Michigan Law
UNIVERSITY OF MICHIGAN LAW SCHOOL

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Dear Members of the Louisiana Senate Judiciary Committee:

As researchers studying the impact of criminal records on individual outcomes, we take an interest in ensuring that laws related to this topic are driven by data. HB 510 will give the proposed Clean Slate Task Force access to an impartial analysis of Louisiana's own data, to allow for the most transparent decision-making possible in refining and moving forward on new Clean Slate policies under consideration in Louisiana.

In the United States today, an estimated one in three individuals has a criminal record. This growing population faces significant and persistent barriers to economic mobility, ranging from restrictions on employment, housing, education, occupational licensing, and other critical needs and opportunities. The cost to the overall labor market is staggering—researchers have estimated this cost at a minimum of $78 billion in GDP lost each year.[1] Even one-tenth that amount would make addressing this economic challenge a critical priority for states around the country.

Clearing criminal records—the process of expunging or sealing eligible arrest and conviction records from state courts and criminal history repositories for those individuals who meet the eligibility requirements—is a promising solution to prevent these harms.

Despite every state having some type of record clearance law already on the books, the various legal restraints on accessing data related to record clearance policies (such as expunged records themselves) mean the magnitude, distribution, and effects of these policies across the nation remain critically overlooked and understudied.[2]

Recently, we were able to study de-identified criminal justice data on set-asides (Michigan's form of record clearance) and our findings were illuminating. First, we learned that mere 6.5% of individuals who are already eligible for an expungement ever obtain one — a significant "uptake gap." Further, more encouragingly, our research indicates that individuals who do manage to obtain an expungement have extremely low subsequent crime rates, similar to those of the general population, and experience a significant increase in wage and employment

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[1] "The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies," Center for Economic and Policy Research, 2016, p. 13.
[2] Clean Slate Clearinghouse– Compare States

trajectories; "on average, within two years, wages go up by 25% versus the pre-expungement trajectory."[3]

We urge you support HB 510 to provide specific, limited access to de-identified data for the purpose of studying the impact and effect of record-clearing laws in Louisiana. Our work in Michigan would not have been possible without the generous assistance of the Michigan State Police, so we also applaud the Louisiana State Police for supporting the Clean Slate Study Group and efforts to better understand the record clearing process in Louisiana.

Sincerely,

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[3] Prescott & Starr, "Expungement of Criminal Convictions: An Empirical Study," University of Michigan Law School, 2019