



Expungement



Want Racial Justice? Amend the Expungement Law!

Background

In 2018 the Massachusetts Legislature passed criminal justice reform legislation that included a new expungement statute. The statute is a good first step, but is severely limited and has not had the intended impact to provide young people with a second chance as it is extremely exclusive. As the legislature now looks to address racial justice and racial inequities, a large coalition - led by young people - asks that you make amending the expungement statute a priority.

1 in 3 Americans can expect to be arrested before their 23rd birthday.



Problem:

The current expungement law is extremely limited. None of the young people who advocated for an expungement law yet benefit. The law only allows for expungement if you only have one charge on your record (just one bite at the apple); the law automatically disqualifies 150+ charges; the law makes no distinction between a charge for a dismissed case and a conviction. All three have disproportionate impact on black and brown youth.

“ Young people have a 76% recidivism rate over 3 years

Solution:

We request an amendment to the expungement law that applies our understanding of young adult recidivism rates, cognitive brain development, and the seven year expiration of a criminal record's effectiveness as a tool for public safety. We respectfully ask for an amendment that will:

- Allow for multiple offenses to be expunged (consider a tiered approach for juveniles and emerging adults)
- Remove the list of 150+ charges that automatically disqualify and let the judge decide. Charges don't reflect the reality of an individual's character, guilt, likelihood of future risk, or ability to contribute to society in a positive way. Instead we should allow for judicial discretion. Since the 7 year felony and 3 year misdemeanor wait periods only begin at the end of one's sentence, the most severe charges like murder and aggravated rape which come with life sentences will never be eligible.
- Differentiate between convictions and dismissed cases - innocence and guilt. Not all charges are equal.



For more information please visit us at
www.theexpungementmovement.org

TL;DR

Please support legislation sponsored by Senator Creem, Representative Decker, and Representative Khan to make this amendment to the current expungement law. The young people who have advocated for this law deserve to benefit by it.

Amending the Massachusetts youth expungement law is a logical next step towards racial justice as youth of color are over-charged and sentenced compared to their white peers. It creates a lifelong barrier to social and economic success, impedes mental health, and maintains multi-generational poverty for families.

