

## **Addressing Collateral Consequences of Conviction**

According to the Council of State Governments Justice Center's National Inventory of Collateral Consequences of Conviction, there are 879 potential consequences that a person faces when he or she is convicted of a crime in Pennsylvania. These consequences include barriers to employment, professional licensure, public housing and benefits, driving privileges, and exclusions from financial services such as student and business loans.

In June 2019, the U.S. Commission on Civil Rights issued a report entitled *Collateral Consequences: The Crossroads of Punishment, Redemption, and the Effects on Communities* which identified the difficulties collateral consequences of conviction can create for those attempting to reintegrate into their communities, as well as the burden those consequences can have on families and the community at large. It pointed to increased recidivism rates when non-public safety-related consequences are imposed and stressed that collateral consequences of conviction should be tailored to serve public safety and maintain a rational relationship to the committed offense.

In Pennsylvania, record expungement is severely limited, and the Board of Pardons has a backlog of applications that takes many years to resolve. Many of these applicants are nonviolent offenders who wish to erase a foolish mistake from their youth in an effort to re-enter society as a contributing member of the community.

I plan to introduce legislation modeled on the Uniform Collateral Consequences of Conviction Act and nearly identical to legislation formerly introduced by Senator Stewart Greenleaf. The legislation will require the Sentencing Commission of Pennsylvania to identify and publish a comprehensive list of all collateral consequences of conviction in Pennsylvania. Any person charged with an offense will be provided a simple notice of additional legal consequences that may follow from a conviction. Trial courts will affirm at the time of a guilty plea and at sentencing that the person knows about collateral consequences.

My bill will prohibit state and municipal employers from disqualifying a person from employment or professional licensure solely on the basis of a criminal conviction. The public employer may consider the facts and circumstances of the offense, as well as the effect on third parties of granting the employment opportunity or professional license.

The legislation will enable persons with criminal convictions to apply to the sentencing court for an order of limited relief from one or more collateral sanctions related to employment, education, housing, public benefits, or occupational licensing. The court will consider the person's criminal history, public safety, any filing by a victim or prosecutor, and factors showing that the person has a substantial need for the relief in order to overcome collateral sanctions. After five years without a criminal charge, the person may apply for a more comprehensive certificate of restoration of rights, which relieves the person from all collateral consequences of conviction. These forms of relief will not be available to excuse registration by sex offenders or to set aside certain prescribed penalties relating to driving privileges.