

Memorandum of Support

New York's Clean Slate Bill
S1553A (Myrie)/ A06399 (Cruz)

February 2022

Brooklyn Defender Services (BDS) strongly supports the immediate passage of [S1553A](#) (Myrie) / [A6399](#) (Cruz). BDS provides multi-disciplinary and client-centered defense practice, representing clients in criminal, family, immigration, and civil legal matters. Our attorneys, social workers, and advocates represent and advocate for over 30,000 indigent Brooklyn residents every year.

Today, 2.3 million New Yorkers -- our family, friends, neighbors -- live in a state of perpetual punishment because of their conviction record. Their convictions block them from accessing employment, housing, education, and other life essentials that enable individuals to thrive in their communities. And because of racism in our criminal legal system, these civil consequences disproportionately impact Black and brown New Yorkers and deepen already-existing racial inequalities in civic life.

New York can change this. We urge the legislature to pass Clean Slate legislation that would automatically clear conviction records for all New Yorkers who have successfully served their sentence.

To mitigate the harms of a conviction record, New York State passed application-based records clearance in 2017. But this has proven to be an inadequate remedy. In the three years since the law went into effect, fewer than 0.5 percent of eligible people have had their records cleared, a rate [consistent](#) with other states that have application-based record clearance laws. The law is complex and difficult to navigate, often requiring legal assistance.

But the impact of records clearance is significant. Our economy loses [\\$87 billion in gross domestic product](#) every year from shutting workers with records out of the labor market. Meanwhile, [research](#) shows that a year after getting a record cleared, people are 11 percent more likely to have a job and are earning wages that are more than 20 percent higher than beforehand.

This relief should be available to all New Yorkers. We strongly support the immediate passage of **S1553A (Myrie) / A06399 (Cruz)**, which would allow people with conviction histories to meaningfully rejoin their communities after criminal legal



involvement. Specifically, this bill would first automatically seal convictions for most civil purposes after a 1-year waiting period for misdemeanors and a 3-year period for felonies, not including time incarcerated, and after completion of community supervision. This would ensure people have access to employment and housing when it is most difficult to access but most critical. Full expungement would happen after 5- and 7-year waiting periods and only if the person has no subsequent convictions.

Conviction histories erect lasting barriers to economic security and full engagement in the community, affecting not only individuals but also their families, neighborhoods, and New York State as a whole. For example, for a family applying for a subsidized affordable apartment, the conviction of one family member can be disqualifying. Families must choose between permanent housing, a home where a family may have lived for decades, and their child. In the education and employment context, automatic expungement of eligible offenses will ensure that people do not lose out on a job or run the risk of a college rejection because of a conviction that could have been expunged. legislation. New York has a long history of enacting important reform to support full participation in the life and economy of this state. We must continue this tradition by passing Clean Slate

We urge the Legislature to immediately pass directed to [S1553A](#) (Myrie) / [A6399](#) (Cruz). Any questions can be Jacqueline Gosdigian, Senior Policy Counsel, Brooklyn Defender Services, JCaruana@bds.org