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Testimony from:

Camille Infantolino, Research and Policy Associate, R Street Institute

In SUPPORT of SB 274, “Juvenile Diversion Program Expunction.”

March 31, 2021

Senate Appropriations Committee

Chairman and members of the committee:

My name is Camille Infantolino and I conduct civil liberties and criminal justice research 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 juvenile justice and second chances. This is why SB 274 is of special interest to us.

Currently, Florida statute provides a quick path to expunction only for nonjudicial juvenile arrest records for misdemeanor offenses, following the successful completion of a diversion program.¹ While we commend this policy, it does not go far enough as it stops short of a quick pathway to expunction for nonjudicial juvenile arrest records for felony offenses, also contingent upon successful completion of a post-arrest diversion program. In fact, juveniles with nonjudicial felony arrest records often must wait until they are 18 years old and have been crime-free for a minimum of five years or instead wait until they are 21 years old before they may see their record expunged.

When juvenile records are retained and published, public safety suffers. Research shows that retaining and publishing these records increases the likelihood of disqualifying individuals from employment, education, housing and even military service.² Because the goal of diversion programs is both to increase a sense of accountability in juveniles and to promote public safety while also limiting the harmful collateral consequences of juvenile justice, a faster path to expunction for nonjudicial juvenile felony arrest records is more than necessary.

Furthermore, barriers to second chances pose problems past the humanitarian sphere—they are a serious fiscal drain. Hindering a juvenile from bettering his or her life and destining them to be a long-term member of the correctional system can end up costing a state hundreds of thousands of dollars.³ This has been a long-held problem with tough-on-crime policy that must change.

This bill promotes second chances and removes the scarlet letter on so many juveniles in Florida. Policy like this is a necessary step toward providing these juveniles with a fair chance at success as they enter



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adulthood. It also simultaneously increases public safety and stewardship of taxpayer money. Ultimately, Florida must do better in promoting second chances for our juveniles, which is why it is critical that the legislature pass SB 274.

Thank you for considering my testimony.

Camille Infantolino
Research and Policy Associate
R Street Institute

¹ § 943.0582, Fla. Stat. (2020).

² Riya Saha Shah, Esq. and Jean Strout, Esq., “Future Interrupted: The Collateral Damage Caused by Proliferation of Juvenile Records,” Juvenile Law Center, February 2016.
<https://juvenilerecords.jlc.org/juvenilerecords/documents/publications/future-interrupted.pdf>.

³ Jason Ziedenberg, “You’re an Adult Now: Youth in Adult Criminal Justice Systems,” U.S. Department of Justice National Institute of Corrections, December 2011.
<https://biblioteca.cejamericas.org/bitstream/handle/2015/5434/025555.pdf?sequence=1&isAllowed=y>.