



RACHAEL A. CABRAL-GUEVARA

STATE SENATOR • 19TH SENATE DISTRICT

Testimony before the Senate Committee on Judiciary and Public Safety

Senator Rachael Cabral-Guevara

April 18, 2023

Hello, Chairman Wanggaard and members of the committee. Thank you for allowing me to testify on Senate Bill 38, an important bill that will provide a second chance for people who have served their sentences for non-violent crimes.

Life can at times lead otherwise good people to make mistakes. In some of those circumstances, it can lead to a court case where sentences are handed down and those same people will serve them out. For non-violent offences, that blemish on their record can often hold them back from getting jobs, serving their community, or contributing to society in other ways.

This proposed legislation will allow, in limited non-violent cases, records of some offences to be expunged after the individual serves their sentence. These people who have served their time would then be able to fully contribute to their communities, without the discrimination of having an, albeit minor, case open to public record.

I have heard stories from people directly that have served their sentences and done everything they can to make right their wrongs. In some instances, they have become role models, sharing their struggles with young people to prevent them from making the same mistakes.

For those who say this bill is “soft on crime,” I challenge that. This bill is about providing a second chance to those who have already paid their debt to society. These are people who now actively contribute to their communities. This is not a hand-out, it is a hand-up.

Thank you again for your time. I am hopeful you are able to support this piece of legislation which will provide a second chance to those who have earned it.



DAVID STEFFEN

STATE REPRESENTATIVE • 4TH ASSEMBLY DISTRICT

April 18, 2023

Testimony to the Senate Committee on Judiciary and Public Safety on Senate Bill 38

Chairman Wanggaard and Committee Members,

Thank you for the opportunity to testify in favor of Senate Bill 38 relating to the expungement of records of certain crimes. I am honored to be here with my colleagues Senator Cabral-Guevara and Representative Goyke to speak to the merits of this bipartisan legislation.

Senate Bill 38 is the result of extensive input from employer groups, law enforcement and legislators and as such, has garnered a wide range of support from organizations like AFP, Badger Institute, Chiefs of Police, Professional Police Association, NFIB, WIB, MMAC as well as 62 co-sponsors—just to name a few.

The support for reforming Wisconsin's outdated expungement law has only continued to grow as employers grapple with growing workforce needs. As of March 2023, Wisconsin's unemployment rate is 2.7% and our labor force participation rate is 64.5%. This means that more than one-third of Wisconsin's working age, able-bodied adults are not employed in the most favorable hiring and wage environment in history. If unaddressed, this workforce situation is poised to worsen, as there will be 130,000 fewer Wisconsin workers than job vacancies by 2030.

Senate Bill 38 makes simple, yet significant updates to our state's expungement law which will provide low-level, nonviolent offenders a pathway to employment and employers access to a pool of able-bodied employees.

SB 38 updates Wisconsin's 1970s expungement law to do the following:

- 1) **Eliminates the mandate on judges to grant/deny expungement at the time of sentencing.**

This will provide judges the opportunity to review an individual's growth and development in a post-sentencing hearing when making an expungement decision.

- 2) **Provide employers and employees with clarity and certainty in regards to criminal background disclosures on employment applications.**

Current law is ambiguous when it comes to disclosing an expunged record, this bill clarifies what an individual is required to disclose and ensures an expunged record doesn't prohibit someone from obtaining a professional license in WI.



DAVID STEFFEN

STATE REPRESENTATIVE • 4TH ASSEMBLY DISTRICT

3) Clarifies that only low-level offenders are eligible for expungement.

This bill does not expand the crimes eligible for expungement and maintains that only misdemeanors and low-level, nonviolent felonies (H and I) can be expunged. Additionally, based on legislative input last session, certain crimes would no longer be eligible for expungement such as: stalking, property damage to a business, criminal trespass and violation of a domestic abuse restraining order.

4) Defines what it means to successfully complete a sentence.

This bill clarifies that completing a sentence for purposes of expungement eligibility means completing all portions of a sentence such as community service, payment of fines/fees, restitution, and community supervision.

5) Removes the arbitrary age limit of 25.

An expungement decision should be based on merit, not age. Wisconsin is an outlier when it comes to an age requirement and removing this limit would place us in-line with other states.

The measured updates in Senate Bill 38 will bring Wisconsin's expungement law into the 21st century and put us in-step with the vast majority of other states throughout the US. I ask for your support on this legislation which will allow reformed offenders a chance at a productive future and employers access to an untapped resource.

I am happy to answer any questions related to this legislation.

A handwritten signature in black ink, appearing to read "David Steffen".

David Steffen
4th Assembly District



April 18, 2023

Public Testimony of State Representative Evan Goyke

Re: Senate Bill 38 - Expungement Reform: Providing Pathways to Employment

Thank you members of the committee and Chairman Wanggaard for holding a public hearing on this important legislation and for passing this bill out of committee last session.

Wisconsin's current expungement law is unique in America. The courtroom procedures and processes have not been updated in decades. 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. Senate Bill 38 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.

SB 38 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.

SB 38 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 SB 38 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 SB 38 would work like this:

1. An individual is sentenced on an eligible offense
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 - SB 38 does not provide unlimited petitioning.

8. An individual can only receive one expungement in their lifetime

One additional important feature of SB 38 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 SB 38's procedure retroactively gives these individuals the opportunity at a second chance.

If passed, Wisconsin's expungement law would look similar to our neighbors around the Great Lakes. Here is a breakdown of our neighbors' expungement laws (now including Iowa, which created their expungement law for adult convictions in 2019).

Michigan: automatic; varying waiting periods; up to 2 felonies and 4 misdemeanors; no age restriction

Illinois: petition; varying waiting periods; similar eligible crimes; no age restriction

Minnesota: petition; varying waiting periods; similar eligible crimes; no age restriction

Indiana: petition; varying waiting periods; more expansive/serious eligible crimes; no age restriction

Iowa: mixed automatic/petition; longer waiting period; misdemeanors only; no age restriction

Last session, Republican Alabama Governor Kay Ivey signed into law Senate Bill 117, The Alabama Redeemer Act, which makes further reforms to their state's expungement law. The bill was passed by their Republican controlled state legislature and the Alabama State Senate without a dissenting vote. Alabama's new expungement law has no age restriction.

Since our bipartisan coalition began working on this bill I have heard from citizens across Wisconsin, as well as former residents who live in different parts of the country. We all may know someone who would be positively affected by this bill, and we all have constituents who would benefit as well.

For example – last fall I received a personal letter from a former Wisconsin resident who learned of our efforts here in Wisconsin. Mr. Ryan Berry, who now lives in Kansas, is a small business owner in the fireplace and chimney industry. He continues to face the barriers this bill seeks to solve. I have attached his letter for your review.

Individuals like Mr. Berry have done everything they can to rehabilitate themselves – they've long finished the court ordered sentence, but because eligibility for expungement wasn't granted "at the time of sentencing," or over the age of 25 - they will be without a remedy.

By moving the "time of sentencing" and removing the arbitrary age limit of 25, SB 38 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.



Ryan B Berry
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To :

October 21, 2022

Representative Evan Goyke
PO Box 8952
Madison, WI, 53708

Representative Evan Goyke,

My name is Ryan Blake Berry. I am writing this letter in hope of changing expungement laws to help myself and others. I am the owner and operator of Certified Fireplace and Chimney in Topeka Kansas. My company serves local residents in Topeka, Manhattan, Lawrence and other surrounding areas. We have employed over 20 individuals since we opened our doors in 2019. The majority of those employees have been with us a year or longer. I would like to consider myself a successful American citizen who has worked hard to overcome the challenges that I created.

In the past, I have made several poor decisions that have led me into a life I am not proud of. However, through the consequences I endured from those decisions – I have created a life that I am extremely proud of. I am able to support my family, while leading by example for my two daughters. I have been clean and sober for nearly 10 years and continue to cope with the pain of overcoming addiction. It is a difficult road, but I want to make sure I am the husband my wife deserves and the father my daughters need. My experiences through hitting rock bottom and rebuilding an honorable, successful life has helped not only me, but others. Many have made poor choices in their youth and my story has given hope to those who didn't think it was possible to create a better life for themselves. We now hire several individuals who believe they need a second chance. With my mentoring and guidance, they can begin a new chapter. Many of the people I hired that needed a second chance are now homeowners, have good credit, repaid their dues to society, and have begun helping others know what's possible through their change.

When I look at my criminal record – I don't recognize the person that is described in those reports. That is not who I am anymore. When I was initially released, life was extremely difficult as a convicted felon. I felt there was no way to earn back the life I wanted when there were so many roadblocks in the way. With my felony background, I was extremely limited on finding employment. No one was willing to give me a chance to show them the redefined version of myself that I was proud of. Fortunately, God had a better way of life planned for me. I believe He made these roadblocks happen to push me into taking the leap into starting my business. If I wanted to have a successful life, I needed to create it on my own. I decided to take a chance on myself. I mentally felt I had the strength to do this – and I wanted to show that I was not as black and white as my criminal record made me out to be.

I was 25 when I was arrested and 26 when I was convicted. Under the Wisconsin Law Statute 973.015, I was just outside the window of being able to have my record expunged. In addition to that, the law also states that the convict must ask for the possibility of expungement the day of sentencing. I was not aware of this law, nor would it had been on my mind as it was an emotional day preparing for my sentencing. While I am asking you help fix my record to reflect the person I am now by expungement, I am also asking for your assistance in changing the laws regarding expungement for others in similar situations. During my time in jail/prison, I encountered several repeat offenders. These individuals whom I believe could have had a chance at a new life had their record not reflected crimes from years past. I can personally attest to the pressures of wanting to do better but being restricted from an above average job due to poor decisions I made years ago. I am a realist, and I know the vast majority of inmates will likely not want to better themselves, even if they were given the chance. But, there are some of us that are willing to do whatever it takes. I am asking that the 1% not get grouped into the same pool as the other 99%. I want to see so many amazing, selfless, new found successful people out there have a chance at a new life in a society that is too quick to judge someone with a blemish in their past.

I am not asking for a pass or any type of handout. I am asking for you to give me, and those like me a chance to earn the respect that we once lost. Please consider helping me expunge my record, but also help me in helping those that have the want are willing to create the change in themselves to have a better, unlabeled future.

Regards,

Ryan Berry

April 17, 2023

Subject: Testimony to Senate Bill 38

Mr. / Madame Chair and committee members,

Thank you to for the opportunity to testify today on Senate Bill 38.

My name is Benjamin David Czap from Neenah, WI Senate district 19. I am 43 years old and accompanied by my dear wife Jocelyn Czap (mother of our 5 children) . Your willingness to address matters of justice are important, especially to those like me who by our own actions and consequences unworthy of standing before such a committee and plea for costly things. But humbled, transformed and grateful, I take up hope and courage to do just that today.

In 1996 at the age of 16 I was a very troubled young man and chose to rob a store with a handgun in Shelbyville Indiana. I was arrested the same night by courageous members of many local police departments. The older lady that was working that night was a daughter, wife, mother and friend and did not deserve to be part of what I did that night. Nor did the business owner, people of Shelbyville Indiana or my parents. This was my own personal decision and I have taken full responsibility for it. I was convicted, sentenced, served time and probation for my crime...but justice was yet to be fully satisfied.

Throughout the years ahead I struggled to be grieved about my actions even while serving in the military during the Iraq war and could not yet understand the weight on the back of others I was. I wrestled within and paid rightly with personal and societal consequences for many years.

Justice has mostly been a terrifying word for me throughout my life because of my own sin and refusal to submit to authority. But in 2011, this all changed when I heard the Truth about Jesus Christ and believed. Through Faith I have come to know that Justice is both punitive and redemptive. This knowledge has brought me to my knees, and I am forever grateful to God for such merciful love that had the power to open my eyes to Truth and transform me. I know this is not the story for everyone, but to God I credit my transformation.

Justice is also, as you well know, painful, costly, and risky. The rule of law must be enforced, and you do not bare the sword in vain as your authority has been given by God. But Justice can also be beautiful. For all humanity is susceptible to temptation and mistake, so mercy must have a seat in all justice to become truly redemptive.

Not until I believed in Jesus Christ did I ever know true justice. His mercy broke me...I wept with gratitude for months and have been transformed so deeply, my old ways are like an old dream. I was able to reconcile with my family, others I hurt, those who hurt me and thankfully do to legislation similar to Senate Bill 38 in Indiana called the Second Chance Bill I was able to finally make peace with the state of Indiana and citizens of Shelby County. This legislation was highly vetted and was ONLY for those that have been truly transformed. It gave me the opportunity to rejoin the community as a proper person according to the state constitution and was a gift I could never earn.

I share all of this with you today in hope, because anytime a committee such as yours takes up a bill like this, there may be questions, concerns, and emotions. I lay myself down before you for those that might benefit from your courage to band together and seek God for wisdom in these matters. True Justice is beautiful! The gratitude I have in my heart testifies to this. I humbly ask that you consider passing Senate bill 38 and other such bills in the future that might help those like myself whom are transformed and vetted by the courts to the have peace with you, so we can help move Wisconsin forward together. Thank you for this priveledge.



Senate Committee on Judiciary and Public Safety Consideration of Senate Bill 38 relating to expungement of records of certain crimes

April 18, 2023

Wisconsin's current expungement statute is flawed.

It forces judges to make poor decisions with limited information, encourages uneven and often nonsensical administration of justice, and does little to help employers, victims, or low-level, non-violent offenders we should all want in jobs rather than cells.

Our 2017 white paper, *Black Robes & Blue Collars: How to Let Wisconsin's Judges Help Job-Seekers and Employers* (reissued in 2019 after WPRI became the Badger Institute), is based on our analysis of more than 10,000 expunged cases and 21,000 different counts and charges.

It lays out the often misrepresented and misunderstood facts. Violent criminals are not eligible for expungement right now – nor should they ever be. No defendant is eligible for consideration if he or she has a prior felony condition – nor should they ever be. The vast majority of cases currently expunged are misdemeanors or involve charges for which the defendant was found not guilty. This is exactly as it should be.

So why is reform needed?

- Common sense says that the decision on whether to make a defendant eligible for expungement should be moved from the time of sentencing to a point after the offender has served that sentence. The current law forces some judges to guess and encourages others not to use the tool at all.
- Limiting expungements only to individuals who committed an offense when they were 24 years old or younger is arbitrary. Removing that limit, it is important to note, does not remove judicial oversight. Judges, who typically are more lenient with younger offenders, still will have the final say. At the same time, a better statute will allow judges to consider the cases of adults who long ago erred but have proved themselves to be good citizens.
- The prevalence of expungements varies greatly by county. For instance, Milwaukee County has more than three times the number of charges in the expungement-eligible crime categories than Outagamie, La Crosse or Kenosha counties do, yet it has fewer total expungements than any of them. Whole years go by in some smaller counties, meanwhile, without a single expungement granted. Giving judges more complete information about defendants at a later point in their lives may help even out disparities between judges and counties.

You will find a copy of our report, *Black Robes & Blue Collars*, on our website, www.Badgerinstitute.org under the "Issues" tab and "Crime & Justice." We encourage legislators to reform the existing statute in a way that helps judges, victims, employers and citizens who erred in minor ways but have proved themselves deserving of a second chance.



STATE BAR OF WISCONSIN

Leaders in the Law. Advocates for Justice.®

To: Members, Senate Judiciary and Public Safety Committee
From: State Bar of Wisconsin
Date: April 18, 2023
Subject: Support for SB 38 – criminal record expungement

The State Bar of Wisconsin supports passage of SB 38 expanding the ability of certain persons to expunge court records.

The State Bar commends Senators Cabral-Guevara, Wimberger and Roys as well as Representatives Steffen, Tittl and Goyke for taking the lead on this important legislation. We also applaud the 57 additional legislators supporting this legislation as co-sponsors, which will be a “game changer” for so many Wisconsinites trying to start their lives over.

The criminal justice system aims to prepare ex-offenders to re-enter society and successfully move forward with their lives upon release from prison, probation, or parole. All too often, however, ex-offenders encounter substantial barriers in attempting to do so, long after paying the price for their past. One of the most significant ways to remove or reduce these barriers is to allow for the expungement of criminal records.

Over the years, studies have shown time and again even minimal contact with the criminal justice system can have a significant detrimental impact on various aspects of a person’s life. The collateral consequences of a criminal record can be a life-long barrier to success, presenting obstacles to employment, housing, education, family reunification and often resulting in significant debt.

Expungement is an issue that has been before the Legislature and the Supreme Court during the last several years, yet, despite extensive study and discussion, there have been few changes made. Now is the time to reverse that trend, as well as improve the lives of those who continue to struggle long after paying their debt to society and are ready to move forward in our communities. Without expungement, every sentence is a life sentence.

The State Bar of Wisconsin asks for your support of this important legislation.

State Bar of Wisconsin Staff Contact:
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The State Bar of Wisconsin is the mandatory professional association, created by the Wisconsin Supreme Court, for attorneys who hold a Wisconsin law license. With more than 25,000 members, the State Bar aids the courts in improving the administration of justice, provides continuing legal education for its members to help them maintain their expertise, and assists Wisconsin lawyers in carrying out community service initiatives to educate the public about the legal system and the value of lawyers. For more information, visit www.wisbar.org.



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Senate Committee on Judiciary & Public Safety
Public Hearing - Senate Bill 38
Tuesday, April 18, 2023

Dear Chairman Wanggaard & Committee members,

Thank you for having this hearing on Senate Bill (SB) 38, which makes several changes to expunction statutes. Thank you to Representatives Steffen and Goyke and their staff for all of the work and outreach that went into drafting this legislation.

There are three key components of SB 38 that make the bill worthy of this committee's support. Most importantly, it allows a court to order expungement after the sentence has been completed. Under current law, the judge can only order expungement at the time of sentencing. This restriction on the timing artificially limits how often expungement is granted because it unfairly asks Judges to predict future good conduct when sentencing someone for bad conduct.

Second, the bill removes the arbitrary age limit of 25 in current statute. The ability to expunge a low-level felony or misdemeanor is critical to allowing people who have completed their sentence to remove barriers to employment, housing, and education that come from conviction. Access to expungement should be available to individuals of any age.

Finally, it clarifies statutorily that when people are asked whether they've been convicted of a felony, they may check no on an employment application if they have a previous conviction that has been expunged. This seemingly simple change will clarify decades of unclear statute and caselaw on this subject. It will also lessen a significant collateral consequence of conviction in finding employment.

In addition, Wisconsin is participating in an Evidence Based Decision Making project with the National Institute of Corrections. Principles learned in that project as applied to a treatment court setting include the concept of swift sanctions as well as both short and long term rewards to incentivize good behavior. Having expungement available at the successful conclusion of a sentence would be a powerful incentive towards good behavior.

Thank you for considering Senate Bill 38. SPD looks forward to the committee's support of this proposal. Please feel free to contact Legislative Liaison Adam Plotkin at 608-264-8572 if you have additional questions.



WISCONSIN CATHOLIC CONFERENCE

TO: Senator Van Wanggaard, Chair
Members, Senate Committee on Judiciary and Public Safety

FROM: David Earleywine, Associate Director

DATE: April 18, 2023

RE: SB 38, Expungement of Certain Crimes from Records

The Wisconsin Catholic Conference (WCC), the public policy voice of Wisconsin's Catholic bishops, appreciates the opportunity to testify in support of Senate Bill 38, which would give more individuals the opportunity to have their criminal records expunged.

Others today will speak about how this bill will reduce recidivism and expand our workforce. The Wisconsin Catholic Conference would like to emphasize how this bill helps create a more balanced approach to criminal justice. In their statement on crime and criminal justice, the U.S. bishops described what they termed the “paradoxical Catholic teaching on crime and punishment”:

We will not tolerate the crime and violence that threatens the lives and dignity of our sisters and brothers, and we will not give up on those who have lost their way. We seek both justice and mercy. Working together, we believe our faith calls us to protect public safety, promote the common good, and restore community. We believe a Catholic ethic of responsibility, rehabilitation, and restoration can become the foundation for the necessary reform of our broken criminal justice system.¹

Our Catholic teaching holds that punishment should not be viewed as retribution, but rather as a means of protecting public safety while also serving as “an instrument for the correction of the offender.”² But for punishment to be an instrument of correction, the offender must be given hope.

¹ United States Conference of Catholic Bishops, *Responsibility, Rehabilitation, and Restoration: A Catholic Perspective on Crime and Criminal Justice* (2000).

² Pontifical Council for Justice and Peace, *Compendium of the Social Doctrine of the Church*, no. 403. See also *Catechism of the Catholic Church*, 2nd ed. (2000), no. 2266: “The efforts of the state to curb the spread of behavior harmful to people’s rights and to the basic rules of civil society correspond to the requirement of safeguarding the common good. Legitimate public authority has the right and duty to inflict punishment proportionate to the gravity of the offense. Punishment has the primary aim of redressing the disorder introduced by the offense. When it is willingly accepted by the guilty party, it assumes the value of expiation. Punishment then, in addition to defending public order and protecting people’s safety, has a medicinal purpose: as far as possible, it must contribute to the correction of the guilty party.”

As Pope Francis noted in 2022, “It is right that those who have done wrong should pay for their mistake, but it is equally right that those who have done wrong should be able to redeem themselves for their mistake. ... Any sentence must always have a window of hope.”³

By making expungement more attainable, Senate Bill 38 gives those with criminal records a horizon of hope. It is this hope that will help them reintegrate into society and embrace opportunities for advancement.

The WCC strongly urges you to support this bipartisan bill. It is an important step in making our criminal justice system more just and merciful. Thank you.

³ Pope Francis, *General Audience* (January 19, 2022).



To: Members of the Senate Committee on Judiciary and Public Safety

From: Jamiroquan Kittler, Supervisor of Grassroots Operations, Americans for Prosperity - Wisconsin

Date: April 18, 2023

Subject: Support for Senate Bill 38

Chairman Wanggaard, and members of the Senate Committee on Judiciary and Public Safety, thank you for the opportunity to provide testimony today in favor of Senate Bill 38 and in favor of second chances for rehabilitated citizens in Wisconsin.

Americans for Prosperity – Wisconsin strongly supports measures in Senate Bill 38 to improve the expungement process so that non-violent, first-time offenders can truly be free after serving time and fully paying their debts to society, as determined by our judicial system.

The expungement laws as currently written are outdated and actually increase likelihood of recidivism and family separation by unnecessarily complicating the opportunity of expungement for nonviolent offenders. The thousands of Wisconsinites who made these nonviolent, one-time mistakes will live with the choices they've made for the rest of their lives, but after serving their time and paying dues, they shouldn't be forced serve another sentence while free, which is why AFP-Wisconsin strongly supports Senate Bill 38.

This bill could lower the chances of the persons convicted returning to prison, by freeing them to access housing, education and careers that might otherwise be difficult to find. Senate Bill 38 leaves the judge who sentenced an individual responsible for ensuring a person has fully served their sentence and remained crime-free, giving the judge the best possible examination of the rehabilitated before granting a second chance.

Senate Bill 38 is a needed reform to change lives and families' lives for generations by granting well-deserved second chances. We can empower our workforce, lower incarceration numbers, restore two parent homes, and restore independence to communities that need it most. Americans for Prosperity – Wisconsin is proud to support this needed legislation.



**THE LEADING VOICE
FOR WISCONSIN SMALL
AND INDEPENDENT BUSINESSES**

April 18, 2023

**TO: Members
Senate Committee on Judiciary and Public Safety**

**FR: Brian Dake
Legislative Director
Wisconsin Independent Businesses**

RE: 2023 Senate Bill (SB) 38 relating to: expungement of records of certain crimes and discrimination based on expunged conviction.

Chairman Wanggaard and committee members my name is Brian Dake, President of Wisconsin Independent Businesses. Thank you for the opportunity to testify in support of 2023 Senate Bill (SB) 38.

By way of background, Wisconsin Independent Businesses (WIB) was formed in 1977 to provide small, independent business owners with an effective voice in the legislative and regulatory activities of state government. Today, we proudly represent more than 2,000 small business owners throughout Wisconsin. Most of our members (approximately 85%) own and operate businesses which have fewer than 25 employees and/or annual gross revenues of less than \$5 million.

For Wisconsin small employers, finding qualified workers to fill open positions is extraordinarily difficult. This multifaceted problem began well before the COVID-19 pandemic and is likely to continue into the foreseeable future. From our perspective, SB 38 is part of the solution to this ongoing challenge.

WIB...Helping you where you need it.

PO Box 2135 | Madison, Wisconsin 53701 | 800-362-9644 | www.wibiz.org

There are many qualified Wisconsin workers who want a good-paying job. They have the skills, talents, and abilities to be excellent, productive employees. Standing in their way is a prior conviction of a lower level, non-violent offense and an outdated state law that does not offer them the opportunity to petition the judicial system for recourse.

SB 38 breaks down these barriers. This legislation sets forth a clear process by which these individuals can seek expungement of a past conviction from a court of law. If the expungement is granted by a judge, they are better positioned to take advantage of the job opportunities available to them. Wisconsin employers benefit as well by having access to more highly skilled, and talented workers.

We respectfully request your support of 2023 Senate Bill 38.

Thank you in advance for your consideration.

April 18, 2023

Chair Wanggaard, Vice-Chair Jacque, and Honorable Members of the Senate Committee on Judiciary and Public Safety:

The American Civil Liberties Union of Wisconsin appreciates the opportunity to provide written testimony in support of Senate Bill 38, which would allow a court to order expungement after a sentence has been completed, provide necessary clarity in the law for both employers and employees, and remove the arbitrary age limit of 25.

In Wisconsin, approximately [1.4 million people](#) have a criminal record, which can result in many [collateral consequences](#) that can make successful re-entry a daunting task. People often struggle mightily to land a stable job, secure housing, access public benefits, get an education, and more. Criminal records live on well after a person has done their time, functioning as a penalty that follows people forever as they navigate a world in which meaningful opportunities for growth and self-improvement are closed off to them.

A [Wisconsin Watch report](#) cites statistics from the Prison Policy Initiative which found that while 93% of formerly incarcerated people between the ages of 25 and 44 actively seek work, they are five times more likely to be unemployed than the average American. Taking into account the scope and scale of our criminal legal system, mass joblessness among the 1.4 million Wisconsinites with a criminal record has profound implications for our economy.

A study by The Brennan Center For Justice indicates that individuals who have criminal records -- which accounts for one of every five Americans -- have lost somewhere in the neighborhood of [370 billion dollars in combined wealth](#), with Black and Brown people impacted the most severely. That means we are actively preventing billions in potential earnings from being spent back into local economies, a massive missed opportunity, especially for communities disproportionately impacted by mass incarceration.

The inability to get out from under a past conviction doesn't just weaken our economy, it makes us all less safe. Research has found that joblessness is the [single most important predictor of recidivism](#), so it is no wonder, then, that about half of all formerly incarcerated people return to prison within a few years. If we truly aspire to build a safer society, we cannot allow a criminal record to trap people in poverty, unemployment and housing insecurity, or leave them to languish under other desperate circumstances.

The ACLU of Wisconsin strongly urges committee members to support this bi-partisan legislation.

From:
Sent:
To:
Subject: FW: SB38 Public Hearing Comments

-----Original Message-----

From: AC <annettegeek@gmail.com>
Sent: Monday, April 17, 2023 4:20 PM
To: Sen.Wanggaard <Sen.Wanggaard@legis.wisconsin.gov>; Sen.Jacque <Sen.Jacque@legis.wisconsin.gov>; Sen.Wimberger <Sen.Wimberger@legis.wisconsin.gov>; Sen.Hutton <Sen.Hutton@legis.wisconsin.gov>; Sen.James <Sen.James@legis.wisconsin.gov>; Sen.Taylor <Sen.Taylor@legis.wisconsin.gov>; Sen.Roys <Sen.Roys@legis.wisconsin.gov>; Sen.Larson <Sen.Larson@legis.wisconsin.gov>; Barbour, Eric <Eric.Barbour@legis.wisconsin.gov>
Subject: SB38 Public Hearing Comments

To: Senate Committee on Judiciary and Public Safety

Thank you to the sponsors of SB 38, the bill concerning records expungement. I support this bill.

Many people who have a substance use disorder also have criminal records. This can make it extremely difficult for them to get their lives back on track. This was the case with my stepdaughter, Sarah Caldwell, who died of an overdose in 2020. I know she felt that a mistake she made years ago, was still keeping her down, preventing her from getting good jobs, and moving forward with her life. People who have made mistakes in the past, are now on the right path and have paid their debt to society, need opportunities for a better life.

While I believe the bill is not perfect and will exclude many decent people from records expungement, it is a step in the right direction.

I am unable to attend the public hearing tomorrow, but please include my comments in the record.

Annette Czarnecki
313 Potter St.
Madison, WI 53715