

February 13, 2024

TESTIMONY OF THE OFFICE OF THE PUBLIC DEFENDER (OPD) REGARDING:

House Bill No: HB7164

ENTITLED, AN ACT RELATING TO CRIMINAL PROCEDURE – EXPUNGEMENT OF CRIMINAL OFFENSES.

Chairman Craven and Members of the House Judiciary Committee:

The Office of the Public Defender strongly supports HB7164, which proposes amendments to expand expungement opportunities for individuals who have completed their sentences and demonstrated a commitment to lawful behavior. While we strongly support the intent and overall provisions of the bill, we would like to bring attention to a reservation concerning the language in (b)(1)(iv) related to eligibility.

The OPD supports HB7164 based on research indicating that legislation expanding expungement opportunities for individuals' post-conviction enhances public safety¹. The same research demonstrates that individuals with expunged records exhibit an overall crime rate lower than the general population. It is a testament to the positive impact of rehabilitation and the need to recognize and support individuals who have successfully reintegrated into society after completing their sentences.

HB7164 would remove the current barriers preventing individuals with more than one (1) felony conviction from ever being eligible for a clean record. This change acknowledges that individuals who have paid their debt to society and demonstrated rehabilitation over a period of at least ten (10) years after their sentence expired should have the opportunity to overcome the barriers hindering full reintegration, such as employment, safe and stable housing, and education.

However, the OPD has reservations about the language in (b)(1)(iv), specifically the inclusion of the term "nor arrested." This provision could prevent expungement for individuals who have been arrested during this ten (10) year period but found not guilty or had their cases dismissed. To better align the legislation with its intended purpose, we recommend removing the term "nor arrested" from this clause.

In conclusion, the OPD urges the House Judiciary Committee to consider and support the positive impact that HB7164 can have on individuals seeking to rebuild their lives after completing their sentences while recommending that the language change outlined above be made prior to advancing the bill out of Committee.

Sincerely,

Curtis R. Pouliot-Alvarez

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¹ <https://repository.law.umich.edu/cgi/viewcontent.cgi?article=3474&context=articles>

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