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Clean Slate Laws: Automatic Criminal Record Sealing

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Abstract: **This brief analyzes the effects of current criminal record sealing laws across the United States. It explores whether Congress should create an automatic record-sealing process for eligible nonviolent offenses or encourage states to adopt their own.**

Keywords **— Convictions, Criminal Records, Jobs, Petition, Prison, Background Checks**

I. Executive Summary

Criminal justice is an important pillar of order and civilization. Unfortunately, criminal justice can have lasting consequences that outlive the punishment itself. For instance, individuals with criminal records are continuously discriminated against, and these records persist for life unless they are expunged or sealed. Because of this, individuals with non-violent minor crimes face significantly more difficulty in applying for jobs, securing leases, or receiving loans from banks. This greatly hampers rehabilitation after release and prevents effective reintegration into civilian life. However, solutions exist: automatic record sealing or form-based requests for record sealing. Many states have implemented these approaches with varying degrees of success, yet they remain absent at the federal level. Those who have served their time and are not threats to their communities should be able to live without discrimination after their release.

We believe that a good solution to this would be the automatic sealing of records for minor crimes. People with minor crimes are able to submit a form to request the government to "seal", or hide, the criminal record. This would allow them to remain productive members of society without the stigma of criminal records. The 8th amendment violates no cruel and unusual punishment. The people with criminal records likely paid for their crime, and do not deserve to be treated the same as criminals with violent or disastrous crimes.

II. Overview

Across the United States, millions of people complete their prison terms or court sentences only to discover a silent, secondary sentence waiting for them: a permanent criminal record. A routine background check can lock someone out of an apartment, block a job offer, or reject a college application decades after they paid their debt to society. The core legal and policy debate stems from the balance between public safety and an individual's ability to reintegrate into society.

While advocates point to lower reoffending rates among rehabilitated individuals, opponents worry that automated record clearance hinders public safety by restricting employers and landlords from assessing past violent or predatory risks, as outlined in Brookings Institution's analysis of Clean Slate policies. As state and federal criminal record databases expanded over recent decades, law enforcement and background check companies made records easily accessible to the public, turning a past conviction into a persistent barrier to housing, employment, and higher education for millions of citizens—a burden highlighted in Representative Lucy McBath's 2025 announcement on the Clean Slate Act.

Critics and legal scholars argue that the traditional petition-based sealing system creates an access barrier, as complex paperwork, filing fees, and court backlogs prevent eligible individuals from ever receiving relief, as detailed in The Clean Slate Initiative's coverage of federal record relief legislation and their analysis of the Fresh Start Act and federal Clean Slate efforts. Furthermore, young adults aged 18 to 25 are disproportionately impacted, as early records coincide with crucial life transitions like starting a career or pursuing postsecondary education. While proponents advocate for fully automated record clearing to streamline economic mobility, opponents raise concerns regarding implementation costs for state court clerks, an issue examined in reporting from NPR Illinois on legislative hurdles and WTTW News on economic impact and clerk expenses. Options being considered in the current political climate range from establishing an automatic record-sealing mechanism for nonviolent offenses to incentivizing states to modernize their own record systems. Ultimately, the goal of these legislative approaches is to create a predictable path toward true second chances, ensuring that completing a sentence allows individuals to rebuild their lives rather than facing lifelong economic exclusion.

III. History

A. Current Stances

The movement for Clean Slate legislation originated from growing recognition that criminal records can create lifelong barriers to employment, housing, and educational opportunities long after individuals have completed their sentences. In 2014, the Community Legal Services of Philadelphia and the Center for American Progress began developing the proposal that would eventually, in 2018, become Pennsylvania's first Clean Slate bill. When that bill, HB 1419 of 2017, was passed, it became the country's first state to establish an automated process for sealing eligible criminal records. The law was meant to eliminate the need for individuals to go through complicated and expensive legal channels to get their records sealed. Pennsylvania's legislation established a foundation for nationwide movement towards automatic record sealing.

Clean Slate legislation has also gained bipartisan public support. A national survey found near-equal support for automatically sealing nonviolent criminal records among Democrat, Republican, and self-identified independent voters. While this demonstrates that the desire to provide individuals a second chance "transcends

party lines," there are still concerns about whether sealing records adequately addresses victims' experiences. Another common criticism of Clean Slate legislation is that sealing government records does not necessarily remove information previously collected by private background check companies or published online. Consequently, many employers may still gain access to outdated criminal history information even after an individual's record has been sealed. However, a study analyzing cases over five states with Clean Slate laws implemented found that "98% of non-conviction records suppressed by law did not appear in commercial background checks for certain housing, employment, and educational opportunities." This suggests that automatic record sealing can be highly effective when properly implemented along with stronger oversight and procedures for correcting outdated information. Supporters maintain that these policies are "a forward-looking investment in the nation's economic strength, workforce potential, and public safety."

B. Tried Policy

Following Pennsylvania's example, fourteen other states and Washington D.C. have adopted their own Clean Slate measures. Many states have broadened eligibility and improved record clearing procedures. Pennsylvania and Michigan provide important examples on how Clean Slate legislation has been implemented. Initially, for Pennsylvania, there were some issues with communication between state and federal databases. This lack of communication "between state and federal repositories negatively affected implementation." Their original legislation was also once considered as the most restrictive states for record sealing, but expansions have been implemented gradually. These include removing requirements to satisfy court debts, more coverage for non-serious drug charges and property felonies, and a reduced time for misdemeanor conviction sealing (seven to five years). Michigan 2020 Clean Slate legislation similarly expanded automatic record sealing, but encountered implementation challenges involving court closures, technological infrastructure, and administrative delays during COVID-19. These experiences demonstrate the importance of updated and well-connected digital record systems, phased implementation, and sufficient administrative resources. At the federal level, the proposed Fresh Start Act of 2025 seeks to provide grants to states to modernize criminal record systems and support automatic record sealing.

IV. Policy Problem

A. Stakeholders

People who have committed minor crimes: These people have a much more difficult life than they deserve. Many people are unwilling to trust people with criminal records, even for something minor like drug possession. If these people can't find work, then they may be encouraged to commit crimes in order to make money.

Employers/bankers: These people are missing out on potential labor/loans. If they are not allowed to trust people with criminal records, then they will not be able to hire the criminals, even if they have committed minor crimes. This will result in

simply less employment for companies in need, and less loans for banks to give out.

General Public: People should not be ridiculed simply for making one small mistake, and many people are at risk of exactly that. If the public is also in the belief that people with criminal records must be horrible, then that would result in isolation for the criminal records which would, in turn, force them into a life of crime. Sealing records like these would prevent these opinions.

Governments: Governments have no time to control and investigate each and every incident that occurs, and that is why some states have the sealing of criminal records. It makes sense to have a program where people are allowed to request that governments can look over minor crimes once people have faced their punishment. That is, after all, what the 8th amendment is about.

B. Risks of Indifference

It is an unfortunate truth, but some employers may not care about the lack of criminal records, and may attempt to guess who is a criminal. As a result, young men of color are far more likely to be rejected for a job, as people in their group are unfortunately associated with criminals. Another issue is, what if people don't care about sealing their arrests? Some people are unaware that this program exists, and may not attempt to get their records sealed, even if they had the knowledge to do so. More importantly, it would make the program ineffective. That is why we should make the program of sealing more well known, so that people can learn about it and complete it accordingly. Doing nothing is not a solution. We either have to implement this strategy, or figure out another way to resolve these issues.

C. Nonpartisan Reasoning

The reason for this policy is to prevent society and employers (as well as loaners and friends) from judging people solely on minor crimes they committed when they were young. When you see somebody with a criminal record, it is likely you would judge them more harshly, even if the crime is minor. Many other people have the same mentality, which is why sealing criminal records would be better. Anybody can be accused of a crime, no matter your race, sex, religion, identity, or any other determining factor. It is one of the easiest things to do in the world. We are fortunate that our country has many laws to protect people who are accused of these rights, but sometimes people are still falsely convicted. Even with minor crimes such as petty theft, general society is led to believe that having ANY criminal record means that the person is untrustworthy, and may be a danger to others.

V. Policy Options

Given the structural barriers facing the traditional record-sealing process, three distinct policy changes could reform how post-conviction relief is administered in the United States.

First, Congress could implement fully automatic federal record sealing for eligible nonviolent offenses after a specified crime-free waiting period. The Clean Slate Initiative estimates that approximately 1 in 3 American adults possesses a

criminal record, which creates long-term barriers to housing, higher education, and employment. Under the current petition-based model, court fees, complex paperwork, and legal backlogs prevent the vast majority of eligible individuals from ever receiving relief. An automated system eliminates these administrative access barriers directly, allowing individuals, particularly young adults aged 18 to 25 who face critical career transitions, to reintegrate into the workforce. However, critics express concern over implementation costs and potential reductions in public transparency surrounding criminal backgrounds.

A second approach is to maintain a petition-based model while providing enhanced administrative support, fee waivers, and free legal counsel. Rather than replacing the existing judicial process with automation, this framework addresses the access barrier by reducing financial and procedural burdens for low-income applicants. Proponents highlight that retaining judicial oversight ensures each case is individually evaluated before a record is sealed. Nevertheless, evidence from state-level petition systems suggests that streamlined petitions alone fail to reach most eligible individuals, leaving high administrative backlogs intact while continuing to require significant court resources.

A third policy option is to establish federal grants for state implementation, mirroring incentives in the Federal Fresh Start Act. Because the vast majority of criminal records are held at the state and county levels, federal funding can help states offset the technical modernization costs associated with state-level record clearance. In Illinois, where lawmakers passed the Illinois Clean Slate Act, legislative estimates indicated that implementation would cost approximately $18 million for circuit clerks to update local court databases, as detailed by WTTW News reporting on administrative costs. Providing federal grant incentives encourages states to modernize their infrastructure, though it relies on voluntary state participation, which can lead to unequal access to record relief across different states.

VI. Impact on Young People

Criminal records can create significant barriers to employment, housing, and other opportunities, often making successful reintegration more difficult and contributing to poverty, inequality, and racial disparities. These consequences can be particularly damaging for young people who are beginning their careers and attempting to establish financial independence. According to the Brennan Center for Justice, people with conviction records experience substantial reductions, ranging from 16%-52%, in earnings compared with their peers. Those financial disadvantages can persist with an individual throughout their career and life, reinforcing cycles of poverty and limiting opportunity of economic mobility.

Employment discrimination further contributes to these challenges. Research cited in an article from the Center for American Progress found that "job applicants with a record are 60% less likely than applicants without a record to receive a callback for an open position." Clean Slate legislation seeks to address these barriers by

making specific eligible records less accessible to employers and the public, allowing individuals to pursue jobs for which they are otherwise qualified for. The proposed federal Clean Slate Act of 2025 also includes a provision allowing courts to appoint public defenders to assist low income individuals trying to seal their records, recognizing that legal costs and complex legal procedures can create additional obstacles to obtaining a fresh start.

VII. Conclusions

Ultimately, Clean Slate legislation addresses the lasting consequences of criminal records by providing individuals with a meaningful opportunity to reintegrate into society and pursue economic stability without being permanently defined by past mistakes. As discussed, traditional petition-based systems create financial and administrative barriers that may disproportionately affect low-income individuals and young adults just entering the workforce again, or for the first time. Although concerns surrounding public safety, implementation costs, and continued access to record information are important and must be considered, evidence from states that have implemented automatic record sealing demonstrates the potential for these policies to reduce barriers to employment, housing, and education. Policymakers have several approaches available to them to make record sealing more accessible, such as automatic sealing, expanded financial and legal assistance, and funding to modernize state record systems.

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