



CHIEF DEFENDERS ASSOCIATION OF NEW YORK

Memorandum in Support

S1553A (Myrie) / A6399 (Cruz)

PRESIDENT

Laurette D. Mulry, Suffolk

PRESIDENT-ELECT

Leanne Lapp, Ontario

SECRETARY

Sandra J. McCarthy, Rensselaer

TREASURER

Stan German, New York

MEMBERS OF THE BOARD

Thomas Angell, Dutchess

Scott Banks, Nassau

Andrew Correia, Wayne

Robert Dean, New York

Clare Degnan, Westchester

Kathleen Dougherty, Onondaga

Norman Effman, Wyoming

Mark Funk, Monroe

Rick Jones, New York

Tina Luongo, New York

Past-President

James McGahan, St. Lawrence

Justine Olderman, Bronx

David C. Schopp, Erie, Past-President

Lisa Schreibersdorf, Kings

Past-President

David Squirrel, Putnam

John Turi, Rensselaer

Kate Woods, Ontario

April 28, 2021

The Chief Defenders Association of New York (CDANY) strongly supports the immediate passage of S1553A (Myrie) / A6399 (Cruz).

Today, 2.3 million New Yorkers -- our family, friends, neighbors -- live in a state of perpetual punishment because of their conviction record. Their convictions block them from accessing employment, housing, education, and other life essentials that enable individuals to thrive in their communities. And because of racism in our criminal legal system, these civil consequences disproportionately impact Black and brown New Yorkers and deepen already-existing racial inequalities in civic life.

New York can change this. We urge the legislature to pass Clean Slate legislation that would automatically clear conviction records for all New Yorkers who have successfully served their sentence.

In an effort to mitigate the harms of a conviction record, New York State passed application-based records clearance in 2017. But this has proven to be an inadequate remedy. In the three years since the law went into effect, fewer than 0.5 percent of eligible people have had their records cleared, a rate consistent with other states that have application-based record clearance laws. The law is complex and difficult to navigate, often requiring legal assistance.

But the impact of records clearance is significant. Our economy loses \$87 billion in gross domestic product every year from shutting workers with records out of the labor market. Meanwhile, research shows that a year after getting a record cleared, people are 11 percent more likely to have a job and are earning wages that are more than 20 percent higher than beforehand.

This relief should be available to all New Yorkers. We strongly support the immediate passage of S1553A (Myrie) / A06399 (Cruz), which would allow people with conviction histories to meaningfully rejoin their communities after criminal legal involvement. Specifically, this bill would first automatically seal convictions for most civil purposes after a 1-year waiting period for misdemeanors and a 3-year period for felonies, not including time incarcerated,

Chief Defenders Association of New York
PO Box 1126 | Albany, NY 12201
(518) 407-5720 | CDANYoffice@gmail.com
www.cdany.info

and after completion of community supervision. This would ensure people have access to employment and housing when it is most difficult to access but most critical. Full expungement would happen after 5- and 7-year waiting periods and only if the person has no subsequent convictions.

Conviction histories erect lasting barriers to economic security and full engagement in the community, affecting not only individuals but also their families, neighborhoods, and New York State as a whole. New York has a long history of enacting important reform to support full participation in the life and economy of this state. We must continue this tradition by passing Clean Slate legislation.

We urge the Legislature to immediately pass S1553A (Myrie) / A6399 (Cruz). Any questions can be directed to CDANY Lobbyist Robert Perry (646/296-5220 robt.perry@gmail.com).