

The Second Chance Amendment Act (SCAA) recognizes that people can grow, change, and deserve a second chance.

THE PROBLEM

One in seven DC residents faces employment, housing, and education barriers because of a criminal record. These barriers undermine community safety.

- According to an analysis by the Clean Slate Initiative, **196,000 people (1 in 3 adults) in DC has a criminal record.**
- Most affected are DC's **Black residents, who make up over 80% of those arrested** in DC.
- Criminal records make reentry harder. Nearly **seven in ten people with a felony conviction report difficulty finding a job, and nearly 6 in 10 struggle to secure housing.**
- Strong evidence suggests that housing and job insecurity are directly related to having a criminal record and are **drivers of recidivism.**
- In 2014, data showed that nearly half of the people who had been incarcerated in DC “may be jobless with little prospect of finding consistent work.”

THE SOLUTION

Keep the SCAA intact to preserve and expand opportunities for people returning home to the District, decreasing the likelihood of recidivism and increasing community safety.



FREQUENTLY ASKED QUESTIONS ABOUT THE SECOND CHANCE AMENDMENT ACT (SCAA)

The SCAA makes record sealing and expungement available for **certain old records, non-convictions, and charges that are now decriminalized**, such as marijuana possession and street vending. The SCAA **expands opportunities** for those with criminal records to lawfully obtain stable employment, housing, and education.

DOES THE SCAA ALLOW ANYONE OF ANY AGE CONVICTED OF COMMITTING ANY CRIME TO HAVE THEIR CONVICTION SEALED AND SHIELDED FROM PUBLIC VIEW?

No. The law includes the following exclusions:

- 1st degree murder while armed
- 1st degree murder
- 2nd degree murder while armed
- 2nd degree murder
- Voluntary manslaughter while armed
- Carjacking while armed
- Assault with intent to kill while armed
- Armed burglary
- 1st degree sex abuse
- 1st degree sex abuse while armed
- 1st degree child sex abuse

DOES THE SCAA MEAN AUTOMATIC SENTENCE SEALING OR EXPUNGEMENT?

A limited number of offenses are eligible for automatic sealing or expungement. Records for decriminalized offenses may be automatically expunged, while non-convictions and some misdemeanor convictions can be automatically sealed after 10 years.

The majority of offenses can only be cleared through a petition-based process. People who can prove actual innocence may petition for expungement. Others with misdemeanor or felony convictions may petition to have their records sealed - after 5 years for misdemeanors or 8 years for felonies - though the most serious felonies cannot be sealed.

An analysis by Clean Slate Initiative revealed that the SCAA would automate record sealing for an estimated

- 48,000 people found not guilty who had charges dismissed, and
- 28,000 people with low-level misdemeanor offenses.



FREQUENTLY ASKED QUESTIONS ABOUT SCAA (CONT.)

DOES THE SCAA IGNORE THE NATURE OF THE CRIME?

No. Only a narrow set of offenses is eligible for automatic record relief, and serious crimes are excluded. Judges can review any information they deem relevant in assessing a petition for record relief.

DID THE SCAA ELIMINATE JUDICIAL REVIEW?

No, for petition-based record relief, judges can consider whether to grant a record relief motion by reviewing multiple factors, such as:

- The interests of the person filing to seal their record;
- The community's interest in rehabilitating that person and reintegrating them back into society;
- The community's interest in retaining access to that person's records to promote public safety;
- The petitioner's role in the offense or alleged offense;
- The history and characteristics of the petitioner; and
- Any other information it considers relevant.

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WILL SCAA IMPLEMENTATION OVERWHELM THE COURTS AND THE U.S. ATTORNEY'S OFFICE?

As written, the SCAA gives the courts time to implement the automatic sealing provisions.

Since the first bill was introduced in November 2017, 12 states have introduced, passed, and implemented clean-slate laws with overwhelming bipartisan support. Unlike DC, these states were required to seal records for multiple and larger jurisdictions. The country's largest U.S. Attorney's Office should be able to handle a small fraction of that workload.

DOES THE SCAA DECREASE PUBLIC SAFETY?

The SCAA increases public safety. Stable housing and employment, difficult to attain with a criminal record, reduce the risk of recidivism, thus reducing crime and the costs of the criminal legal system and social services. Clean slate laws in Michigan, Pennsylvania, and Ohio have contributed to improvements in income, housing, education, employment, personal finance, and public assistance.



References: Second Chance Amendment Act (SCAA)

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