



DAVID STEFFEN

STATE REPRESENTATIVE • 4TH ASSEMBLY DISTRICT

March 7, 2019

Testimony to the Assembly Committee on Criminal Justice on Assembly Bill 33

Chairman Spiros and Committee Members,

Thank you for the opportunity to testify in favor of Assembly Bill 33 relating to the expungement of records of certain crimes. I am thrilled to be here with Senator Darling and Representative Goyke and present this bipartisan solution for the workforce shortage issue facing this state. AB 33 makes common-sense revisions to Wisconsin's outdated expungement law and is an important step in connecting employers in need with potential employees who are looking to overcome their past and find success in the workforce.

Expungement refers to the current process where a person petitions to have his or her record expunged (or removed from Wisconsin's public court records) of a non-violent, lower-level offense. An individual is only eligible for expungement if they meet certain criteria. Currently, a judge can only order that an individual is eligible for expungement at the time of sentencing and it is only available to individuals under the age of 25.

This bill would allow a judge to order that a record be expunged after a person completes his or her sentence, and removes the arbitrary age limit of 25. Currently, Wisconsin is an outlier in both of these areas. The vast majority of states do not have an age limit and also allow expungement upon completion of the sentence rather than at the time of sentencing. The bill does not change what offenses are eligible for expungement, which are misdemeanors and low-level felonies (Class H & I).

Under Wisconsin's current expungement law, many able-bodied residents are forced to sit on the workforce sidelines. During a time when nearly every industry in Wisconsin is facing a workforce shortage, AB 33 plays a crucial role in connecting employers in need with this untapped workforce—which is why business organizations such as NFIB, MMAC, Wisconsin Independent Businesses and Wisconsin Small Businesses United are engaged and supportive of this measure.

A very similar version of this bill passed this committee last session and had a unanimous vote of 95-0 out of Assembly last February.

Thank you for the opportunity to speak in favor of this bill I encourage you to join me in supporting this legislation.

March 7, 2019**Public Testimony of State Representative Evan Goyke****Re: Assembly Bill 33 - Expungement Reform: Providing Pathways to Employment**

Wisconsin's current expungement law is unique in America. We are an outlier to the rest of the country. Conservative and liberal groups have come together and made recommendations to the legislature that our current statutes need to be changed.

We are the only state that requires a judge to determine eligibility for expungement "at the time of sentencing." This requires judges to look into the future and guess whether an individual will earn expungement rather than base the decision on what the individual has done to earn expungement. Assembly Bill 33 removes the "at the time of sentencing" language and replaces it with a procedure fair to all criminal justice system participants. This bill allows judges to approve (or deny) an expungement petition at the completion of the sentence.

The bill makes *no changes to current law* regarding what crimes are eligible for expungement.

AB 33 further defines what it means to successfully complete a sentence. To ensure that only individuals that have successfully completed their sentences (and have not reoffended) will be eligible for expungement, this bill clearly defines what it means to successfully complete a sentence, which includes completing community services, paying all fines, fees, restitution, and completing any community supervision without revocation.

AB 33 also removes the arbitrary age limit of 25. This policy was highlighted in research done by The Wisconsin Policy Forum and The Badger Institute. Wisconsin is one of only four states to have an age limit. The decision of whether or not to expunge a record should be based on merit and how an individual rehabilitated themselves, rather than an age.

The new procedure under AB 33 was created with the help of criminal justice system stakeholders. The process balances pressures on caseloads with the individual rights of victims and defendants. The result is a process that ensures victim input through the district attorney's office, while judges retain discretion to be the ultimate decision makers.

The expungement process under AB 33 would work like this:

1. An eligible individual is sentenced
2. The individual successfully completes his or her sentence
3. After at least one year following successful completion, the individual petitions for expungement in the same county of their conviction.
4. The court reviews whether or not the individual is currently eligible.
5. If eligible, the court forwards the petition to the District Attorney who must make an attempt to contact a victim if there is one and decide whether to contest expungement
6. Judge schedules hearing if needed, both sides argue and Judge decides
7. If denied, individual must wait 2 years before petitioning again. An individual can only petition a court twice - AB 33 does not provide unlimited petitioning.

One additional important feature of AB 33 is that it is retroactive. Retroactivity is critical to give an opportunity for eligible individuals that never had a chance for expungement. Under our current procedure, individuals that never asked for expungement at sentencing, or those that didn't know they could ask, don't have a remedy. Applying AB 33's procedure retroactively gives these individuals the opportunity at a second chance.

You will hear from some individuals today that have done everything they can to rehabilitate themselves – they've long finished the court ordered sentence, but because expungement wasn't granted "at the time of sentencing," they will be without a remedy.

Together, moving the "time of sentencing" and removing the arbitrary age limit of 25, AB 33 modernizes Wisconsin's expungement law in two important ways. Together, these changes will benefit a large number of Wisconsinites forced to the sidelines of employment because of an old criminal conviction.

Thank you for your consideration and I am happy to take any questions.

Alberta Darling

Wisconsin State Senator

Co-Chair, Joint Committee on Finance

Testimony Before The Assembly Committee on Criminal Justice
Assembly Bill 33
Thursday, March 7, 2019

Thank you, Chairman Spiros and committee members for holding a public hearing on Assembly Bill 33. The legislation before you today takes important steps to reform Wisconsin's outdated expungement laws.

Expungement is the process where a person can petition the court to have his or her record expunged or cleared of a non-violent, lower-level offense. Under this bill we are not changing the types of crimes eligible for expungement. An individual is only eligible for expungement if they meet specific criteria.

Currently, Wisconsin is the only state that requires judges to determine expungement eligibility when an individual is sentenced and one out of seven states that limit expungement opportunity on the basis of age. This presents significant challenges for judges and rehabilitated offenders that have paid their debt to society, yet still encounter needless restrictions to employment, housing, and higher education. These hurdles add complexity and make it more difficult to get back to living a productive meaningful life.

AB 33 helps bring Wisconsin in line with other states. This legislation removes the requirement that a judge must make the expungement determination at the time of sentencing and removes the arbitrary age restriction of 25. Under this bill, an ex-offender must wait 12 months after they have successfully completed their sentence before petitioning the courts for potential expungement.

Wisconsin has a well-documented labor shortage. AB 33 will help bridge the gap between employers looking for workers and potential employees that are rehabilitated. We have had record low unemployment levels, and we should not continue to punish those able bodied low-level offenders who want to work. By helping these individuals get sustainable jobs we are significantly lowering the chances of recidivism, subsequently helping to curb our increasing Department of Corrections costs.

I would like to thank Representatives Steffen and Goyke and Senator Risser for their leadership on this issue. Thank you committee members for holding a hearing on AB 33, and I hope I can count on your support.

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Dear Chairperson Wanggaard and Members of the Senate Committee on Judiciary and Public Safety and Chairperson Spiros and Members of the Assembly Committee on Criminal Justice and Public Safety:

Thank you for the opportunity to submit testimony in support of SB 39/AB 33, which makes needed changes to Wisconsin law on expunction of criminal convictions. Our current law provides important opportunities at a second chance for those who earn it, but suffers from significant flaws that make it difficult for a judge to afford those opportunities in a sensible way.

Under current law, a judge is required to make the decision as to whether an individual qualifies for expunction at the time of sentencing. This requirement makes absolutely no sense. No judge has a crystal ball with which to tell what a defendant will do in the future. Thus, it is unreasonable to require the judge to address expunction at sentencing.

More importantly, the requirement that the judge address expunction at that time is an affront to the crime victim. The defendant has just been convicted and sentenced. Then, practically in the same breath, the judge announces that that the defendant is eligible to have the record erased. Many victims are left wondering why they even bothered to participate in the process and/or attend the sentencing hearing. The victim still object to expunction years later, but the victim should be given an opportunity to see if the defendant will actually make amends for their misdeeds before hearing that the conviction might be erased.

Further, it is counter to the defendant's accountability and rehabilitation to address expunction at a time when the defendant has yet to prove they are sincere about the commitment to turn their life around. Requiring, as current law does, that the defendant ask for expunction right after taking legal responsibility for the crime and before doing anything to change his ways puts the defendant in a psychologically contradictory situation. It is not reasonable to expect a defendant to convincingly express remorse and then turn right around and ask the system to take away the conviction.

The Wisconsin Supreme Court, in *State v. Hemp*, concluded that under the plain language of current law, the judge must make a final, irrevocable order as to expunction at the time of sentencing and the order then is self-executing upon completion of probation. Current law ignores that it can be an important part of a defendant's rehabilitation to take responsibility for their own future by affirmatively petitioning the court to request expunction and then to demonstrate that they have in fact been successful in their rehabilitation. If they have truly redeemed themselves, they should be proud of their accomplishments.

Second, “successful” completion of probation is not always what the average person would expect it to be. Often, probationers commit violations, even new crimes, while on probation, but are not revoked. Perhaps the probation agent or hearing examiner concluded that revocation is too severe a consequence based upon the nature of the violation of the rules of supervision. Perhaps by the time the agent became aware of the violation, it was too late to seek revocation. Perhaps the offender had violations that were addressed by alternatives to revocation, such as participation in an inpatient treatment program or imposition of brief probation hold in the county jail. None of those outcomes are the equivalent of unqualified success.

I generally do not take issue with this exercise of reasonable discretion by the Department of Corrections. However, I am not comfortable having the Department of Corrections effectively making the final decision as to whether a record is expunged. Merely avoiding having one’s probation revoked should not necessarily result in expunction of a criminal record. After all, we *expect* offenders to comply with the rules of probation. When they essentially complete the requirements of probation, they avoid confinement and other consequences that come with revocation of probation. That is their reward. But make no mistake: individuals frequently obtain “successful” discharge from probation without having internalized the type of changes necessary to ensure they will be contributing, law-abiding and productive members of society *long-term*. Those individuals end up back in front of the court for new crimes, which is all too common.

Discharge upon completion of probation is one thing. Expunction, though, is another. Expunction is an extraordinary opportunity to have the past effectively rewritten to remove the blemish of a criminal conviction from the public record. It should not be automatic based upon squeaking by on probation. It should be for those who make the kind of life changes that give us a degree of confidence that they have truly left their criminal days behind. They may need to develop skills to be a better spouse and/or parent. They may need to change the companions with whom they associated. They may need to commit to sobriety. They may simply need to mature to the point that they can unselfishly think about others once in awhile.

SB39/AB 33 addresses incongruity in our expunction statute by allowing judges to consider whether a defendant has *earned* expunction after successful completion of the sentence, rather than before the defendant has done anything to prove the sincerity of the good intentions they expressed at the sentencing hearing. Talk is cheap. A judge should gauge whether expunction is appropriate based upon actions taken by the defendant.

SB 39/AB 33 also eliminates the current limitation on the application of expunction to offenses that occurred prior to the offender attaining the age of 25 years. Years ago I would have objected to this provision and would have insisted that this opportunity be limited to youthful offenders. I have been either a prosecutor or judge now for nearly 30 years. I remember when the age cap for expunction eligibility was 21 years of age, and I supported the modification to raise that cap to 25. However, back then I would not have agreed to set that age any higher.

In the course of the past 15 years or so, however, we have seen a change in the nature of the individuals charged in the criminal courts. Years ago, offenders generally started their life of crime in their teens or early twenties. We typically did not see offenders commit their very first crime after they reached middle age. That has changed. It seems to be largely attributable to the drug epidemic we have faced for the past 15 years or so, but it is no longer uncommon for people to lead entirely pro-social lives, completing their education, working and raising a family for decades and then find themselves caught up

in addition and having their first contact with the criminal justice system in their 30's, 40's and 50's.

SB 39/AB 33 does not *require* judges to do anything. It simply gives judges a more sensible process within which to exercise discretion whether to grant the extraordinary opportunity of expunction. The Bill retains the limitation that expunction applies only to a specific range of lower level non-violent offenses. It provides that the judge may make that determination based upon an assessment of the person's efforts at redemption *after* the person has taken affirmative steps to make amends and without regard to the person's age at the time they entered the criminal justice system.

As a judge and as a former career prosecutor, I support this Bill. If I did not believe that at least some people are capable of redemption, it would have been difficult to keep doing this work for so long. This Bill provides a sensible structure within which to reward those offenders who work hard to *earn* a second chance.

Some may argue that this will make more work for courts. That may be true, but it will not be overwhelming. We will unquestionably see more requests from older offenders than we do now, but why would we not want the ability to consider requests from those who are worthy. As to those who currently qualify, there may not be a net gain in work, because we are asked to consider requests for expunction now. This process will actually weed out those who do not successfully complete their sentence, and those brazen enough to make the request in spite of their failure to change can be easily denied. The Bill simply changes the time at which those who are successful will make their request.

Even if the Bill does create more work, as a judge I *want* to be able to consider this chance at redemption at a more appropriate point in time, and I believe most of my colleagues on the bench feel the same. The drafters of SB 39/AB 33 have placed sensible limitations on the expunction request by requiring that if a petition for expunction is denied, the offender may not file another petition for at least two years, and a defendant may not seek expunction more than twice for a particular conviction. This strikes a reasonable balance that will keep courts from being inundated by repetitive requests.

This Bill will give our criminal justice system the ability to encourage and reward real positive change and will give those who earn expunction the ability to take advantage of an earned second chance to support their families and contribute to their communities. It is a well thought-out and sensible reform to our criminal justice system and will help our economy.

If I may be of further assistance, or if you have questions or concerns, please do not hesitate to contact me. Best wishes in your deliberations.

TESTIMONY IN SUPPORT OF 2019 ASSEMBLY BILL 33
INTENDED TO BE PROVIDED IN ORAL AND WRITTEN FORM on 3/7/2019

BY

Ann Heinrich
Menasha, WI 54952

I want to thank the Committee on Criminal Justice and Public Safety for allowing me the opportunity to provide testimony in support of Assembly Bill 33.

I am the mother of a now 36-year-old son who, during his senior year at UW-Madison, used poor judgment that resulted in a Class H felony. He had no prior convictions and was never the type of child you would have guessed would make the mistake he did. However, he bought marijuana from an undercover officer with the intent to sell it to his friends. He was sentenced to spend 30 days in jail with work release privileges. After his release from jail, he then was required to wear an ankle bracelet for 5 months. He was given three years' probation but was released early for being compliant and meeting all sentencing requirements. To this day, he has remained a law-abiding citizen and to my knowledge hasn't had as much as a traffic ticket.

My son broke the law and needed to pay the consequences. However, although he spent roughly a little less than three years meeting his sentence requirements, in many ways he has spent approximately 13-14 years paying for his crime and may have to continue to do so if this bill does not pass. He has not been able to rent a house or apartment because of his felony. Although this has been determined to be a discriminatory act, it has nevertheless been a common practice routinely carried out among property owners or leasing agencies. Even when my son tried to rent apartments or houses with his friends, their applications were routinely denied because of my son's felony. As a result, he has been living many years with his twin brother.

What is even more upsetting about this seemingly endless "sentence" is the fact that he is often denied an opportunity to have a job interview because his application requires him to admit he is a felon. About the only jobs he has been offered have been working as a waiter or as a sales clerk at a friend's retail store. While I am happy he has been able to find employment, my son earned top grades throughout his formal education and graduated from UW-Madison with a political science degree. At the age of 16 he started his own website design business at which time he even designed a webpage for former WI Representative Terry McCormick. When I reviewed his letters of recommendation, there were comments about his "high degree of intellectual ability".... "strong ability to work well with others" "a highly motivated individual who will have a positive impact on others" "[his] dedication and hard work alone will bring him much success on future endeavors...and he has the qualities to become a strong leader in any field he studies."

While these recommendations indicate what abilities and potential for success my son had, not only has my son been unable to utilize them as he could, but employers are being denied the opportunity to benefit from people like my son who have much to offer

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employers and fill the jobs that remain unfilled because employers cannot find individuals with the necessary education and skills.

Obviously as a mother, I am biased about my son's admirable qualities others have also recognized. What he did was wrong, and I can tell you there are few days where he doesn't deeply regret the foolish act he did as a very young man. He was sentenced at a time when the law did not allow what is now offered to those who commit class H felonies and have met the same requirements my son has met to earn expungement.

Assembly Bill 33 removes the long-term obstacles that prevent giving first-time nonviolent offenders a second chance to pursue their goals and dreams and the ability to contribute in more productive and valuable ways to society and employers. To keep first time offenders of nonviolent crimes branded in ways that prevent them from turning their lives around and having equal access to housing and employment for the remainder of their lives is, in my opinion, unjust.

Members of the committee:

Please understand how 'Expungement Reform' would have a significant positive impact on my personal life, work life, & my overall sense of pride as a Wisconsinite & single American woman navigating as a lower/middle class citizen & student, unable to afford higher priced lawyers to protect me.

Having grown up in a very Catholic background my whole life, I was raised very protected at home. When I finally had the chance to get out of the house or away from home, I made a few mistakes. When I moved to Madison, there was an upperclassman from high school I knew who was going to take me to see the town who didn't show, so I ended up meeting up with some people I met a few times through dorm friends to have a few drinks and watch football. It turned out to be an all guy affair after a while. I ended up driving home even after planning to stay the night, my gut told me to leave; I didn't recall what happened to get me there in my car. Time went on & the shock & horror of having done this shook me to my core. I felt trapped that I had to live with it on my record FOREVER, & thought about it every day. I was bullied enough in high school, as it was. I was told I had no chance of pleading anything other than guilty & paying terrible fines. Over the years I talked to many others in WI & wondered what was different for them that they managed to get their first DUI expunged, it didn't seem fair to me or add up. I was sentenced to time consuming courses telling me I was an alcoholic, when I was really only trying to make some friends. I know I didn't choose the right people to trust, but they weren't criminals, they were immoral 20 somethings.

4th of July rolled around a few years later & I had never been out on a boat in the sun on my birthday & I was taking care of my elderly Grandma for the summer, & even as an adult begged my family to let me go. I trusted that old friend too much, when he said we were going to camp there. My parents knew it was a bad idea, but I was desperate to make friends. This person ended up leaving half way through the day after being on a boat with some 'Wop' concoction all day. I went into panic when he randomly changed the plans for the day saying he had to go back to work for a whirlpool company. I was alone & shook in disbelief my plans were crashing down. I felt unsafe, & went to my car down the road because I felt very embarrassed, & didn't realize what I was doing at all. The cops found me in my car with the keys in the ignition & I got a second DUI on my birthday, July 4th. I never thought this could happen to me again. It was crushing.

Then came 2013, I was working at Guitar Center and moved to Appleton. I started having weird feelings I was being stalked & harassed & tried talking to my managers but they were not much help. I looked for another job @ a local wine bar, even though I had not touched alcohol in so long, to make ends meet. The managers pressured me to drink after my shift, to get to know more wine and staff. It was my first shift! Somehow, I ended up insisting to drive home even after calling a cab, when pressured to have a drink of after my first shift to get to know the staff. I ended up getting pulled over for a warning I found in my car the next day, & crashed into another vehicle rear ending them. No one was hurt physically, thank heaven. It finally woke me up to never drink again EVER, & I found a path to enlightenment through yoga. I had always loved flexibility so it is a good fit. DUIs are hard and my point is that when in treatment you may not actually be a chronic drinker, but you are told you are one. I was diagnosed with alcohol dependency, it hurt my image of self. The world of music is hard enough to navigate, because it tends to be man's world. I got my degree from Oshkosh in Organizational Administration, & have high hopes. I may never want to drive again. I certainly cannot afford to have a car. I filed bankruptcy after my third DUI.

The impact of my record being public is people are always free to be judging me on the sad scenarios I got myself into, which really does little to reflect my day to day character other than the jail and hard time I responsibly dealt with for them. I haven't drank since 2013 for the record, not that I was a binge drinker to begin with. I've worked at our local Lululemon yoga store, and a few other places, & felt personally harassed by comments where it seemed people were looking me up online, & management was judging me based on my past. It's hard to explain, but I felt it in my heart. The comments were snarky and always embarrassing in front of other people to limit my potential because they saw me as competition,

for whatever reason. I have so much fear to develop my yoga business further and find a good job, fear of harassment and belittlement mental games, 'being used' by others. I didn't want to be a person who's past owned them, in the light. I want to break free of the chains of my past so I can move on with my life! There are parts of my story I will share, of course, but I want to be the one to share them, & not have to live my life here like it is a local Hollywood, where I am open to condemnation in the workplace daily. I've inspired many more popular good friends to teach yoga, & it's the attitude I sense metaphysically. I can inspire. Though, I hold a sinking feeling of can I really help people to the best of my ability to get over their past, with them knowing my deepest past weakness, & always being able to use that to cancel me out. I know most people mean well, but it's an inevitable energy.

I even studied abroad in New Zealand & Australia in 2017 for leadership. I almost had to fly back alone from NZ because I was told there was not a problem with my VISA until way later. The university told me I was good when I told them about my DUIs, only to find out I was wrong! Miraculously, probably because of the grace of my Mom emailing and calling to the embassy with me, like mad helping me, on borrowed time! Literally, at the last hour I was given the go ahead after months of back and fourth. I went on the trip thinking it was all set, until I had to be fearful for days I'd have to go home alone. It was brutal, but worth the strength it is given me in the end. It hurt to find out another gal on my trip had a DUI & lied about it, because her lawyer told her it was alright. When all was said & done I looked a fool, because I told everyone I was going home. The plane tickets were switched. It was literally a last minute race of God scenario. I need to show people that grace. I am tired of living behind this shadow of DUI. I accept full responsibility for my past and I want everyone else to know it! That's why this is so important to me. I've seen both sides and the fight in me is surely strong, but there is always trouble in life and this public condemnation around my past has only led to unnecessary judgements on my character by employers, anxiety, & hurt evidence for me & ultimately I believe only confusing thoughts to others, not safety. Mental confusion and judging a person illegally in the workplace and through potential online harassment & the like, doesn't make anyone feel safe.

I need to live safe and free, as much as anyone & live to my full potential. I wish this for all, I want to help recovery programs, through yoga. This could be my life's purpose! I wish more than anything to others to know there is HOPE not forever condemnation, for their past.

Thank you.

With all of my heart,
~Erin Schilke

I also want to add I worked as a registrar in an ER & with the elderly in a healthcare community. I've certainly seen many walks of life, on my journey. I can only hope to be seen by my peers the way those in need saw me, as I find future work! Thanks.

March 7, 2019

Testimony of ACLU of Wisconsin
In Support of Assembly Bill 33
Committee on Criminal Justice and Public Safety



Chair Spiros and Members of the Committee:

Thank you for the opportunity to provide testimony in support of Assembly Bill 33, the Pathway to Employment legislation, which reforms our current laws on expungement. The ACLU of Wisconsin is pleased to endorse this bipartisan step in the right direction which will have a positive impact upon thousands of people in our state.

The ACLU is working nationally and locally with bipartisan coalitions to adopt smart reforms in the criminal justice system that reduce prison populations, reduce recidivism, and make communities safer and stronger.

People who have a record of a criminal conviction also have many barriers to employment, and this legislation works to address these barriers. The two most crucial changes that will be enacted in this legislation are that the requirement that a judge must make the expungement determination "at the time of sentencing" is removed, along with the age 25 restriction on expungement eligibility. These important changes will allow many individuals to complete the terms of their sentence and move on with their lives. This legislation creates an opportunity for redemption for men and women with previous convictions, for them to move past a mistake and towards a brighter future where there are fewer barriers to employment, housing, parenting, and many other activities of daily life.

We are looking forward to seeing more bills from the state legislature that address the record levels of incarceration, per capita spending, and racial disparities in our state's criminal legal system.

Thank you for your consideration of this proposed legislation.

Molly Collins
Advocacy Director
ACLU of Wisconsin



**AMERICANS FOR
PROSPERITY**

WISCONSIN

Testimony in Support of Assembly Bill 33, the Pathways to Employment Act

Chairman Spiros and members of the Assembly Committee on Criminal Justice and Public Safety, thank you for the opportunity to testify in support of Assembly Bill 33, the Pathways to Employment Act, that makes smart reforms to Wisconsin's expungement laws. These reforms will help provide low-risk former offenders with second chances, allowing these individuals a fairer shot at putting their lives back together after fully paying their debt to society. This bill help breaks down barriers to opportunity and Americans for Prosperity (AFP) strongly supports this legislation.

Under current law, a court may only expunge a person's criminal record if the person committed the crime before the age of 25 and ordered at the time of sentencing. Wisconsin is the only state in the country that requires expungement eligibility decisions at sentencing and one of only seven that limits expungement based on someone's age when committing a crime. Compared to our neighboring states, and the nation as a whole, Wisconsin has one of the most restrictive expungement laws.

Criminal records create barriers for individuals in hiring, housing, higher education and even professional licensing. Wisconsin's restrictive expungement laws put our citizens at a disadvantage when trying to successfully reenter society after serving their sentences. Assembly Bill 33's modest reforms to the expungement process in Wisconsin would help people across the state get the second chances they have earned.

AB 33 makes necessary reforms to Wisconsin's expungement process while still maintaining significant discretion for judges. The legislation would remove the current requirement only allowing expungement eligibility at sentencing. The bill would also allow people sentenced over the age of 25 to seek expungement and importantly allow for retroactive expungement applications. Only individuals who remain crime free for a year following the end of their sentence will be eligible for record expungement.. Judges are not required to issue expungement orders if they believe the individual will be dangerous or society will be harmed. Additionally, the expungement petition process allows for a District Attorney to hold a hearing if there are concerns, ensuring that all aspects of the criminal justice system are involved in any expungement decision.

Wisconsinites with a past criminal record should not face unnecessary barriers to opportunity once they complete their sentences and continue to live crime-free. These individuals deserve a chance to fully rejoin communities with a fair shot at employment, housing, education and certain professional licensing. According to the Wisconsin Department of Corrections data, 64%

of inmates have less than five years left to serve on their sentences. These inmates will not, and should not, be in prison forever. It is necessary to tackle these important criminal justice reforms to ensure that when these individuals are released back into the community they are successful and productive members of society.

Americans for Prosperity strongly urges members of the Assembly Committee on Criminal Justice and Public Safety to support this important and meaningful legislation. AFP thanks Senators Darling and Risser and Representatives Steffen and Goyke for authoring these bills. Thank you for the opportunity to support this legislation that makes significant progress toward breaking down the barriers nonviolent ex-offenders face in our communities. We are happy to answer any questions committee members may have.