



HB 1826 Expansion of Clean Slate is Good for Pennsylvania Employers and Workers
Testimony of Katie Svoboda-Kindle, Community Legal Services, Inc.
House Judiciary Committee, August 31, 2022

Chairman Kauffman, lead sponsors Representatives Delozier and Harris, and members of the House Judiciary Committee,

I am honored to be here today to speak to you about House Bill 1826, which would expand Clean Slate and help Pennsylvania employers fill jobs with dedicated and hardworking individuals. I am going to speak about what HB 1826 does, and why it is so necessary.

My name is Katie Svoboda-Kindle. I come to you from Community Legal Services of Philadelphia, a non-profit legal services organization. CLS does many types of direct services and policy work, including advocating for policies that reduce the employment barriers caused by criminal records. CLS was very involved in the first Clean Slate bill and we are delighted to be part of the effort to expand Clean Slate.

HB 1826 does three main things: It makes some drug felonies eligible for automated Clean Slate sealing; it makes several other lower-level property felonies eligible for sealing by petition; and it shortens sealing waiting periods for misdemeanor and summary convictions.

First, HB 1826 makes lower-level drug felony convictions eligible for Clean Slate automated sealing after 10 conviction-free years. Drug felony convictions would not be eligible for Clean Slate automated sealing if the judge imposed a prison sentence minimum of 30 months or more. Clean Slate automated sealing uses technology to seal eligible records through an automated process, saving time and money.

Second, HB 1826 makes several other lower-level felony convictions eligible for sealing by petition. Theft, forgery, trespass, criminal mischief, and welfare fraud felonies would be eligible, but only if all of these conditions are met: the conviction is graded in the third degree, which is the lowest level felony; a judge grants the petition after hearing input from the District Attorney; all restitution to a victim is paid, if any was owed; and 10 conviction-free years have passed.

Third, HB 1826 shortens waiting periods for sealing misdemeanor and summary convictions. Recidivism research shows that, after 4 to 7 years, people with criminal convictions are no more likely to commit a crime than a person without a criminal record. This redemption period is even shorter for more minor cases, like misdemeanors and summaries. Our current 10 year waiting period for these minor offenses is not consistent with this research. HB 1826 shortens the waiting period for sealing misdemeanor convictions to 7 conviction-free years. It shortens the waiting period for sealing summary conviction to 5 years. This change will allow Pennsylvanians to get back to work faster.

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HB 1826 is urgently needed right now, as employers struggle to find workers, because it will increase access to jobs. People with old convictions want to work and do not pose a risk to others at work. Research shows that they are likely to be hardworking and exemplary employees. But having a criminal record reduces the likelihood of a callback or job offer by nearly 50 percent. Felony convictions, no matter how old, are a barrier to employment. Sealing these stale records means positions are filled and qualified workers get jobs. A recent study found that on average, a person's wages go up 22% the year after their record is cleared.

Because felony convictions pose such a stubborn barrier to employment, and because sealing is an effective remedy to removing that barrier, most states allow at least some felonies to be sealed. Pennsylvania is among only 13 states which does not allow felonies to be cleared in some way. HB 1826 will bring our state into the mainstream.

HB 1826 builds on the great success of Clean Slate so far. Clean Slate has been implemented effectively in Pennsylvania, with over 40 million cases sealed, and ten other states around the country following Pennsylvania's lead with their own Clean Slate bills. The Clean Slate automated sealing process has used technology to save time and money, while ensuring that most of the people who are eligible to have their cases sealed actually get that remedy, eliminating what has come to be known as the "second chance gap."

This bill will expand the impact of Clean Slate and make a real difference in the lives of many Pennsylvanians with old drug felonies. Drug felonies are one of the most common convictions in Pennsylvania. They are everywhere, in rural and suburban counties, as well as urban ones. Your constituents will be helped by this bill.

Most people convicted of drug felonies were found with a small amount of drugs. Many were suffering from addiction themselves. This bill helps people who have turned their lives around and gone 10 years without another misdemeanor or felony conviction. Yet, their old conviction continues to follow them and block them from jobs, housing and even volunteering. This bill helps them shut the door on their past and access opportunity.

This bill does not only benefit people with criminal records. It makes our whole state better. That's why such a large and diverse coalition supports HB 1826. Supporters include the Pennsylvania Chamber, the Pennsylvania Coalition Against Domestic Violence, the Drug and Alcohol Service Providers Organization of Pennsylvania, the Pennsylvania Workforce Development Association, and of course the Pennsylvania District Attorneys Association.

I thank you for your time, and I hope you will join us in supporting HB 1826.

Sincerely,

A handwritten signature in black ink, appearing to read 'Katie Svoboda-Kindle', written in a cursive style.

Katie Svoboda-Kindle
Senior Staff Attorney
Community Legal Services, Inc.

**EXPAND
CLEAN SLATE.**

**EXPAND THE
WORKFORCE.**

House Judiciary, Public hearing on House Bill 1826, Clean Slate Expansion, August 31, 2022
Presented by Katie Svoboda-Kindle, Senior Staff Attorney, Community Legal Services



WHAT DOES IT DO?



**AUTOMATED SEALING OF
SOME DRUG FELONIES**



**PETITION SEALING OF
SELECT FELONIES**



**SHORTER WAITING
PERIODS FOR MINOR
OFFENSES**

DRUG FELONIES

Clean Slate automated sealing of drug felonies after 10 years conviction-free.

Excluded convictions: If a judge imposed a minimum prison sentence of 30 months or more, then the drug conviction is not eligible for Clean Slate automated sealing.



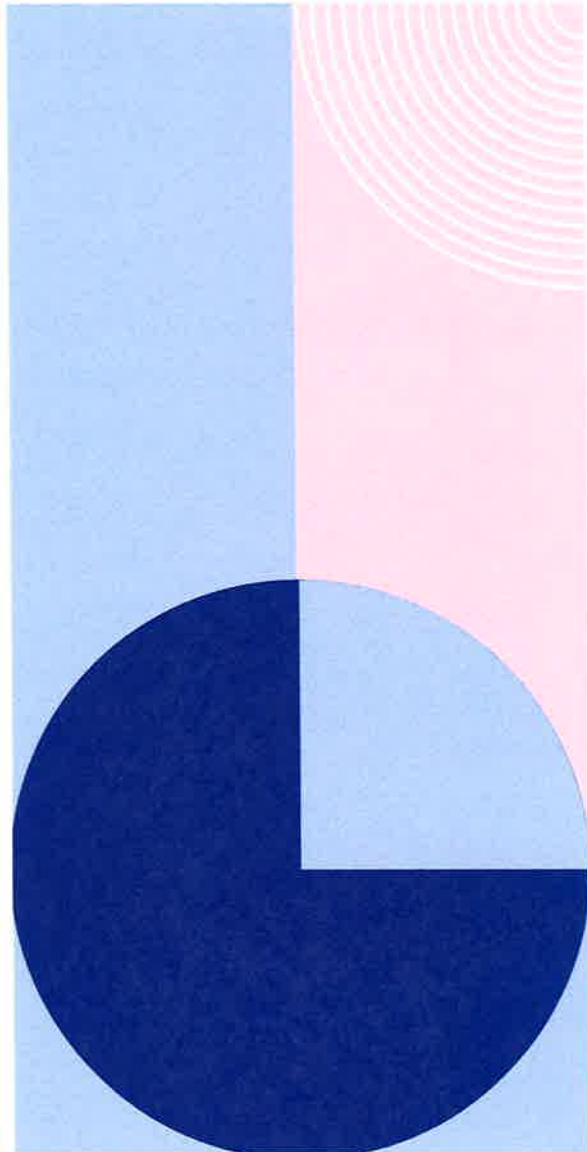
PETITION SEALING

LESSER PROPERTY-RELATED FELONIES

- Criminal mischief,
- Criminal trespass,
- Theft offenses (Chapter 39)
- Forgery offenses (Chapter 41)
- Welfare fraud

ELIGIBLE IF...

- 10 years conviction-free;
- Offense is a third-degree felony (F3)
 - Excluded: F1 and F2
- Petition is granted by a judge, after input from the District Attorney; and
- Restitution (money owed to victim) is paid.



WAITING PERIODS

Felony: 10 years conviction-free

Misdemeanor: 7 years conviction-free

Summary: 5 years

People with a criminal record are no more likely to commit a crime than a person without a criminal record after 4 to 7 years. This redemption period is even shorter for more minor cases, like misdemeanors and summaries.

WHY EXPAND CLEAN SLATE?



ACCESS TO JOBS

Lift barriers to employment. Fill vacant jobs.



BUILD ON OUR SUCCESS

Over 40 million cases sealed!



MOST STATES SEAL FELONIES

PA should join the 37 states that have felony sealing.



MAKE A DIFFERENCE

Sealing old drug felonies will help people all over PA.

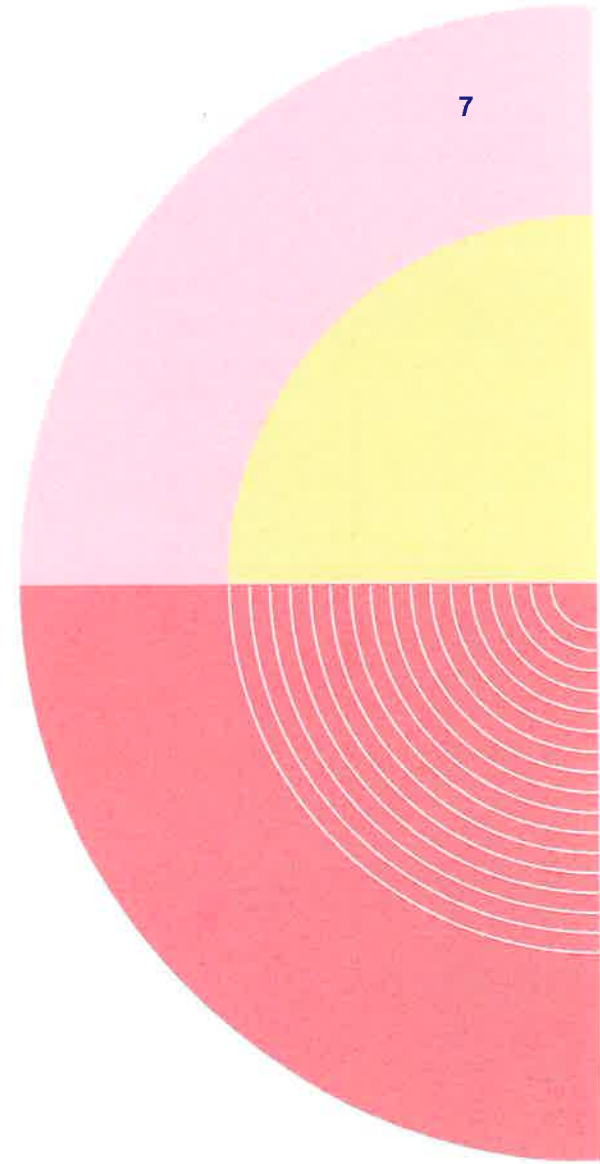
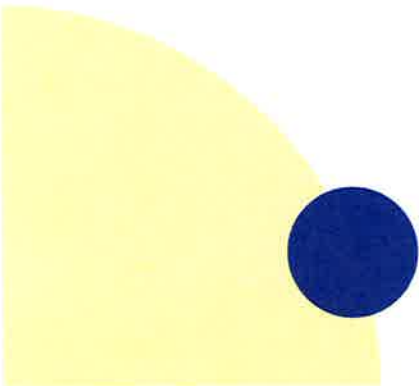


BROAD COALITION

A diverse coalition supports HB 1826.

COALITION OF SUPPORT

Drug and Alcohol Service Providers Organization of Pennsylvania
Pennsylvania Chamber of Business and Industry
Pennsylvania Coalition Against Domestic Violence
Pennsylvania Council of Churches
Pennsylvania District Attorneys Association
Pennsylvania Recovery Organizations Alliance
Pennsylvania Workforce Development Association
Pennsylvanians for Modern Courts
... and many more.



House Bill 1826, Clean Slate Expansion

THANK YOU

Special thanks to Chairman Kauffman
and our lead sponsors Representative Delozier
and Representative Harris.

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