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HB 2028 Proponent Testimony – Written Only

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House Judiciary Committee
Wednesday, 1/25, 3:30 PM, Rm 582-N

Committee Chair and Members of the Committee,

My name is Aileen Berquist and I am the Policy Director for the ACLU of Kansas. We are a nonpartisan, non-profit organization that works to preserve and strengthen the civil rights and liberties of every person in Kansas. Thank you for the opportunity to present testimony today.

The ACLU of Kansas supports HB 2028, requiring criminal records to be automatically expunged in cases of acquittal or dismissal. A criminal record of any kind impacts your life long after charges are dismissed. These impacts, outlined below, constrain individual's ability to fully engage in our society, undermining our country's strongly held constitutional value of liberty.

As many as 1 in 3 Americans have a criminal record—many for minor offenses or misdemeanors.¹ A criminal record seriously limits your ability to engage in life fully and productively. Job opportunities, housing, public assistance, and access to continuing education are all adversely impacted by the existence of a criminal record.² Even an arrest without conviction has an impact—and these records follow you well after the end of your trial or dismissal of charges, a continual punishment for a crime you were never found guilty of.

An automated expungement system for people who have had their charges dismissed or acquitted is a commonsense solution. Expungement allows people to move on with their lives, unencumbered by the barriers a criminal record creates. According to a University of Michigan study, people whose records were expunged saw a 22% increase in their annual income within the first year.³ This same study found that those who obtained expungement had crime rates comparing favorably with the general public.⁴

¹ <https://www.americanprogress.org/article/one-strike-and-youre-out/>

² <https://www.americanprogress.org/article/one-strike-and-youre-out/>

³ <https://repository.law.umich.edu/articles/2165/>

⁴ <https://repository.law.umich.edu/articles/2165/>

Automated expungement also contributes to economic and social equity. People of color are arrested at much higher rates than white people,⁵ and the stigma associated with a criminal record can lead individuals and families deep into poverty.⁶ Consistent employment, access to education, and secure housing are all critical factors to improve quality of life and success after involvement with the criminal legal system for communities disproportionately impacted by policing.

We support enforcing automatic expungements for the populations covered by this bill. Thank you for the opportunity to provide testimony today.

⁵ <https://www.sentencingproject.org/reports/black-lives-matter-eliminating-racial-inequity-in-the-criminal-justice-system/#A.%20Differential%20crime%20rates>

⁶ <https://www.americanprogress.org/article/one-strike-and-youre-out/>