

S.211 (Myrie)/A.1029 (Cruz)

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BILL S.211 (Myrie)/A.1029 (Cruz)
SUBJECT Automatic Sealing of Certain Convictions
DATE January 10, 2023
SUPPORT

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The Business Council of New York State supports S.211 (Myrie)/A.1029 (Cruz), which would automatically seal certain convictions for eligible individuals.

Many New Yorkers face barriers to meaningful employment, housing, education, and more because of their criminal record. A criminal conviction has been shown to reduce opportunities and lifetime earnings long after time has been served and retribution paid. According to the Brennan Center for Justice, time in prison reduces an individual's subsequent earnings by almost 50 percent, and a misdemeanor charge can cut annual earnings by more than 15 percent.ⁱ

For those who have paid their debt to society, the process to seal a past conviction can be burdensome, costly, and bureaucratic. The application-based process, which has been in place in New York for the past three years, is vastly underutilized. Of the estimated 600,000 New Yorkers eligible to have their record cleared, only 0.5 percent have been able to do so.ⁱⁱ This barrier disproportionately affects Black and Latinx New Yorkers who make up three-quarters of the State's prison population.

The impact is not just a personal one, it has broader economic consequences. The Center for Economic Policy Research estimated a felony conviction to have an adverse impact on the economy as a whole, estimating a loss of roughly \$78 to \$87 billion in annual New York GDP.

We also know that one of the best ways to reduce recidivism is to get people meaningful work. The challenges to obtaining meaningful work can be seen in the 27 percent unemployment rate for the formerly incarcerated.ⁱⁱⁱ Estimates show that just 100 fewer people returning to prison would result in more than \$5.2 million in annual cost savings to government.^{iv}

Most of The Business Council's major member companies are a part of the national Second Chance Business Coalition, which advocates for state and federal policies that eliminate barriers for the formerly incarcerated to re-enter the workforce.

The Business Council views the proposed S. 211 as a tool to get more eligible people into the workforce by automatically sealing conviction records for civil purposes, like housing and employment, after a waiting period without subsequent convictions. Additionally, The Business Council supports the important liability protections for businesses in the bill.

People who have not had a repeat offense or any pending criminal charges since their previous conviction would be eligible to have their records sealed for civil purposes. Vehicle and traffic law convictions and misdemeanors would be sealed after three years post-conviction and time served, and felony convictions would be sealed after seven years.

The bill also includes very important caveats and exclusions. Sex offenders would not be eligible, and relevant law enforcement and qualified agencies will still have access to sealed records for things like applications for firearm permits and prosecutions for new offenses where previous convictions would be considered.

Employers with federal regulatory responsibilities could still access records, and nothing in the bill would require the Department of Motor Vehicles to seal or destroy records maintained by DMV. DNA information would also be maintained in the New York State DNA database.

Entities that are required by state or federal law to request a fingerprint-based check of criminal history information will still have access to records and there are important liability protections for businesses in the bill.

The Business Council strongly supports policies and programs that ensure New York has the qualified workforce necessary to further grow our economy. As such, The Business Council supports S.211 (Myrie)/A.1029 (Cruz), which would automatically seal certain convictions for eligible individuals.

↓ Click here to view The Business Council's Second Chance Hiring Fact Sheet

i. Brennan Center for Justice at New York University School of Law. (2022, January 14). The Clean Slate Act Can Build a More Prosperous New York. <https://www.brennancenter.org/our-work/research-reports/clean-slate-act-can-build-more-prosperous-new-york>

ii. Myrie, Z., & Nation, M. (2022, February 14). Op-ed: Clean slate bill can reduce recidivism and drive a more inclusive economic recovery. Crain's New York Business. https://www.craigslist.com/op-ed/op-ed-clean-slate-bill-can-reduce-recidivism-and-drive-more-inclusive-economic-recovery-ex?utm_source=daily-alert&utm_medium=email&utm_campaign=20220214&utm_content=article12-headline

iii. U.S. Chamber of Commerce. (2021, August 18). The Business Case for Criminal Justice Reform: Second Chance Hiring. https://www.uschamber.com/assets/documents/uscc_business_case_for_cj-second_chance_hiring_report_aug2021.pdf

iv. U.S. Chamber of Commerce. (2021, August 18). The Business Case for Criminal Justice Reform: Second Chance Hiring. https://www.uschamber.com/assets/documents/uscc_business_case_for_cj-second_chance_hiring_report_aug2021.pdf