

Support Increased Eligibility For Criminal Record Sealing

HB19-1275: Sponsored by Rep. Mike Weissman, Rep. Matt Soper and Sen. Pete Lee

How does this bill help people with criminal conviction records?

This bill would make many non-violent convictions— both misdemeanors and felonies— eligible for record sealing after a defined waiting period when there are no other criminal convictions. It would also create a process for a person with multiple non-violent convictions to have their records sealed after 10 years. However, a court would always have to decide if sealing is warranted after consideration of all the facts and circumstances of the case. The district attorney and victim would always have opportunity to object.

The bill would reduce the waiting period for drug convictions currently eligible to be sealed, based on the severity of the offense and consistent with the research on re-offense rates.

It would also expedite and simplify the entire sealing process, particularly the sealing of cases when charges are dismissed in court. The bill should also reduce the cost of filing a request to seal.

Why is expanded record sealing eligibility needed in Colorado?

There are more than 1.8 million Coloradans listed on the state criminal record database. For many of these people, involvement with the justice system has led to perpetual unemployment or under employment, housing insecurity, and the loss of income for themselves and their families.¹

HB19-1275 will provide many benefits to Coloradans, including:

- **Employment and Housing:** By removing barriers to employment and housing, this bill will give people a chance to move on with their lives and become more productive citizens. According to one study, people who are able to seal their records see a 25% increase in wages within two years.²
- **Community Safety:** Research shows that policies that reduce economic obstacles for people with criminal histories are effective at lowering recidivism and strengthening public safety. Additionally, studies have shown an association between limiting access to an individual's record of conviction and a lower recidivism rate.³
- **Family Security:** Experts estimate that half of the children in the U.S. have at least one parent with a criminal record.⁴ In Colorado, an estimated 60,000 children have experienced the incarceration of a parent. This bill would expand economic opportunities to the families and children of justice-involved residents.

¹ Michele Natividad Rodriguez and Maurice Emsellem, *65 Million 'Need Not Apply': The Case for Reforming Criminal Background Checks for Employment*. The National Employment Law Project, March 2011, http://www.nelp.org/page/-/SCLP/2011/65_Million_Need_Not_Apply.pdf?nocdn=1

² J.J. Prescott & Sonja B. Starr "Expungement of Criminal Convictions: An Empirical Study." Harvard Law Review, Forthcoming U of Michigan Law & Econ Research Paper No. 19-001, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=3353620

³ Sonja Starr and J.J. Prescott, "Evaluating the Impact of Criminal Record Set-Aside Laws on Recidivism and Socioeconomic Outcomes," <http://ccresourcecenter.org/2018/02/27/michigan-set-asides-found-to-increase-wages-and-reduce-recidivism/>

⁴ Rebecca Vallas, Melissa Boteach, Rachel West, and Jackie Odum, "Removing Barriers to Opportunity for Parents With Criminal Records and Their Children: A Two-Generation Approach," Center for American Progress, (December 2015)

For more information:

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