CLEAN SLATE *Research Brief*

Beyond Caps: Expanding the Reach of Automated Record Sealing

Research Brief by Kali Lamb, Liz Johnson, and Dr. Laura Chavez

INTRODUCTION

An estimated 70 to 100 million people in the United States have an arrest or conviction record.[1] These records carry tens of thousands of legal barriers and collateral consequences that limit access to employment, housing, education, and other opportunities.[2] Clean Slate policies seek to reduce these barriers by limiting public access to old arrest and conviction records, helping people access opportunities from which they have historically been excluded.

Record sealing has emerged as one of the most effective tools for reducing the barriers posed by arrest and conviction records. Research shows that sealing records improves employment outcomes, increases earnings, and supports successful reentry without compromising public safety.[3] Clean Slate automated record sealing has expanded access to this relief by removing the burden of navigating complex petition-based processes. Since Pennsylvania enacted the nation's first Clean Slate law in 2018, 14 states and the District of Columbia have adopted Clean Slate policies, resulting in over 18 million people becoming eligible for full or partial record sealing.

The Clean Slate Initiative (CSI) defines a Clean Slate policy as one that automates record sealing upon eligibility of the record, includes arrest and misdemeanor conviction records among those eligible, and strongly recommends that the law include at least one felony record. A Clean Slate policy can look very different state-to-state and can unintentionally exclude the very communities that could benefit the most from automated record sealing based on arbitrary policy choices.

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[1] Estimates of the population with criminal records range from 70 to 100 million. See: The Clean Slate Initiative. (2024). "Population Estimates to Maximize Policy Impact: The Clean Slate Initiative Methodology for Estimating State Populations with a Record." Available at: cleanslateinitiative.org/data-dashboard; Bureau of Justice Statistics, *Survey of State Criminal History Systems,* 2020. Available at: https://www.ojp.gov/pdffiles1/bjs/grants/305602.pdf ; Matthew Friedman. "Just Facts: As Many Americans Have Criminal Records as College Diplomas" Brennan Center for Justice. (2015). Available at: https://www.brennancenter.org/our-work/analysis-opinion/just-facts-many-americans-have-criminal-records-college-diplomas

[2] The National Inventory of Collateral Consequences of Conviction has cataloged more than 42,000 federal, state, and local laws that impose penalties on people with criminal records. See: National Inventory of Collateral Consequences of Conviction. Available at: https://niccc.nationalreentryresourcecenter.org/

[3] Chavez, Laura (2024). Automatic Record Clearance Removes Barriers and Delivers Improvements for People with Records. *The Clean Slate Initiative.* Available at: https://www.cleanslateinitiative.org/research-data-publications/yougov-survey-research-brief-improvements; Prescott, J.J. and Sonja B. Starr (2020). Expungement of Criminal Convictions: An Empirical Study. *Harvard Law Review,* 133, 2460-2530.

Among the most consequential of these choices are conviction caps or other whole-record restrictions that limit access to automated record sealing based on the total number of convictions on a person's record. These policies exclude individuals not based on the nature of an eligible conviction, but on the total number of convictions on their record.

A person's conviction record is not simply a count of separate criminal events. A single arrest or criminal incident can result in multiple charges, and ultimately multiple convictions, arising from the same conduct. Prosecutors routinely file multiple charges for overlapping offenses, and the vast majority of criminal cases are resolved through plea bargaining rather than trial, where defendants often plead guilty to one or more charges in exchange for reduced sentencing exposure.[4] As a result, the number of convictions on a person's record frequently reflects charging practices and plea negotiations as much as the number or seriousness of underlying criminal incidents. Using conviction caps to determine eligibility for record sealing therefore excludes many people based on how their cases were prosecuted, rather than on the conduct itself.

Currently, six Clean Slate states impose these restrictions, reducing the number of people who can benefit from relief, limiting the full impact of Clean Slate, especially for Black and brown communities.

This research brief examines how conviction caps affect eligibility for automated record sealing and analyzes their impact on racial equity in these states. Using The Clean Slate Initiative's Data Model and policy modeling, we compare eligibility in states with and without conviction caps and estimate how many additional people would benefit if those restrictions were eliminated.

What Are Conviction Caps?

Conviction caps or other whole-record restrictions are exclusions that can restrict access to automated record sealing and other forms of record relief.

Caps are statutory limits on the number of convictions that can be sealed through automation.

Using conviction caps to determine eligibility for record sealing therefore excludes many people based on how their cases were prosecuted, rather than on the conduct itself.

[4] See: Harvard Law Review. (2023). *Stacked: Where Criminal Charge Stacking Happens—and Where It Doesn't*. Harvard Law Review, 136, 1390–1411.

THE PROBLEM: SOME STATES LIMIT THE NUMBER OF CONVICTIONS A PERSON CAN SEAL

To understand the reach of Clean Slate laws, it is important to examine how states treat people with multiple convictions. While automated record-sealing laws are designed to expand access to relief, many states restrict eligibility based on the number of convictions a person has accumulated over their lifetime. These restrictions take different forms. **Some states place explicit limits on the number of records that can be sealed through automation, while others use eligibility rules that disqualify individuals whose records exceed certain thresholds.** In practice, both approaches reduce access to automated relief based on arbitrary numerical limits that do not reflect the nature of the underlying offenses.

CONVICTION CAPS

The most direct mechanism of exclusion from Clean Slate eligibility is a numerical conviction cap: a statutory limit on the number of convictions that can be sealed through automation. Some states allow automated relief only up to a specified number of convictions, leaving many individuals with part of their record unsealed and accessible to the public. Other states condition eligibility on a person remaining below a prescribed threshold of total convictions or cases, excluding those people whose records exceed the conviction threshold from receiving any automated sealing relief.[5] To determine someone's eligibility based on their total convictions or cases, a **whole-record review** is required to examine the entirety of their criminal history. Although these restrictions vary in design, they share a common effect: limiting access to automated record relief for people with multiple convictions.

Out of the 14 states and Washington, D.C., that have Clean Slate automated sealing laws, six impose caps. Michigan imposes a cap that limits automated sealing for up to two felony convictions and four misdemeanor convictions, while allowing individuals with records that exceed those limits to obtain relief for part of their record.[6]

Every other state (Colorado, Delaware, Missouri, Pennsylvania, and Utah) employs whole-record restrictions, disqualifying people from automated relief altogether, even for convictions that would otherwise qualify.

See the next page for a summary of the states with Clean Slate laws that impose conviction caps.

[5] The distinction between total convictions or total cases is important because people can be charged and convicted of multiple charges per case, and thus can be disqualified from record relief for charges stemming from a single incident.
[6] MICH. COMP. LAWS § 780.621g (2024).



Colorado restricts petition-based sealing eligibility to five civil infractions or petty offenses, and individuals with four prior misdemeanor convictions, or three prior felony convictions. While the automated sealing law does not have explicit numerical caps, the implementation of the automated sealing law appears to impose these caps in practice for automated sealing.[7]



Delaware limits automated sealing eligibility to people with no more than one eligible conviction case of any type.



Michigan caps automated sealing at two felony convictions and four misdemeanor convictions. Additionally, a person will not be disqualified from Clean Slate if their record contains more convictions than the cap allows, with eligible records still being sealed by automation.[8]



Missouri uses a whole-record review that disqualifies people from receiving automated relief if they have greater than two eligible felonies and three misdemeanors. If a person is disqualified from automated relief, they are diverted to the petition system, which imposes caps but allows for partial record expungement.[9]



Pennsylvania utilizes a tiered system of restrictions.[10] Automated relief is limited to individuals with no more than a single case containing qualifying felony convictions and up to three cases containing low-level misdemeanor convictions, while an unlimited number of summary-level offenses are eligible for sealing. Should a record exceed these specific numerical thresholds, the person becomes ineligible to have any convictions sealed by automation.[11]



Utah uses a whole-record review that disqualifies people from relief based on the total number of convictions in their criminal history, including previously expunged convictions, and disqualifies people based on a set of rules tied to the number and type of convictions on a person's record.[12]

California, **Connecticut, Illinois**, **Minnesota, New Jersey**, **New York, Oklahoma, Washington, D.C., and Virginia** do not impose caps on eligible convictions.

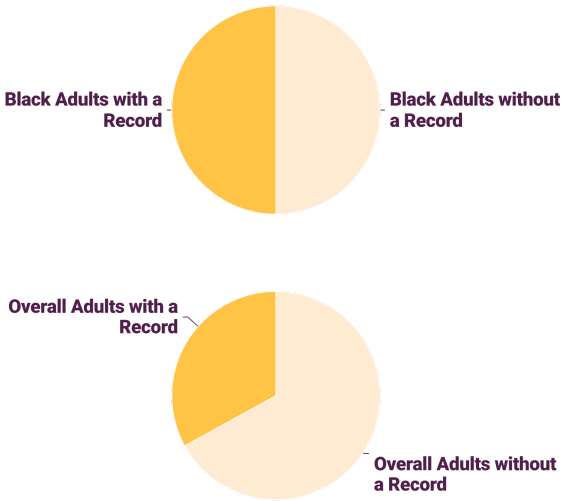
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[7] COLO. REV. STAT. § 24-72-706 (2024).
[8] MI COMP L § 780.621g (2025).
[9] SB 1421was signed into law by Governor Mike Kehoe on July 9, 2026. Available at: https://www.senate.mo.gov/BillTracking/Bills/BillInformation?billid=8214&year=2026
[10] See: Clean Slate Summary. *My Clean Slate PA, A Project of Community Legal Services of Philadelphia.* Available at: https://clsphila.org/wp-content/uploads/2024/10/Clean-Slate-3.0-Summary-Chart-FINAL.pdf
[11] 18 PA. CONS. STAT. § 9122.1 (2024).
[12] UTAH CODE ANN. § 77-40a-302 (LexisNexis 2024). Individuals become ineligible if they exceed specified thresholds, including two or more felony convictions, combinations of misdemeanor convictions above certain limits, or five or more convictions arising from separate criminal episodes. Individuals with three or more felony drug possession convictions, or five or more drug possession convictions of any level, are also ineligible for relief.

CAPS AND RACIAL EQUITY

The collateral consequences of records are not equally distributed. Nearly half of all Black adults in the United States have an arrest or conviction record, compared to approximately one in three adults overall, because the American legal system exhibits racial disparities at every stage – from initial police contact through sentencing.

Figure 1: Percentage of Adults with a Record



Racial disparities are embedded at every stage of the criminal legal system, shaping who is arrested, charged, and convicted, and how many charges they carry.[13] For example, racial bias is embedded in prosecutorial decisions, including the practice of "charge stacking," where the state files multiple charges for a single incident.

This practice, combined with pressure to accept plea bargains, results in people of color accumulating multiple convictions for conduct that might have resulted in a single conviction for a white defendant.

Because these disparities have concentrated the harms of arrest and conviction records in Black and brown communities, Clean Slate policies hold significant potential to advance racial equity at an unprecedented scale. But realizing that potential depends on how eligibility rules are designed.

Caps do not operate in a vacuum. Restrictions on the number of convictions eligible for automated sealing disproportionately exclude people of color, particularly Black individuals, from relief. **The impact of these policy choices is not neutral. By tying eligibility to conviction counts and total record history, Clean Slate laws risk systematically excluding the very communities most impacted by the criminal legal system. In doing so, they narrow the reach of automated relief and undermine the core promise of second chances.**

[13] Kelley, J., Chavez, L., & Sinyangwe, S. (2025). Discretion and Uniformity in Criminal Record Clearance: Maximizing Impact and Racial Equity. Ohio St. J. Crim. L., 22, 43.

DATA ANALYSIS

The Clean Slate Initiative (CSI) has developed a data model to estimate the impact of different Clean Slate policy designs across all 50 states.[14] The model estimates the number of people with records in each state broken out by demographics, and can be used to determine how many people would be eligible for automated relief under various policy parameters, including caps, waiting periods, and types of records eligible.[15]

For this analysis, we analyzed the impact of Clean Slate laws in states with and without conviction caps, with the exception of Missouri.[16] Additionally, this analysis compares the current eligibility under each state's law that has caps versus eligibility if caps were removed, holding all other criteria (i.e., waiting periods and eligible record types) constant. This approach isolates the specific impact of caps as distinct from other eligibility restrictions like offense exclusions and waiting periods.

FINDINGS

Conviction caps are among the most consequential policy choices shaping who benefits from automated record sealing. Across every state examined, caps exclude large numbers of otherwise eligible individuals based solely on the number of convictions on their record, not the nature of those offenses or other offenses. These restrictions dramatically reduce the share of adults eligible to have their records fully sealed and disproportionately limit access for Black individuals.

States without caps achieve substantially higher eligibility rates. Across the nine states without conviction caps, 63% of adults with a record are eligible for full record sealing compared to 31% in states with caps. Black adults also experience much higher eligibility rates in states without caps. 54% of Black adults with a record are eligible for full record sealing in states without caps compared to 23% in states with caps.[17] These findings indicate that caps are not a marginal limitation; they are a key constraint on the reach of Clean Slate policies.

Eliminating conviction caps across the five states studied would expand full record sealing relief to **over 1 million additional people,** including **197,000 Black adults.**

[14] See www.cleanslateinitiative.org/data
[15] It is important to note that CSI's data model cannot model every policy nuance, particularly in states that have very narrow or eligibility criteria specific to a limited number of offenses.
[16] Since Missouri's law (SB 1421) creates an automated process that seals a narrow set of drug possession and drug paraphernalia convictions through an automated process, CSI is unable to model its impact using the CSI data model. For that reason, Missouri is excluded from the analysis.
[17] It is important to note that the policies in these nine states differ in more ways than just not having conviction caps. Shorter waiting periods and more expansive eligible offense categories may also be a leading factor for the drastically higher rates of people eligible for full record sealing.

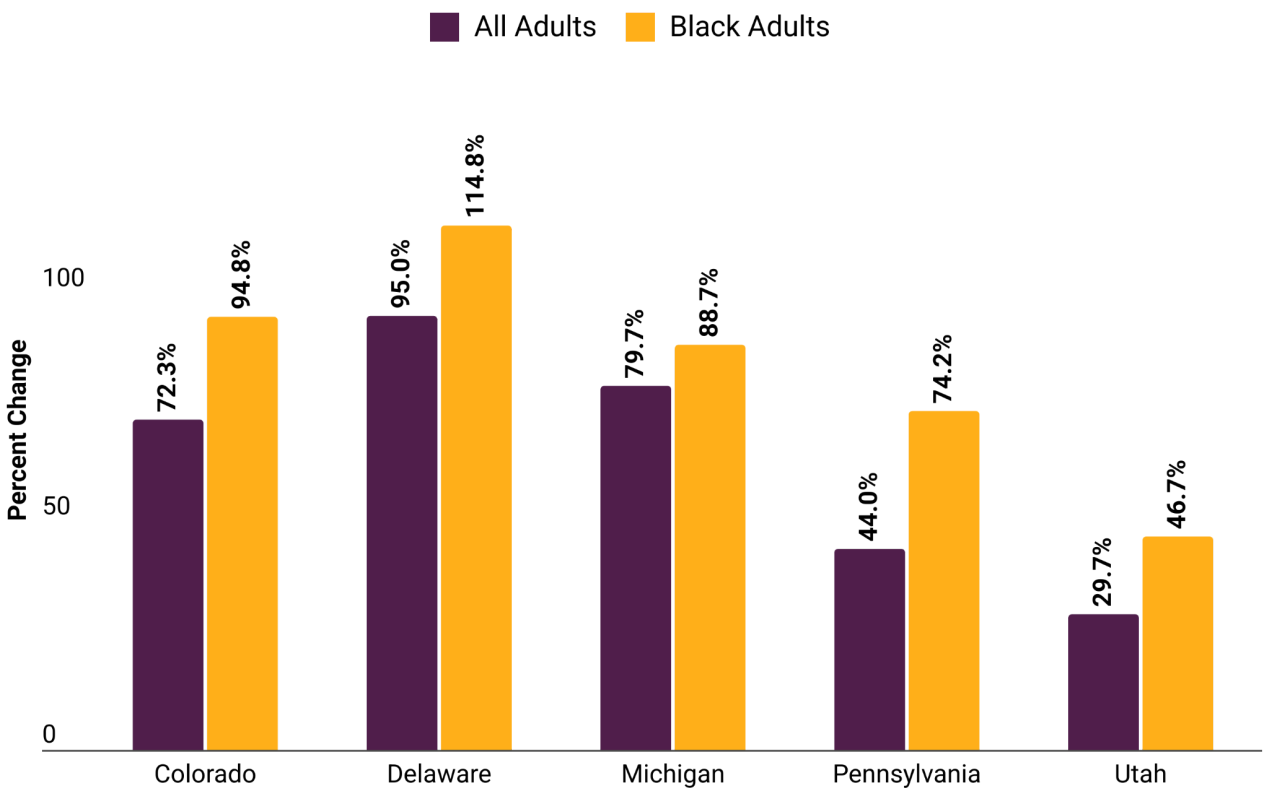
Eliminating caps would significantly expand eligibility for automated sealing across states, increasing access to full record sealing relief to hundreds of thousands of additional adults, including tens of thousands of Black adults who are currently excluded. As seen in Table 1, eliminating caps would increase the share of eligible adults with records from 31% to 47%, benefiting over 1 million additional people. In Delaware, removing caps nearly doubles the population eligible for full record sealing and would benefit an additional 66,000 adults. In Michigan and Colorado, we also see substantial increases in eligibility of 80% and 72%, respectively.

*Table 1: Eligibility **With** versus **Without** Caps*

State	Adults Eligible for Full Record Sealing		Black Adults Eligible for Full Record Sealing	
	WITH CAPS	WITHOUT CAPS	WITH CAPS	WITHOUT CAPS
Colorado	251,000 (18%)	433,000 (31%)	17,000 (16%)	33,000 (32%)
Delaware	69,000 (33%)	135,000 (64%)	20,000 (29%)	44,000 (63%)
Michigan[18]	304,000 (22%)	546,000 (39%)	82,000 (29%)	155,000 (54%)
Pennsylvania[19]	1,087,000 (39%)	1,565,000 (56%)	112,000 (20%)	195,000 (36%)
Utah	235,000 (42%)	305,000 (54%)	4,000 (26%)	6,000 (38%)
Total	**1,946,000 (31%)**	**2,984,000 (47%)**	**235,000 (23%)**	**432,000 (42%)**

[18] Michigan's full sealing population numbers with caps was reported by the Michigan State Police on June 3, 2026 via personal email communication with staff at The Clean Slate Initiative.
[19] PA's current Clean Slate law allows sealing of one specific drug felony offense and caps the number of sealable convictions at one. CSI's data model is unable to estimate eligible populations based on offense types of conviction and therefore this population is not included in the policy with or without caps. The increase in eligible population size is solely from removing the misdemeanor caps and underestimates the true impacts that could be achieved by removing the felony cap and intervening conviction requirement.

Figure 2: Percent Change in Population Eligible for Full Record Sealing With and Without Caps

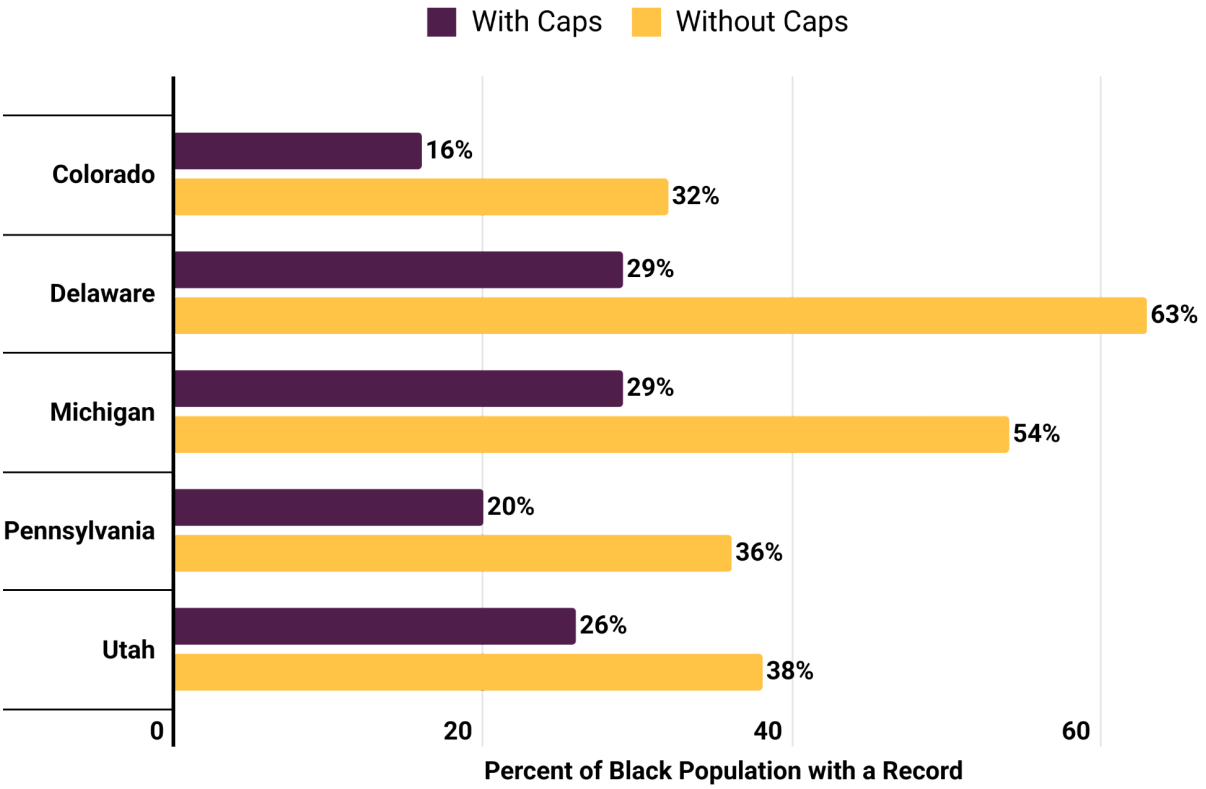


While conviction caps are race-neutral on their face, their effects are not. Because racial disparities shape who is arrested, charged, and convicted, and how many charges they carry, caps disproportionately exclude Black and Latino individuals from relief.

This analysis shows that while conviction caps reduce eligibility for all populations, their impact is especially severe for Black adults.

Black adults with records benefit more from eliminating caps in Clean Slate policies than the general population with a record. On average, 49% more white people, and 84% more Black people, would benefit from full record sealing if caps were to be removed across all five states in this study. By conditioning eligibility on conviction counts, caps convert the cumulative effects of disparate policing, charging, and sentencing into permanent barriers to opportunity. In this way, caps reproduce and reinforce disparities within the legal system.

Figure 3: Percent of Black Adults Eligible for Full Record Sealing



The most dramatic improvements from removing caps for Black adults with records occur in Delaware and Colorado. Under current law, only 29% of Black adults with records in Delaware and 16% of Black adults with records in Colorado are likely eligible for full record sealing. Eliminating caps would increase eligibility to 63% and 32%, which are gains of 115% and 95%, respectively.

Michigan shows a similar pattern. Current eligibility is estimated at 17% of all white adults with a record and 29% of Black adults with a record. Without caps, eligibility would rise to 30% (+13pps) and 54% (+25pps), respectively.

These findings suggest that conviction caps are a major driver of racial disparities in access to Clean Slate relief, and that the populations most likely to benefit from removing caps are those currently most excluded from relief.

POLICY RECOMMENDATIONS

States developing Clean Slate policies should omit arbitrary conviction caps, and states that have previously passed Clean Slate with such restrictions can expand access to automated record relief by eliminating them altogether. Conviction caps exclude large numbers of otherwise

eligible individuals from getting their entire record sealed solely because of the volume of convictions on their record, regardless of the nature of those offenses, evidence of rehabilitation, or the amount of time that has passed since their involvement with the legal system.

Furthermore, policymakers should avoid including eligibility criteria centered on total conviction history. These whole-record evaluations disqualify individuals from Clean Slate, thereby restricting access to automated sealing entirely. Research on redemption demonstrates that the passage of time without a new offense is a stronger predictor of future risk than the mere existence of an old criminal record. After a sufficient period spent crime-free, many people with prior records present no greater risk of offending than their peers in the general population.[20] Whole-record exclusions, therefore, are not supported by the available evidence and prevent many otherwise qualified individuals from accessing relief.

Restricting access to automated sealing based on the quantity of past convictions is not an equitable policy decision. A more effective solution that also prioritizes public safety would be to rely on offense-based exclusions and evidence-based waiting periods to determine eligibility.

CONCLUSION

Clean Slate laws are one of the most significant bipartisan advances in modern criminal legal system policy. By automating record relief, they deliver second chances at a scale that petition-based systems never could. But when Clean Slate policy choices include caps and whole-record disqualifications, they build limits into the very mechanism designed to expand opportunity.

Furthermore, there is no direct evidence demonstrating that conviction caps improve public safety. Criminological research consistently shows that after a period of four to seven years without a new offense, a person's likelihood of reoffending converges with that of the general population.[21] Clean Slate laws already incorporate waiting periods that reflect this research,[22] so caps add a layer of exclusion that is not necessarily tied to risk. In fact, by blocking access to employment and housing, the strongest predictors of desistance, caps may undermine public safety rather than promote it.

The evidence in this paper shows that these restrictions do not operate neutrally. By tying relief to conviction count and record structure, they reproduce longstanding racial disparities in the legal system in the outcomes of Clean Slate policies. The people most likely to be excluded by caps are those who have experienced the greatest contact with the criminal legal system, through

[20] Blumstein, A., & Nakamura, K. (2009). Redemption in the presence of widespread criminal background checks. *Criminology*, *47*(2), 327-359.
[21] *Ibid*.
[22] Chavez, Laura and Jesse Kelley. (2023). Reforming Waiting Periods: Fostering Equity and Unleashing Employment Opportunities. *The Clean Slate Initiative.* Available at: https://www.cleanslateinitiative.org/research-data-publications/waiting-periods-policy-short

more frequent policing, more aggressive charging, and more cumulative convictions. They are also the people who stand to benefit most from meaningful access to relief. **To deliver on the promise of Clean Slate policies, states must ensure that conviction caps do not prevent relief from reaching those most impacted by the legal system.**

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