



**Memorandum of Support for the Clean Slate Act  
S.211 (Myrie) / S.1029 (Cruz)**

**The National Association of Criminal Defense Lawyers (NACDL) strongly supports the immediate passage of [S.211](#) (Myrie) / [A.1029](#) (Cruz), the Clean Slate Act.**

NACDL is the preeminent organization advancing the mission of the criminal defense bar to ensure justice and due process for persons accused of crime or wrongdoing. NACDL's more than 10,000 members (40,000 with state affiliate members) include private criminal defense lawyers, public defenders, military defense counsel, law professors and judges committed to preserving fairness and promoting a rational and humane criminal legal system. Critical to this mission are NACDL's efforts to identify and reform flaws and inequities in the criminal legal system, and specifically address systemic racism and its impact on the administration of justice.

NACDL has undertaken several projects examining the collateral consequences of criminal convictions. In 2014, NACDL issued [\*Collateral Damage America's Failure to Forgive or Forget in the War on Crime - A Roadmap to Restore Rights and Status After Arrest or Conviction\*](#). This report was the culmination of several years of study and multiple hearings throughout the country concerning relief mechanisms available to those with a conviction on their record. Additionally, in 2019 NACDL released [\*Shattering the Shackles of Collateral Consequences: Exploring Moral Principles and Economic Innovations to Restore Rights and Opportunity\*](#). Putting words into action, NACDL is active in states across the country in supporting reforms that remove the collateral consequences of convictions and create avenues for successful reentry, and the association regularly coordinates pro bono expungement fairs for people needing legal assistance in clearing their records.

New York's Clean Slate Act will help address the systemic barriers to jobs, housing and education posed by old conviction records. Under the current system, people who have successfully served their time are [subjected to perpetual punishment](#) long after their sentence is served. Doors that were once open – to jobs, a place to live, an education – can remain closed for a lifetime, and this impact reverberates across children, families, and whole communities, [disproportionately](#) impacting Black and brown New Yorkers and deepening already-existing inequalities in civic life.

As a result, we urge the legislature to pass the Clean Slate Act (S.211/A.1029), a common-sense bill that would create opportunities for New Yorkers in every corner of the state. A [recent study](#) found New York loses an estimated \$7.1 billion in wages because of unemployment and underemployment among people with old conviction records. By expanding opportunity, the Clean Slate Act will boost economic growth, expand the state's workforce, and help businesses hire employees, while increasing community safety and tackling long-standing racial inequities in the criminal legal system. Within two years of clearing

criminal records under Michigan law, [research showed](#) that impacted people were 11 percent more likely to have a job, were earning 22 percent more, and were less likely than members of the general public to be convicted of a crime. By helping to ensure that all New Yorkers can access stable employment and housing, the Clean Slate Act will revitalize the community, which is safest when individuals have what they need to thrive.

The Clean Slate Act is also crucial in addressing intergenerational poverty. [Nearly 50 percent of children](#) have at least one parent with a conviction record, and children who grow up in poverty are far more likely to remain living in poverty throughout their lives. By lifting barriers to life essentials, including jobs and housing, the Clean Slate Act will allow New Yorkers to support themselves and their families and break the cycle of poverty for millions of children.

Under the Clean Slate Act, records would be sealed automatically after three years for misdemeanors and seven years for felonies, not including time incarcerated, once someone is not on community supervision and has not incurred any new convictions. Sealed records would still be accessible to law enforcement and for employment with vulnerable populations, including children, the elderly and people with disabilities. Sex offenses are not eligible for sealing.

**We urge the Legislature to immediately pass [S.211 \(Myrie\)](#) / [S.1029 \(Cruz\)](#).** Any questions can be directed to NACDL's Senior Director of Advocacy, Monica L. Reid, at [mreid@nacdl.org](mailto:mreid@nacdl.org) or (202) 465-7660.