Hard Fought Legislative Victories: How Did They Get There?

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

Michigan

John Cooper
Georgia
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
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: SB 288

What SB 288 Does...
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...

Second Chance Georgia
unlocking opportunity through expungement

SecondChanceGeorgia.org
Michigan
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
Legislative and Executive Champions

- Critical to Winning Debates over Feasibility and Cost
Michi gan: How Did We Get There?

Business Support

- Key to both the Economic Case and the Public Safety Case for Reform
North Carolina
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.
• 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
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
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
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
Hard Fought Legislative Victories: How Did They Get There?

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