

Representative Aaron Michlewitz, Chair
Joint Committee on Ways and Means
Room 243, State House
Boston, MA 02133

Representative Claire Cronin, Chair
Joint Committee on the Judiciary
Room 136, State House
Boston, MA 02133

July 16, 2020

Dear Chair Michlewitz, Chair Cronin, Vice Chair Garlick, Vice Chair Day, House members of the Joint Committee on Ways and Means and House members of the Joint Committee on the Judiciary:

As the House readies to take up S. 2800 to address Racial Justice and Police Accountability, we write to request your consideration to expand the existing expungement law (MGL Ch 276, Section 100E.)

System-involved young adults have the highest recidivism rate of any age group, but that drops as they grow older and mature. The law, however, does not allow for anyone who recidivates but eventually desists from reoffending to benefit. Young people's circumstances and cases are unique and the law aptly gives the court the discretion to approve expungement petitions on a case by case basis, yet the law also categorically disqualifies over 150 charges. We also know that anyone who is innocent of a crime should not have a record, but the current law doesn't distinguish between a dismissal and a conviction. It's for these three main reasons we ask you to make the following clarifications to the law:

- **Allow for recidivism** by removing the limit to a single charge or incident. Some young people may need multiple chances to exit the criminal justice system and the overwhelming majority do and pose no risk to public safety.
- **Distinguish between dismissals and convictions** because many young people get arrested and face charges that get dismissed. Those young people are innocent of crimes and they should not have a record to follow them forever.
- **Remove certain restrictions** from the 150+ list of charges and allow for the court to do the work the law charges them to do on a case by case basis especially if the case is dismissed of the young person is otherwise found "not guilty."

People of color are disproportionately represented in the criminal justice system and thus, disproportionately experience the collateral consequences of a criminal record. Further refining this law will adequately achieve the desired outcome of reducing recidivism and removing barriers to employment, education, and housing. It will provide the opportunity for these people to move on with their lives and contribute in powerfully positive ways to the Commonwealth and the communities they live, work and raise families in.

Criminal records are meant to be a tool for public safety but they're more often used as a tool to hold communities of color back from their full economic potential. Expungement can be an important tool to rectify the documented systemic racism at every point of a young person's journey through and past our justice system. The final step in the process is to allow for as many people as possible, who pose no risk to public safety and who are passionate to pursue a positive future, to achieve that full potential here in Massachusetts or anywhere.

Thank you for your consideration,

Scott Scharffenberg
Massachusetts Executive Director

CC: Representative Denise Garlick, Vice Chair, Joint Committee on Ways and Means
Representative Michael Day, Vice Chair, Joint Committee on the Judiciary
House members of the Joint Committee on Ways and Means
House members of the Joint Committee on the Judiciary