Clean Slate Act (S. 1553C) as a way to create opportunities for the millions of New Yorkers impacted by the criminal justice system.

There is no such thing as a "minor" criminal record. According to Brennan Center research, time in prison reduces one's subsequent annual earnings by around 50 percent, adding up to an average lifetime loss of around $500,000. A conviction alone reduces lifetime earnings by about $100,000. Even a misdemeanor slashes annual earnings by more than 15 percent. These disturbing findings suggest that criminal justice involvement can function as a poverty trap that prevents people from achieving prosperity, sets up future generations for material deprivation, and undermines our communities' well-being.

More than 2.3 million New Yorkers have a criminal record of some kind. The consequences for the state are dire, as we found in a recent study:

- Some 337,000 New Yorkers have spent time in prison, missing out on $1.9 billion in earnings every year.*

- This burden is disproportionately borne by Black and Latino New Yorkers, who together make up nearly three-quarters of this population.

Under current state law, people who wish to remove these barriers to securing jobs and even housing must apply to have their records sealed. But record sealing

*   This figure is based on national estimates.

remains out of reach for many due to eligibility limitations, a complicated and potentially costly administrative procedure, and the state's failure to publicize the opportunity. By automating the process, the Clean Slate Act would remove these impediments at a stroke and make New York part of a bipartisan, nationwide movement to offer meaningful second chances. States as varied as Michigan, Pennsylvania, and Utah have all passed similar laws; Utah's passed its legislature unanimously.

Under the Clean Slate Act, people who have been free of convictions and out of prison for a set period would have their criminal records automatically sealed, eliminating the need to go to court or hire a lawyer. Misdemeanor records would be sealed after three years. Felonies would be sealed after seven. In most cases, people would not need to disclose a sealed record when applying for a job, a professional license, or housing.

Passing this law would create opportunities for hundreds of thousands of New Yorkers overnight. Research shows that record-sealing laws increase both employment and wages among beneficiaries. The law would likely help the state economy, too; a new analysis finds that states with more felony records tend to have lower statewide employment.

The bill takes public safety seriously. Licensing agents and law enforcement could still access sealed records in special cases, such as applications for firearm permits and prosecutions for new alleged offenses. The three- and seven-year waiting periods also ensure that the law benefits people who have both avoided contact with the criminal justice system for a significant period of time and are unlikely to become involved with it again.

The Clean Slate Act gives us a rare chance to build a fairer, safer, and more prosperous New York, and we urge lawmakers to seize the opportunity.