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Testimony from:
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In SUPPORT to SB 7, “An act relating to expanding access to expungement and sealing of criminal history records”

February 11, 2021

Senate Judiciary Committee

Chairman Sears Jr. and members of the committee,

My name is Anthony Lamorena, and I am a government affairs associate for the R Street Institute, a nonprofit, nonpartisan public policy research organization. Our mission is to engage in policy research and outreach to promote free markets and limited, effective government in many areas, including criminal justice reform, and that is why SB 7 is of special interest to us.

Here at R Street, we have long supported initiatives that aim to expand expungement eligibility for individuals that have made mistakes but deserve another chance. Record-clearing legislation, like this measure, can promote human dignity, preserve public safety, ensure healthy families, and create limited and effective government.

In 2016, a [report](#) found that state and FBI repositories included approximately 117,000 criminal records connected to Vermont residents. It is likely that some Vermonters may have more than one criminal history record. However, to put this into context, if each of these records were attached to one person, that would mean around [20 percent](#) of the state’s population have a criminal record.

Even minor records that are years old can be [a barrier for individuals](#) that are trying to reintegrate into society; criminal records impede an individuals’ ability to find employment, to apply for educational programs and to secure stable housing.

Expanding expungement opportunities, as SB 7 does, helps promote [human dignity](#) by ensuring more people who have remained crime-free after returning to society receive a second chance and can find dignity in work. As noted by [R Street](#) and the Heritage Foundation, “Work often provides a sense of identity and fulfillment, and it can offer a path to redemption for those with criminal records”. However, close to [70 percent of employers](#) run background checks on prospective employees which often preclude those individuals from gaining employment. One research report published by the Department of Justice found that a criminal record can affect the call-back rate or likelihood of a job offer for an applicant with



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a felony on their record [by 50 percent](#), though this number can vary according to the context. The same study showed that Black individuals with a criminal record faced much steeper barriers to employment than similar white counterparts.

Promoting employment through expungement can also help preserve public safety: When individuals are employed at a stable, quality job the likelihood of them [committing a crime vastly diminishes](#). And [research](#) in Michigan by J.J. Prescott and Sonja Starr suggest the public safety risks presented by those who do receive an expungement are fairly comparable to those of people in the general population.

In America, almost [half of our nation's children](#) have a parent with a criminal record. These records can affect families detrimentally as it could stifle their access to public and private housing and lead to lower earning potential and unemployment. A 2014 [report](#) found that the national poverty rate could have dropped by 20 percent if we did not have the current obstacles when it comes to incarceration and criminal records. In addition, the [Michigan study](#) by Prescott and Starr also found that those who receive an expungement experience an uptick in their wages.

The Vermont Legislature should support policies that help promote opportunity and second chances for so many state residents. This legislation does just that by helping people find work, allowing families more economic mobility and making government smaller yet more efficient—all without jeopardizing public safety.

Thank you.

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