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Testimony from
Arthur Rizer, Director of Criminal Justice Policy, R Street Institute on:

House Bill 510, "Provides relative to the availability of certain criminal justice system data to certain nonprofit entities

Senate Judiciary Committee B

My name is Arthur Rizer. I am an Adjunct Professor of Law at George Mason University's Antonin Scalia Law School, and the Director of Criminal Justice Policy and Civil Liberties for the R Street Institute, which is a nonprofit, center-right, public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government. This is why HB 510 is of special interest to us.

I served for almost 21 years in the U.S. Army, was deployed to Fallujah, Iraq, and was awarded the Bronze Star and Purple Heart medals for my military service. I have also been a law enforcement officer and a prosecutor. As a result of this experience, I believe in automatic record clearance because it supports human dignity, and benefits public safety and the community.

Certainly individuals should be held accountable for the crimes they commit. But, I also believe that punishment should not be indefinite. Currently, those with a criminal record face significant barriers, and are denied employment, housing and educational opportunities. This harms their ability to reintegrate with society and we cannot disinherit generations of Louisianans from their American Dream and expect to be the better for it.

What's worse, the problem is vast. As many as one-in-three Louisiana residents have a criminal record. When these individuals are unable to reintegrate successfully, the community is harmed, as access to employment is a key factor in reducing recidivism. In fact, one study found that, if a conviction is vacated, wages go up by an average of 25 percent.[1] This allows individuals to provide for their families and communities and makes them less likely to commit further crime. The same study demonstrated

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[1] J.J. Prescott and Sonja Starr, "Expungement of Criminal Convictions: An Empirical Study," *U of Michigan Law & Econ Research Paper* No. 19-001, March 16, 2019, p. 1. https://ssrn.com/abstract=3353620.

that expungements are linked with lowered rates of reoffending. As a former law enforcement officer and prosecutor, I support Clean Slate precisely because it will make Louisiana safer.

Amidst the COVID-19 pandemic, enacting Clean Slate legislation is more important than ever. At least $78 billion is lost annually nationwide due to the unemployment and underemployment of those with criminal records.[2] With more expungements, we can increase Louisiana's GDP, improve tax revenue from additional employment and reduce government assistance benefits—all of which are sorely needed especially now.

Currently, vacating a conviction requires a lengthy and expensive petition-based process where individuals must appear in front of a judge for a hearing. One study estimated that only 6.5 percent of eligible individuals ever take advantage of this process.[3] This is likely because it requires an attorney and is otherwise difficult to navigate. However, vacating convictions automatically after a number of years, can remedy this problem and make the process accessible for a greater number of affected individuals.

Accordingly, HB 510 permits an extremely limited sharing of data to study Clean Slate automation in Louisiana. The hope is that deserving individuals will be able to vacate their records through automation, instead of a manual process where individuals must petition the court. Further, by proposing a temporary exception to provide data to nonprofit partners on the Clean Slate Task force, HB 510 allows it to work more effectively. It also protects the privacy of Louisianans by revoking access to the data on August 1, 2022, and ensures the sharing of only de-identified data that maintains confidentiality, in accordance with all applicable state and federal laws.

The Clean Slate Task Force has the ability to explore new opportunities for those struggling to deal with the lasting consequences of a criminal history. For these reasons, I believe in Clean Slate and encourage you to vote in favor of HB 510.

Thank you for your consideration.

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[2] Alan Barber and Cherrie Bucknor, "The Price We Pay: Economic Costs of Barriers to Employment for Former Prisoners and People Convicted of Felonies," Center for Economic and Policy Research, June 16, 2016. http://cepr.net/publications/reports/the-price-we-pay-economic-costs-of-barriers-to-employment-for-former-prisoners-and-people-convicted-of-felonies.

[3] Prescott and Starr. https://ssrn.com/abstract=3353620.