

Hard Fought Legislative Victories: How Did They Get There?



Presented by Community Legal Services through the National Record Clearing Project.

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GEORGIA
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Georgia: SB 288

What SB 288 Does... For People with a Criminal Record

Provides for restriction & sealing of certain **misdemeanor** convictions

- Up to 2 convictions (lifetime limit)
- 4 years after completion of sentence
- Crime-free for 4 years
- Petition-based process

Allows an individual who received a pardon for certain **felony** offenses to petition to restrict & seal their record



Georgia: SB 288

What SB 288 Does... For Employers

Limits what employers see on a background

Provides **liability protection** by limiting the admissibility of evidence, if...

- Criminal history info is not relevant
- Info was restricted & sealed OR pardoned
- Arrest did not result in a conviction



Georgia: How Did We Get There?

Building Power and Mobilizing for Change



Georgia: How Did We Get There?

Legislative campaign and Employer Involvement



- 74 endorsing organizations
 - across the political spectrum
 - included faith-based organizations & congregations
- Chamber of Commerce Support
 - Coca-Cola, Home Depot, McKinney's, Newell Brands, UPS, and more...



Michigan



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Michigan Clean Slate Package

- Expand Eligibility (effective April 2021)
- Automatic Expungement (effective December 2022)



Michigan: How Did We Get There?



Grassroots Outreach

- 9 Cities
- Data Collection from Community Listening Sessions
- Helped Identify Advocates and Storytellers



Michigan: How Did We Get There?

Advocacy by Impacted People

- Building Public Awareness and Support through Storytelling



#CleanSlateMichigan
Kalamazoo

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Michigan: How Did We Get There?

Legislative and Executive Champions

- Critical to Winning Debates over Feasibility and Cost



Michigan: How Did We Get There?

Business Support

- Key to both the Economic Case and the Public Safety Case for Reform



North Carolina



North Carolina: The Second Chance Act

The Second Chance Act

- Allows DAs to file expungement petitions – creating opportunities for mass relief
- Makes special provisions for Raise the Age expunctions, expunctions for charges not resulting in convictions, modification of expunction of nonviolent misdemeanor and felony convictions
- Automates some expungements



North Carolina: Circumstances

- Virtually no expunction relief in NC prior to 2010. Significant, gradual expansion in eligibility from 2010-2018.
- Evident and severe “second chance” gap in accessing expanded expunction relief.
- Outdated and problematic DOS-based court record system. Significant deference to 100 elected “clerks of court”.
- NC Conference of District Attorneys treated by most legislators as “gate keepers” of all criminal justice reforms and given effective “veto” power on expunction reforms.
- 10-year growth of NC Second Chance Alliance, including active and consistent presence of impacted people, advocates, and lobbyists at NC General Assembly.



North Carolina : How Did We Get There?

- Reliance on past expunction bill sponsors in Senate.
- Excluded District Attorneys from early table to build support and momentum prior to negotiating with them.
- Understood technology and expunction processes within the courts and between agencies.
- Two-stage “Clean Slate” campaign



North Carolina : How Did We Get There?

- Broad, committed, and well-resourced bipartisan coalition of advocates and impacted people.
 - Met weekly and collaborated nearly every day for the length of 18-month campaign.
- Organizing plan to mobilize impacted persons from across the state.
- Protests across North Carolina in response to the killing of George Floyd were a significant factor in finally having the SCA put before the House for a full vote.



2019 SECOND CHANCE LOBBY DAY

www.ncsecondchance.org



Next Steps



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Georgia: Next Steps

Expanding Record Clearing

- Current focus for policy reform on probation, which would shorten wait times for record clearing
- Need for a better remedy for felonies
- Pending record clearing legislation
- Challenges to Clean Slate in Georgia



Georgia: Next Steps

Education & Implementation

- Focus between signing and effective date has been education
- Lack of service providers – volunteer recruitment
- Expungement desks & summits – partnerships with local prosecutors and other stakeholders
- How to use technology



Michigan: Next Steps

Implementation/Public Education

- . Technical Assistance
- . Public Education about the New Law



Michigan: Next Steps

Outreach to Impacted People

- . Raise Awareness about the new law
- . Provide Legal Resources and Support



North Carolina: Next Steps

- Implementation
 - Notice & Education
 - DA-Initiated Relief
- New legislation
 - Expanded Eligibility



North Carolina: Next Steps

- Clean Slate Campaign Stage 2
 - Ensure the new “E-Courts” case management system under development in NC has the capacity to automatically expunge all court records.
 - Expand automation to all charges and convictions already eligible for mandatory expunction relief upon petition.



Takeaways



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