

113TH CONGRESS
2D SESSION

H. R. 5158

To provide for the sealing or expungement of records relating to Federal nonviolent criminal offenses, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JULY 18, 2014

Mr. FATAH (for himself and Mr. WOLF) introduced the following bill; which was referred to the Committee on the Judiciary, and in addition to the Committees on Agriculture and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To provide for the sealing or expungement of records relating to Federal nonviolent criminal offenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Record Expungement Designed to Enhance Employment
6 Act of 2014” or the “REDEEM Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
 Sec. 2. Sealing of criminal records.
 Sec. 3. Juvenile sealing and expungement.
 Sec. 4. Study and report on cost savings from sealing and expungement provisions.
 Sec. 5. TANF assistance and SNAP benefits.
 Sec. 6. State incentives.
 Sec. 7. Ensuring accuracy in the FBI background check system.
 Sec. 8. Report on statutory and regulatory restrictions and disqualifications based on criminal records.

1 **SEC. 2. SEALING OF CRIMINAL RECORDS.**

2 (a) IN GENERAL.—Chapter 229 of title 18, United
 3 States Code, is amended by adding at the end the fol-
 4 lowing:

5 **“Subchapter D—Sealing of Criminal Records**

- “Sec.
 “3631. Definitions; eligible individuals.
 “3632. Sealing petition.
 “3633. Effect of sealing order.

6 **“§ 3631. Definitions; eligible individuals**

7 “(a) DEFINITIONS.—In this subchapter—

8 “(1) the term ‘covered nonviolent offense’
 9 means a Federal criminal offense that is not—

10 “(A) a crime of violence (as that term is
 11 defined in section 16); or

12 “(B) a sex offense (as that term is defined
 13 in section 111 of the Sex Offender Registration
 14 and Notification Act (42 U.S.C. 16911));

15 “(2) the term ‘eligible individual’ means an in-
 16 dividual who—

17 “(A) has been arrested for or convicted of
 18 a covered nonviolent offense;

1 “(B) in the case of a conviction described
2 in subparagraph (A), has fulfilled each require-
3 ment of the sentence for the covered nonviolent
4 offense, including—

5 “(i) completing each term of imprison-
6 ment, probation, or supervised release; and

7 “(ii) satisfying each condition of im-
8 prisonment, probation, or supervised re-
9 lease;

10 “(C) subject to subsection (b), has not
11 been convicted of more than 2 felonies that are
12 covered nonviolent offenses, including any such
13 convictions that have been sealed; and

14 “(D) has not been convicted of any felony
15 that is not a covered nonviolent offense;

16 “(3) the term ‘petitioner’ means an individual
17 who files a sealing petition;

18 “(4) the term ‘protected information’, with re-
19 spect to a covered nonviolent offense, means any ref-
20 erence to—

21 “(A) an arrest, conviction, or sentence of
22 an individual for the offense;

23 “(B) the institution of criminal pro-
24 ceedings against an individual for the offense;

25 or

1 “(C) the result of criminal proceedings de-
2 scribed in subparagraph (B);

3 “(5) the term ‘seal’—

4 “(A) means—

5 “(i) to close a record from public
6 viewing so that the record cannot be exam-
7 ined except by court order; and

8 “(ii) to physically seal the record shut
9 and label the record ‘SEALED’ or, in the
10 case of an electronic record, the sub-
11 stantive equivalent; and

12 “(B) has the effect described in section
13 3633, including—

14 “(i) the right to treat the offense to
15 which a sealed record relates, and any ar-
16 rest, criminal proceeding, conviction, or
17 sentence relating to the offense, as if it
18 never occurred; and

19 “(ii) protection from civil and criminal
20 perjury, false swearing, and false state-
21 ment laws with respect to a sealed record;

22 “(6) the term ‘sealing hearing’ means a hearing
23 held under section 3632(b)(2); and

24 “(7) the term ‘sealing petition’ means a petition
25 for a sealing order filed under section 3632(a).

1 “(b) ELIGIBLE INDIVIDUALS.—

2 “(1) MULTIPLE CONVICTIONS DEEMED TO BE
3 ONE CONVICTION.—For purposes of subsection
4 (a)(2)(C)—

5 “(A) multiple convictions shall be deemed
6 to be 1 conviction if the convictions result from
7 or relate to—

8 “(i) the same act; or

9 “(ii) acts committed at the same time;

10 and

11 “(B) subject to paragraph (2), multiple
12 convictions, not to exceed 3, that do not result
13 from or relate to the same act or acts com-
14 mitted at the same time shall be deemed to be
15 1 conviction if the convictions—

16 “(i) result from or relate to—

17 “(I) the same—

18 “(aa) indictment, informa-
19 tion, or complaint;

20 “(bb) plea of guilty; or

21 “(cc) official proceeding; or

22 “(II) related criminal acts that
23 were committed within a 3-month pe-
24 riod; or

1 “(ii) are determined to be directly re-
2 lated to addiction or a substance use dis-
3 order.

4 “(2) DISCRETION OF COURT.—

5 “(A) IN GENERAL.—A court reviewing a
6 sealing petition may determine that it is not in
7 the public interest to deem multiple convictions
8 described in paragraph (1)(B) to be 1 convic-
9 tion.

10 “(B) REASONING.—If a court makes a de-
11 termination under subparagraph (A), the court
12 shall make available to the public the reasoning
13 for the determination.

14 “(C) REPORTING.—Not later than 2 years
15 after the date of enactment of this subchapter,
16 and each year thereafter, each district court of
17 the United States shall submit to the Attorney
18 General a report that describes the exercise of
19 discretion by the court under subparagraph
20 (B).

21 **“§ 3632. Sealing petition**

22 “(a) RIGHT TO FILE SEALING PETITION.—

23 “(1) IN GENERAL.—On and after the date de-
24 scribed in paragraph (2), an eligible individual may
25 file a petition for a sealing order with respect to a

1 covered nonviolent offense in a district court of the
2 United States.

3 “(2) DATES.—The date described in this para-
4 graph is—

5 “(A) for an eligible individual who is con-
6 victed of a covered nonviolent offense and sen-
7 tenced to a term of imprisonment, probation, or
8 supervised release, the date that is 1 year after
9 the date on which the eligible individual has
10 completed every such term of imprisonment,
11 probation, or supervised release; and

12 “(B) for an eligible individual not de-
13 scribed in subparagraph (A), the date on which
14 the case relating to the covered nonviolent of-
15 fense is disposed of.

16 “(3) NOTICE OF OPPORTUNITY TO FILE PETI-
17 TION.—

18 “(A) CONVICTED INDIVIDUALS.—

19 “(i) IN GENERAL.—If an individual is
20 convicted of a covered nonviolent offense
21 and will potentially be eligible to file a
22 sealing petition with respect to the offense
23 upon fulfilling each requirement of the sen-
24 tence for the offense as described in sec-
25 tion 3631(a)(2)(B), the court in which the

1 individual is convicted shall inform the in-
2 dividual, on each date described in clause
3 (ii), of—

4 “(I) that potential eligibility;

5 “(II) the necessary procedures
6 for filing the sealing petition; and

7 “(III) the benefits of sealing a
8 record, including protection from civil
9 and criminal perjury, false swearing,
10 and false statement laws with respect
11 to the record.

12 “(ii) DATES.—The dates described in
13 this clause are—

14 “(I) the date on which the indi-
15 vidual is convicted; and

16 “(II) the date on which the indi-
17 vidual has completed every term of
18 imprisonment, probation, or super-
19 vised release relating to the offense.

20 “(B) INDIVIDUALS NOT CONVICTED.—

21 “(i) ARREST ONLY.—If an individual
22 is arrested for a covered nonviolent of-
23 fense, criminal proceedings are not insti-
24 tuted against the individual for the offense,
25 and the individual is potentially eligible to

1 file a sealing petition with respect to the
2 offense, on the date on which the case re-
3 lating to the offense is disposed of, the ar-
4 resting authority shall inform the indi-
5 vidual of—

6 “(I) that potential eligibility;

7 “(II) the necessary procedures
8 for filing the sealing petition; and

9 “(III) the benefits of sealing a
10 record, including protection from civil
11 and criminal perjury, false swearing,
12 and false statement laws with respect
13 to the record.

14 “(ii) COURT PROCEEDINGS.—If an in-
15 dividual is arrested for a covered non-
16 violent offense, criminal proceedings are in-
17 stituted against the individual for the of-
18 fense, the individual is not convicted of the
19 offense, and the individual is potentially el-
20 ible to file a sealing petition with respect
21 to the offense, on the date on which the
22 case relating to the offense is disposed of,
23 the court in which the criminal proceedings
24 take place shall inform the individual of—

25 “(I) that potential eligibility;

1 “(II) the necessary procedures
2 for filing the sealing petition; and

3 “(III) the benefits of sealing a
4 record, including protection from civil
5 and criminal perjury, false swearing,
6 and false statement laws with respect
7 to the record.

8 “(b) PROCEDURES.—

9 “(1) NOTIFICATION OF PROSECUTOR AND VIC-
10 TIMS.—If an individual files a petition under sub-
11 section (a) with respect to a covered nonviolent of-
12 fense or arrest for a covered nonviolent offense, the
13 district court in which the petition is filed shall pro-
14 vide notice of the petition—

15 “(A) to the office of the United States at-
16 torney that prosecuted or would have pros-
17 ecuted the petitioner for the offense;

18 “(B) to the extent reasonable and prac-
19 ticable, to each victim of the offense; and

20 “(C) upon the request of the petitioner, to
21 any other individual that the petitioner deter-
22 mines may testify as to the—

23 “(i) conduct of the petitioner since the
24 date of the offense or arrest; or

1 “(ii) reasons that the sealing order
2 should be entered.

3 “(2) HEARING.—

4 “(A) IN GENERAL.—Not later than 6
5 months after the date on which an individual
6 files a sealing petition, the district court shall
7 conduct a hearing to determine whether to
8 enter a sealing order for the individual.

9 “(B) OPPORTUNITY TO TESTIFY AND
10 OFFER EVIDENCE.—

11 “(i) PETITIONER.—The petitioner
12 may testify or offer evidence at the sealing
13 hearing in support of sealing.

14 “(ii) PROSECUTOR.—The office of a
15 United States attorney that receives notice
16 under paragraph (1)(A) may send a rep-
17 resentative to testify or offer evidence at
18 the sealing hearing in support of or
19 against sealing.

20 “(iii) VICTIMS.—

21 “(I) IN GENERAL.—A victim who
22 receives notice under paragraph
23 (1)(B) may testify or offer evidence at
24 the sealing hearing in support of or
25 against sealing.

1 “(II) LOCATING VICTIMS.—The
2 inability of a court to locate a victim
3 shall not—

4 “(aa) delay a proceeding
5 under this section;

6 “(bb) preclude the holding
7 of a sealing hearing; or

8 “(cc) impact the issuance of
9 a sealing order.

10 “(iv) OTHER INDIVIDUALS.—An indi-
11 vidual who receives notice under paragraph
12 (1)(C) may testify or offer evidence at the
13 sealing hearing as to the issues described
14 in clauses (i) and (ii) of that paragraph.

15 “(C) MAGISTRATE JUDGES.—A magistrate
16 judge may preside over a hearing under this
17 paragraph.

18 “(3) BASIS FOR DECISION.—

19 “(A) IN GENERAL.—In determining wheth-
20 er to enter an sealing order with respect to pro-
21 tected information relating to a covered non-
22 violent offense, the court—

23 “(i) shall consider all the evidence and
24 testimony presented at the sealing hearing;

1 “(ii) may not consider any non-Fed-
2 eral nonviolent crimes for which the peti-
3 tioner has been arrested or proceeded
4 against, or of which the petitioner has been
5 convicted; and

6 “(iii) shall balance—

7 “(I)(aa) the interest of public
8 knowledge and safety; and

9 “(bb) the legitimate interest, if
10 any, of the Government in maintain-
11 ing the accessibility of the protected
12 information, including any potential
13 impact of sealing the protected infor-
14 mation on Federal licensure, permit,
15 or employment restrictions; against

16 “(II)(aa) the conduct and dem-
17 onstrated desire of the petitioner to be
18 rehabilitated and positively contribute
19 to the community; and

20 “(bb) the interest of the peti-
21 tioner in having the protected infor-
22 mation sealed, including the harm of
23 the protected information to the abil-
24 ity of the petitioner to secure and
25 maintain employment.

1 “(B) BURDEN ON GOVERNMENT.—The
2 burden shall be on the Government to show
3 that the interests under subclause (I) of sub-
4 paragraph (A)(iii) outweigh the interests of the
5 petitioner under subclause (II) of that subpara-
6 graph.

7 “(4) WAITING PERIOD AFTER DENIAL.—If the
8 district court denies a sealing petition, the petitioner
9 may not file a new sealing petition with respect to
10 the same offense until the date that is 2 years after
11 the date of the denial.

12 “(5) UNIVERSAL FORM.—The Attorney General
13 shall create a universal form, available over the
14 Internet and in paper form, that an individual may
15 use to file a sealing petition.

16 “(6) FEE WAIVER.—The Attorney General shall
17 by regulation establish a process under which indi-
18 gent petitioners may obtain a waiver of any fee for
19 filing a sealing petition.

20 “(7) REPORTING.—Not later than 2 years after
21 the date of enactment of this subchapter, and each
22 year thereafter, each district court of the United
23 States shall issue a public report that—

24 “(A) describes—

1 “(i) the number of sealing petitions
2 granted and denied under this section; and

3 “(ii) the number of instances in which
4 the office of a United States attorney sup-
5 ported or opposed a sealing petition; and

6 “(B) includes any supporting data that the
7 court determines relevant and that does not
8 name any petitioner.

9 “(8) PUBLIC DEFENDER ELIGIBILITY.—

10 “(A) IN GENERAL.—The district court
11 may, in its discretion, appoint counsel in ac-
12 cordance with the plan of the district court in
13 operation under section 3006A to represent a
14 petitioner for purposes of this section.

15 “(B) CONSIDERATIONS.—In making a de-
16 termination whether to appoint counsel under
17 subparagraph (A), the court shall consider—

18 “(i) the anticipated complexity of the
19 sealing hearing, including the number and
20 type of witnesses called to advocate against
21 the sealing of the protected information of
22 the petitioner; and

23 “(ii) the potential for adverse testi-
24 mony by a victim or a representative of the
25 office of the United States attorney.

1 **“§ 3633. Effect of sealing order**

2 “(a) IN GENERAL.—Except as provided in this sec-
3 tion, if a district court of the United States enters a seal-
4 ing order with respect to a covered nonviolent offense, the
5 offense and any arrest, criminal proceeding, conviction, or
6 sentence relating to the offense shall be treated as if it
7 never occurred.

8 “(b) VERIFICATION OF SEALING.—If a district court
9 of the United States enters a sealing order with respect
10 to a covered nonviolent offense, the court shall—

11 “(1) send a copy of the sealing order to each
12 entity or person that possesses a record containing
13 protected information that relates to the offense, in-
14 cluding each law enforcement agency, each public or
15 private correctional, detention, or treatment facility,
16 each other public or private agency, and each person
17 who provided treatment or rehabilitation services for
18 the petitioner under an order of the court;

19 “(2) in the sealing order, require each entity or
20 person described in paragraph (1) to—

21 “(A) seal the record in accordance with
22 this section; and

23 “(B) submit a written certification to the
24 court, under penalty of perjury, that the entity
25 or person has sealed each paper and electronic
26 copy of the record;

1 “(3) seal each paper and electronic copy of the
2 record in the possession of the court; and

3 “(4) after receiving a written certification from
4 each entity or person under paragraph (2)(B), notify
5 the petitioner that each entity or person described in
6 paragraph (1) has sealed each paper and electronic
7 copy of the record.

8 “(c) PROTECTION FROM PERJURY LAWS.—Except as
9 provided in subsection (f)(3)(A), a petitioner with respect
10 to whom a sealing order has been entered for a covered
11 nonviolent offense shall not be subject to prosecution
12 under any civil or criminal provision of Federal or State
13 law relating to perjury, false swearing, or making a false
14 statement, including section 1001, 1621, 1622, or 1623,
15 for failing to recite or acknowledge any protected informa-
16 tion with respect to the offense or respond to any inquiry
17 made of the petitioner, relating to the protected informa-
18 tion, for any purpose.

19 “(d) ATTORNEY GENERAL NONPUBLIC RECORDS.—
20 The Attorney General—

21 “(1) shall maintain a nonpublic record of all
22 protected information that has been sealed under
23 this subchapter; and

24 “(2) may access or utilize protected information
25 only—

1 “(A) for legitimate investigative purposes;

2 “(B) in defense of any civil suit arising out
3 of the facts of the arrest or subsequent pro-
4 ceedings; or

5 “(C) if the Attorney General determines
6 that disclosure is necessary to serve the inter-
7 ests of justice, public safety, or national secu-
8 rity.

9 “(e) LAW ENFORCEMENT ACCESS.—A Federal or
10 State law enforcement agency may access a record that
11 is sealed under this subchapter solely—

12 “(1) to determine whether the individual to
13 whom the record relates is eligible for a first-time-
14 offender diversion program;

15 “(2) for investigatory or prosecutorial purposes;
16 or

17 “(3) for a background check that relates to law
18 enforcement employment or any employment that re-
19 quires a government security clearance.

20 “(f) PROHIBITION ON DISCLOSURE.—

21 “(1) PROHIBITION.—Except as provided in
22 paragraph (3), it shall be unlawful to intentionally
23 make or attempt to make an unauthorized disclosure
24 of any protected information from a record that has
25 been sealed under this subchapter.

1 “(2) PENALTY.—Any person who violates para-
2 graph (1) shall be fined under this title, imprisoned
3 for not more than 1 year, or both.

4 “(3) EXCEPTIONS.—

5 “(A) BACKGROUND CHECKS.—An indi-
6 vidual who is the subject of a record sealed
7 under this subchapter shall, and a Federal or
8 State law enforcement agency that possesses
9 such a record may, disclose the record in the
10 case of a background check for—

11 “(i) law enforcement employment; or

12 “(ii) any employment that requires a
13 government security clearance.

14 “(B) DISCLOSURE TO ARMED FORCES.—A
15 person may disclose protected information from
16 a record sealed under this subchapter to the
17 Secretaries of the military departments (or the
18 Secretary of Homeland Security with respect to
19 the Coast Guard when it is not operating as a
20 service in the Navy) for the purpose of vetting
21 an enlistment or commission, or with regard to
22 any member of the Armed Forces.

23 “(C) AUTHORIZATION FOR INDIVIDUAL TO
24 DISCLOSE OWN RECORD.—An individual who is

1 the subject of a record sealed under this sub-
2 chapter may choose to disclose the record.”.

3 (b) APPLICABILITY.—The right to file a sealing peti-
4 tion under section 3632(a) of title 18, United States Code,
5 as added by subsection (a), shall apply with respect to a
6 covered nonviolent offense (as defined in section 3631(a)
7 of such title) that is committed before, on, or after the
8 date of enactment of this Act.

9 (c) TRANSITION PERIOD FOR HEARINGS DEAD-
10 LINE.—During the 1-year period beginning on the date
11 of enactment of this Act, section 3632(b)(2)(A) of title
12 18, United States Code, as added by subsection (a), shall
13 be applied by substituting “1 year” for “6 months”.

14 (d) TECHNICAL AND CONFORMING AMENDMENT.—
15 The table of subchapters for chapter 229 of title 18,
16 United States Code, is amended by adding at the end the
17 following:

“D. Sealing of Criminal Records 3631”.

18 **SEC. 3. JUVENILE SEALING AND EXPUNGEMENT.**

19 (a) PURPOSE.—The purpose of this section is to—

20 (1) protect children and adults against damage
21 stemming from their juvenile acts and subsequent
22 juvenile delinquency records, including law enforce-
23 ment, arrest, and court records; and

24 (2) prevent the unauthorized use or disclosure
25 of confidential juvenile delinquency records and any

1 potential employment, financial, psychological, or
2 other harm that would result from such unauthor-
3 ized use or disclosure.

4 (b) DEFINITIONS.—Section 5031 of title 18, United
5 States Code, is amended to read as follows:

6 **“§ 5031. Definitions**

7 “In this chapter—

8 “(1) the term ‘adjudication’ means a deter-
9 mination by a judge that a person committed an act
10 of juvenile delinquency;

11 “(2) the term ‘conviction’ means a judgment or
12 disposition in criminal court against a person fol-
13 lowing a finding of guilt by a judge or jury;

14 “(3) the term ‘destroy’ means to render a file
15 unreadable, whether paper, electronic, or otherwise
16 stored, by shredding, pulverizing, pulping, incin-
17 erating, overwriting, reformatting the media, or
18 other means;

19 “(4) the term ‘expunge’—

20 “(A) means to destroy a record and oblit-
21 erate the name of the person to whom the
22 record pertains from each official index or pub-
23 lic record; and

24 “(B) has the effect described in section
25 5044(c), including—

1 “(i) the right to treat an offense to
2 which an expunged record relates, and any
3 arrest, juvenile delinquency proceeding, ad-
4 judication, or other result of such pro-
5 ceeding relating to the offense, as if it
6 never occurred; and

7 “(ii) protection from civil and criminal
8 perjury, false swearing, and false state-
9 ment laws with respect to an expunged
10 record;

11 “(5) the term ‘expungement hearing’ means a
12 hearing held under section 5044(b)(2)(B);

13 “(6) the term ‘expungement petition’ means a
14 petition for expungement filed under section
15 5044(b);

16 “(7) the term ‘juvenile’ means—

17 “(A) except as provided in subparagraph
18 (B), a person who has not attained the age of
19 18; and

20 “(B) for the purpose of proceedings and
21 disposition under this chapter for an alleged act
22 of juvenile delinquency, a person who has not
23 attained the age of 21;

24 “(8) the term ‘juvenile delinquency’ means the
25 violation of a law of the United States committed by

1 a person before attaining the age of 18 which would
2 have been a crime if committed by an adult, or a
3 violation by such a person of section 922(x);

4 “(9) the term ‘juvenile nonviolent offense’
5 means an act of juvenile delinquency that is not—

6 “(A) a violent crime (as defined in section
7 103 of the Juvenile Justice and Delinquency
8 Prevention Act of 1974 (42 U.S.C. 5603)); or

9 “(B) a sex offense (as that term is defined
10 in section 111 of the Sex Offender Registration
11 and Notification Act (42 U.S.C. 16911));

12 “(10) the term ‘juvenile record’—

13 “(A) means a record maintained by a
14 court, the probation system, a law enforcement
15 agency, or any other government agency, of the
16 juvenile delinquency proceedings of a person;
17 and

18 “(B) includes—

19 “(i) a juvenile legal file, including a
20 formal document such as a petition, notice,
21 motion, legal memorandum, order, or de-
22 cree;

23 “(ii) a social record, including—

24 “(I) a record of a probation offi-
25 cer;

1 “(II) a record of any government
2 agency that keeps records relating to
3 juvenile delinquency;

4 “(III) a medical record;

5 “(IV) a psychiatric or psycho-
6 logical record;

7 “(V) a birth certificate;

8 “(VI) an education record, in-
9 cluding an individualized education
10 plan;

11 “(VII) a detention record;

12 “(VIII) demographic information
13 that identifies a juvenile or the family
14 of a juvenile; or

15 “(IX) any other record that in-
16 cludes personally identifiable informa-
17 tion that may be associated with a ju-
18 venile delinquency proceeding, an act
19 of juvenile delinquency, or an alleged
20 act of juvenile delinquency;

21 “(iii) a law enforcement record, in-
22 cluding—

23 “(I) fingerprints;

24 “(II) a DNA sample; or

25 “(III) a photograph; and

1 “(iv) a State criminal justice informa-
2 tion system record;

3 “(11) the term ‘petitioner’ means a person who
4 files an expungement petition or a sealing petition;

5 “(12) the term ‘seal’—

6 “(A) means—

7 “(i) to close a record from public
8 viewing so that the record cannot be exam-
9 ined except by court order; and

10 “(ii) to physically seal the record shut
11 and label the record ‘SEALED’ or, in the
12 case of an electronic record, the sub-
13 stantive equivalent; and

14 “(B) has the effect described in section
15 5043(c), including—

16 “(i) the right to treat an offense to
17 which a sealed record relates, and any ar-
18 rest, juvenile delinquency proceeding, adju-
19 dication, or other result of such proceeding
20 relating to the offense, as if it never oc-
21 curred; and

22 “(ii) protection from civil and criminal
23 perjury, false swearing, and false state-
24 ment laws with respect to a sealed record;

1 “(13) the term ‘sealing hearing’ means a hear-
2 ing held under section 3632(b)(2)(A); and

3 “(14) the term ‘sealing petition’ means a peti-
4 tion for a sealing order filed under section
5 5043(b).”.

6 (c) CONFIDENTIALITY.—Section 5038 of title 18,
7 United States Code, is amended—

8 (1) in subsection (a), in the flush text following
9 paragraph (6), by inserting after “bonding,” the fol-
10 lowing: “participation in an educational system,”;
11 and

12 (2) in subsection (b), by striking “District
13 courts exercising jurisdiction over any juvenile” and
14 inserting the following: “Not later than 7 days after
15 the date on which a district court exercises jurisdic-
16 tion over a juvenile, the district court”.

17 (d) SEALING; EXPUNGEMENT.—

18 (1) IN GENERAL.—Chapter 403 of title 18,
19 United States Code, is amended by adding at the
20 end the following:

21 **“§ 5043. Sealing**

22 “(a) AUTOMATIC SEALING OF NONVIOLENT OF-
23 FENSES.—

24 “(1) IN GENERAL.—Three years after the date
25 on which a person who is adjudicated delinquent

1 under this chapter for a juvenile nonviolent offense
2 completes every term of probation, official detention,
3 or juvenile delinquent supervision ordered by the
4 court with respect to the offense, the court shall
5 order the sealing of each juvenile record or portion
6 thereof that relates to the offense if the person—

7 “(A) has not been convicted of a crime or
8 adjudicated delinquent for an act of juvenile de-
9 linquency since the date of the disposition; and

10 “(B) is not engaged in active criminal
11 court proceedings or juvenile delinquency pro-
12 ceedings.

13 “(2) AUTOMATIC NATURE OF SEALING.—The
14 order of sealing under paragraph (1) shall require
15 no action by the person whose juvenile records are
16 to be sealed.

17 “(3) NOTICE OF AUTOMATIC SEALING.—A
18 court that orders the sealing of a juvenile record of
19 a person under paragraph (1) shall inform the per-
20 son of the sealing and the benefits of sealing the
21 record, including protection from civil and criminal
22 perjury, false swearing, and false statement laws
23 with respect to the record.

24 “(b) PETITIONING FOR EARLY SEALING OF NON-
25 VIOLENT OFFENSES.—

1 “(1) RIGHT TO FILE SEALING PETITION.—

2 “(A) IN GENERAL.—During the 3-year pe-
3 riod beginning on the date on which a person
4 who is adjudicated delinquent under this chap-
5 ter for a juvenile nonviolent offense completes
6 every term of probation, official detention, or
7 juvenile delinquent supervision ordered by the
8 court with respect to the offense, the person
9 may petition the court to seal the juvenile
10 records that relate to the offense.

11 “(B) NOTICE OF OPPORTUNITY TO FILE
12 PETITION.—If a person is adjudged delinquent
13 for a juvenile nonviolent offense, the court in
14 which the person is adjudged delinquent shall
15 inform the person of the potential eligibility of
16 the person to file a sealing petition with respect
17 to the offense upon completing every term of
18 probation, official detention, or juvenile delin-
19 quent supervision ordered by the court with re-
20 spect to the offense, and the necessary proce-
21 dures for filing the sealing petition—

22 “(i) on the date on which the indi-
23 vidual is adjudged delinquent; and

24 “(ii) on the date on which the indi-
25 vidual has completed every term of proba-

1 tion, official detention, or juvenile delin-
2 quent supervision ordered by the court
3 with respect to the offense.

4 “(2) PROCEDURES.—

5 “(A) NOTIFICATION OF PROSECUTOR AND
6 VICTIMS.—If a person files a sealing petition
7 with respect to a juvenile nonviolent offense, the
8 court in which the petition is filed shall provide
9 notice of the petition—

10 “(i) to the Attorney General;

11 “(ii) to the extent reasonable and
12 practicable, to each victim of the offense;
13 and

14 “(iii) upon the request of the peti-
15 tioner, to any other individual that the pe-
16 titioner determines may testify as to—

17 “(I) the conduct of the petitioner
18 since the date of the offense; or

19 “(II) the reasons that the sealing
20 order should be entered.

21 “(B) HEARING.—

22 “(i) IN GENERAL.—Not later than 6
23 months after the date on which a person
24 files a sealing petition, the court shall con-

1 duct a hearing to determine whether to
2 enter a sealing order for the person.

3 “(ii) OPPORTUNITY TO TESTIFY AND
4 OFFER EVIDENCE.—

5 “(I) PETITIONER.—The peti-
6 tioner may testify or offer evidence at
7 the sealing hearing in support of seal-
8 ing.

9 “(II) PROSECUTOR.—The Attor-
10 ney General may send a representa-
11 tive to testify or offer evidence at the
12 sealing hearing in support of or
13 against sealing.

14 “(III) VICTIMS.—

15 “(aa) IN GENERAL.—A vic-
16 tim who receives notice under
17 subparagraph (A)(ii) may testify
18 or offer evidence at the sealing
19 hearing in support of or against
20 sealing.

21 “(bb) LOCATING VICTIMS.—
22 The inability of a court to locate
23 a victim shall not delay a pro-
24 ceeding under this subsection,
25 preclude the holding of a sealing

1 hearing, or preclude the issuance
2 of a sealing order.

3 “(IV) OTHER INDIVIDUALS.—An
4 individual who receives notice under
5 subparagraph (A)(iii) may testify or
6 offer evidence at the sealing hearing
7 as to the issues described in sub-
8 clauses (I) and (II) of that paragraph.

9 “(C) BASIS FOR DECISION.—In conducting
10 the hearing under subparagraph (B), the court
11 shall determine whether to grant the sealing pe-
12 tition after considering—

13 “(i) the evidence and testimony pre-
14 sented by the Attorney General and any
15 victims at the hearing;

16 “(ii) the best interests of the peti-
17 tioner;

18 “(iii) the age of the petitioner during
19 his or her contact with the court or any
20 law enforcement agency;

21 “(iv) the nature of the juvenile non-
22 violent offense;

23 “(v) the disposition of the case;

24 “(vi) the manner in which the peti-
25 tioner participated in any court-ordered re-

1 habilitative programming or supervised
2 services;

3 “(vii) the length of the time period
4 during which the petitioner has been with-
5 out contact with any court or law enforce-
6 ment agency;

7 “(viii) whether the petitioner has had
8 any criminal or juvenile delinquency in-
9 volvement since the disposition of the juve-
10 nile delinquency proceeding; and

11 “(ix) the adverse consequences the pe-
12 titioner may suffer if the petition is not
13 granted.

14 “(D) WAITING PERIOD AFTER DENIAL.—If
15 the court denies a sealing petition, the peti-
16 tioner may not file a new sealing petition with
17 respect to the same juvenile nonviolent offense
18 until the date that is 2 years after the date of
19 the denial.

20 “(E) UNIVERSAL FORM.—The Attorney
21 General shall create a universal form, available
22 over the Internet and in paper form, that an in-
23 dividual may use to file a sealing petition.

24 “(F) NO FEE FOR SEALING.—There shall
25 be no cost for filing a sealing petition.

1 “(G) REPORTING.—Not later than 2 years
2 after the date of enactment of this section, and
3 each year thereafter, each district court of the
4 United States shall issue a public report that—

5 “(i) describes—

6 “(I) the number of sealing peti-
7 tions granted and denied under this
8 subsection; and

9 “(II) the number of instances in
10 which the Attorney General supported
11 or opposed a sealing petition; and

12 “(ii) includes any supporting data
13 that the court determines relevant and that
14 does not name any petitioner.

15 “(H) PUBLIC DEFENDER ELIGIBILITY.—

16 “(i) PETITIONERS UNDER AGE 18.—
17 The district court shall appoint counsel in
18 accordance with the plan of the district
19 court in operation under section 3006A to
20 represent a petitioner for purposes of this
21 subsection if the petitioner is less than 18
22 years of age.

23 “(ii) PETITIONERS AGE 18 AND
24 OLDER.—

1 “(I) DISCRETION OF COURT.—In
2 the case of a petitioner who not less
3 than 18 years of age, the district
4 court may, in its discretion, appoint
5 counsel in accordance with the plan of
6 the district court in operation under
7 section 3006A to represent the peti-
8 tioner for purposes of this subsection.

9 “(II) CONSIDERATIONS.—In de-
10 termining whether to appoint counsel
11 under subclause (I), the court shall
12 consider—

13 “(aa) the anticipated com-
14 plexity of the sealing hearing, in-
15 cluding the number and type of
16 witnesses called to advocate
17 against the sealing of the records
18 of the petitioner; and

19 “(bb) the potential for ad-
20 verse testimony by a victim or a
21 representative of the Attorney
22 General.

23 “(c) EFFECT OF SEALING ORDER.—

24 “(1) IN GENERAL.—Except as provided in this
25 subsection, if a court orders the sealing of a juvenile

1 record under subsection (a) or (b) with respect to a
2 juvenile nonviolent offense, the offense and any ar-
3 rest, juvenile delinquency proceeding, adjudication,
4 or other result of such proceeding relating to the of-
5 fense shall be treated as if it never occurred.

6 “(2) VERIFICATION OF SEALING.—If a court
7 orders the sealing of a juvenile record under sub-
8 section (a) or (b) with respect to a juvenile non-
9 violent offense, the court shall—

10 “(A) send a copy of the sealing order to
11 each entity or person that possesses a record
12 relating to the offense, including each law en-
13 forcement agency, each public or private correc-
14 tional, detention, or treatment facility, each
15 other public or private agency, and each person
16 who provided treatment or rehabilitation serv-
17 ices for the petitioner under an order of the
18 court;

19 “(B) in the sealing order, require each en-
20 tity or person described in paragraph (1) to—

21 “(i) seal the record; and

22 “(ii) submit a written certification to
23 the court, under penalty of perjury, that
24 the entity or person has sealed each paper
25 and electronic copy of the record;

1 “(C) seal each paper and electronic copy of
2 the record in the possession of the court; and

3 “(D) after receiving a written certification
4 from each entity or person under paragraph
5 (2)(B), notify the petitioner that each entity or
6 person described in paragraph (1) has sealed
7 each paper and electronic copy of the record.

8 “(3) PROTECTION FROM PERJURY LAWS.—Ex-
9 cept as provided in paragraph (5)(C)(i), the person
10 who is the subject of a juvenile record sealed under
11 subsection (a) or (b) or a parent of the person shall
12 not be subject to prosecution under any civil or
13 criminal provision of Federal or State law relating to
14 perjury, false swearing, or making a false statement,
15 including section 1001, 1621, 1622, or 1623, for
16 failing to acknowledge the record or respond to any
17 inquiry made of the person or the parent, relating
18 to the record, for any purpose.

19 “(4) LAW ENFORCEMENT ACCESS TO SEALED
20 RECORDS.—A law enforcement agency may access a
21 sealed juvenile record of a person solely—

22 “(A) to determine whether the person is el-
23 igible for a first-time-offender diversion pro-
24 gram;

1 “(B) for investigatory or prosecutorial pur-
2 poses within the juvenile justice system; or

3 “(C) for a background check that relates
4 to—

5 “(i) law enforcement employment; or

6 “(ii) any employment that requires a
7 government security clearance.

8 “(5) PROHIBITION ON DISCLOSURE.—

9 “(A) PROHIBITION.—Except as provided
10 in subparagraph (C), it shall be unlawful to in-
11 tentiously make or attempt to make an unau-
12 thorized disclosure of any information from a
13 sealed juvenile record in violation of this sec-
14 tion.

15 “(B) PENALTY.—Any person who violates
16 subparagraph (A) shall be fined under this title,
17 imprisoned for not more than 1 year, or both.

18 “(C) EXCEPTIONS.—

19 “(i) BACKGROUND CHECKS.—A per-
20 son who is the subject of a juvenile record
21 sealed under this section shall, and a Fed-
22 eral or State law enforcement agency that
23 possesses such a record may, disclose the
24 record in the case of a background check
25 for—

1 “(I) law enforcement employ-
2 ment; or

3 “(II) any employment that re-
4 quires a government security clear-
5 ance.

6 “(ii) DISCLOSURE TO ARMED
7 FORCES.—A person may disclose informa-
8 tion from a sealed juvenile record to the
9 Secretaries of the military departments (or
10 the Secretary of Homeland Security with
11 respect to the Coast Guard when it is not
12 operating as a service in the Navy) for the
13 purpose of vetting an enlistment or com-
14 mission, or with regard to any member of
15 the Armed Forces.

16 “(iii) AUTHORIZATION FOR PERSON
17 TO DISCLOSE OWN RECORD.—A person
18 who is the subject of a juvenile record
19 sealed under this section may choose to
20 disclose the record.

21 **“§ 5044. Expungement**

22 “(a) AUTOMATIC EXPUNGEMENT OF CERTAIN
23 RECORDS.—

24 “(1) ATTORNEY GENERAL MOTION.—

1 “(A) NONVIOLENT OFFENSES COMMITTED
2 BEFORE A PERSON TURNED 15.—If a person is
3 adjudicated delinquent under this chapter for a
4 juvenile nonviolent offense committed before the
5 person attained 15 years of age, on the date on
6 which the person attains 18 years of age, the
7 Attorney General shall file a motion in the dis-
8 trict court of the United States in which the
9 person was adjudicated delinquent requesting
10 that each juvenile record of the person that re-
11 lates to the offense be expunged.

12 “(B) ARRESTS.—If a juvenile is arrested
13 for an offense for which a juvenile delinquency
14 proceeding is not instituted under this sub-
15 chapter, the Attorney General shall file a mo-
16 tion in the district court of the United States
17 that would have had jurisdiction of the pro-
18 ceeding requesting that each juvenile record re-
19 lating to the arrest be expunged.

20 “(C) EXPUNGEMENT ORDER.—Upon the
21 filing of a motion in a district court of the
22 United States with respect to a juvenile non-
23 violent offense under subparagraph (A) or an
24 arrest for an offense under subparagraph (B),
25 the court shall grant the motion and order that

1 each juvenile record relating to the offense or
2 arrest, as applicable, be expunged.

3 “(2) DISMISSED CASES.—If a district court of
4 the United States dismisses an information with re-
5 spect to a juvenile under this subchapter or finds a
6 juvenile not to be delinquent in a juvenile delin-
7 quency proceeding under this subchapter, the court
8 shall concurrently order that each juvenile record re-
9 lating to the applicable proceeding be expunged.

10 “(3) AUTOMATIC NATURE OF EXPUNGEMENT.—
11 An order of expungement under paragraph (1)(C) or
12 (2) shall not require any action by the person whose
13 records are to be expunged.

14 “(4) NOTICE OF AUTOMATIC EXPUNGEMENT.—
15 A court that orders the expungement of a juvenile
16 record of a person under paragraph (1)(C) or (2)
17 shall inform the person of the expungement and the
18 benefits of expunging the record, including protec-
19 tion from civil and criminal perjury, false swearing,
20 and false statement laws with respect to the record.

21 “(b) PETITIONING FOR EXPUNGEMENT OF NON-
22 VIOLENT OFFENSES.—

23 “(1) IN GENERAL.—A person who is adjudged
24 delinquent under this chapter for a juvenile non-
25 violent offense committed on or after the date on

1 which the person attained 15 years of age may peti-
2 tion the court in which the proceeding took place to
3 order the expungement of the juvenile record that
4 relates to the offense.

5 “(2) PROCEDURES.—

6 “(A) NOTIFICATION OF PROSECUTOR AND
7 VICTIMS.—If a person files an expungement pe-
8 tition with respect to a juvenile nonviolent of-
9 fense, the court in which the petition is filed
10 shall provide notice of the petition—

11 “(i) to the Attorney General;

12 “(ii) to the extent reasonable and
13 practicable, to each victim of the offense;
14 and

15 “(iii) upon the request of the peti-
16 tioner, to any other individual that the pe-
17 titioner determines may testify as to—

18 “(I) the conduct of the petitioner
19 since the date of the offense; or

20 “(II) the reasons that the
21 expungement order should be entered.

22 “(B) HEARING.—

23 “(i) IN GENERAL.—Not later than 6
24 months after the date on which a person
25 files an expungement petition, the court

1 shall conduct a hearing to determine
2 whether to enter an expungement order for
3 the person.

4 “(ii) OPPORTUNITY TO TESTIFY AND
5 OFFER EVIDENCE.—

6 “(I) PETITIONER.—The peti-
7 tioner may testify or offer evidence at
8 the expungement hearing in support
9 of expungement.

10 “(II) PROSECUTOR.—The Attor-
11 ney General may send a representa-
12 tive to testify or offer evidence at the
13 expungement hearing in support of or
14 against expungement.

15 “(III) VICTIMS.—

16 “(aa) IN GENERAL.—A vic-
17 tim who receives notice under
18 subparagraph (A)(ii) may testify
19 or offer evidence at the
20 expungement hearing in support
21 of or against expungement.

22 “(bb) LOCATING VICTIMS.—
23 The inability of a court to locate
24 a victim shall not delay a pro-
25 ceeding under this subsection,

1 preclude the holding of an
2 expungement hearing, or pre-
3 clude the issuance of an
4 expungement order.

5 “(IV) OTHER INDIVIDUALS.—An
6 individual who receives notice under
7 subparagraph (A)(iii) may testify or
8 offer evidence at the expungement
9 hearing as to the issues described in
10 subclauses (I) and (II) of that para-
11 graph.

12 “(C) BASIS FOR DECISION.—In conducting
13 a hearing under subparagraph (B), the court
14 shall determine whether to grant the
15 expungement petition after considering—

16 “(i) the evidence and testimony pre-
17 sented by the Attorney General and any
18 victims at the hearing;

19 “(ii) the best interests of the peti-
20 tioner;

21 “(iii) the age of the petitioner during
22 his or her contact with the court or any
23 law enforcement agency;

24 “(iv) the nature of the juvenile non-
25 violent offense;

1 “(v) the disposition of the case;

2 “(vi) the manner in which the peti-
3 tioner participated in any court-ordered re-
4 habilitative programming or supervised
5 services;

6 “(vii) the length of the time period
7 during which the petitioner has been with-
8 out contact with any court or any law en-
9 forcement agency;

10 “(viii) whether the petitioner has had
11 any criminal or juvenile delinquency in-
12 volvement since the disposition of the juve-
13 nile delinquency proceeding; and

14 “(ix) the adverse consequences the pe-
15 titioner may suffer if the petition is not
16 granted.

17 “(D) WAITING PERIOD AFTER DENIAL.—If
18 the court denies an expungement petition, the
19 petitioner may not file a new expungement peti-
20 tion with respect to the same offense until the
21 date that is 2 years after the date of the denial.

22 “(E) UNIVERSAL FORM.—The Attorney
23 General shall create a universal form, available
24 over the Internet and in paper form, that an in-

1 dividual may use to file an expungement peti-
2 tion.

3 “(F) NO FEE FOR EXPUNGEMENT.—There
4 shall be no cost for filing an expungement peti-
5 tion.

6 “(G) REPORTING.—Not later than 2 years
7 after the date of enactment of this section, and
8 each year thereafter, each district court of the
9 United States shall issue a public report that—

10 “(i) describes—

11 “(I) the number of expungement
12 petitions granted and denied under
13 this subsection; and

14 “(II) the number of instances in
15 which the Attorney General supported
16 or opposed an expungement petition;
17 and

18 “(ii) includes any supporting data
19 that the court determines relevant and that
20 does not name any petitioner.

21 “(H) PUBLIC DEFENDER ELIGIBILITY.—

22 “(i) PETITIONERS UNDER AGE 18.—
23 The district court shall appoint counsel in
24 accordance with the plan of the district
25 court in operation under section 3006A to

1 represent a petitioner for purposes of this
2 subsection if the petitioner is less than 18
3 years of age.

4 “(ii) PETITIONERS AGE 18 AND
5 OLDER.—

6 “(I) DISCRETION OF COURT.—In
7 the case of a petitioner who not less
8 than 18 years of age, the district
9 court may, in its discretion, appoint
10 counsel in accordance with the plan of
11 the district court in operation under
12 section 3006A to represent the peti-
13 tioner for purposes of this subsection.

14 “(II) CONSIDERATIONS.—In de-
15 termining whether to appoint counsel
16 under subclause (I), the court shall
17 consider—

18 “(aa) the anticipated com-
19 plexity of the expungement hear-
20 ing, including the number and
21 type of witnesses called to advo-
22 cate against the expungement of
23 the records of the petitioner; and

24 “(bb) the potential for ad-
25 verse testimony by a victim or a

1 representative of the Attorney
2 General.

3 “(c) EFFECT OF EXPUNGED JUVENILE RECORD.—

4 “(1) IN GENERAL.—Except as provided in this
5 subsection, if a court orders the expungement of a
6 juvenile record under subsection (a) or (b) with re-
7 spect to a juvenile nonviolent offense—

8 “(A) the offense and any arrest, juvenile
9 delinquency proceeding, adjudication, or other
10 result of such proceeding relating to the offense
11 shall be treated as if it never occurred; and

12 “(B) the person to whom the record per-
13 tains shall not be required to disclose the exist-
14 ence of the record.

15 “(2) VERIFICATION OF EXPUNGEMENT.—If a
16 court orders the expungement of a juvenile record
17 under subsection (a) or (b) with respect to a juvenile
18 nonviolent offense, the court shall—

19 “(A) send a copy of the expungement order
20 to each entity or person that possesses a record
21 relating to the offense, including each law en-
22 forcement agency, each public or private correc-
23 tional, detention, or treatment facility, each
24 other public or private agency, and each person
25 who provided treatment or rehabilitation serv-

1 ices for the petitioner under an order of the
2 court;

3 “(B) in the expungement order, require
4 each entity or person described in paragraph
5 (1) to—

6 “(i) destroy the record; and

7 “(ii) submit a written certification to
8 the court, under penalty of perjury, that
9 the entity or person has destroyed each
10 paper and electronic copy of the record;

11 “(C) destroy each paper and electronic
12 copy of the record in the possession of the
13 court; and

14 “(D) after receiving a written certification
15 from each entity or person under paragraph
16 (2)(B), notify the petitioner that each entity or
17 person described in paragraph (1) has de-
18 stroyed each paper and electronic copy of the
19 record.

20 “(3) REPLY TO INQUIRIES.—In the case of an
21 inquiry relating to a juvenile record of a person that
22 is expunged under this section, the court in which
23 the proceeding took place, each law enforcement offi-
24 cer, any agency that provided treatment or rehabili-
25 tation services to the person, and the person (except

1 as provided in paragraph (6)) shall reply to the in-
2 quiry that no such juvenile record exists.

3 “(4) PROTECTION FROM PERJURY LAWS.—Ex-
4 cept as provided in paragraph (5), if a juvenile
5 record of a person is expunged under this section,
6 the person who is the subject of the record or a par-
7 ent of the person shall not be subject to prosecution
8 under any civil or criminal provision of Federal or
9 State law relating to perjury, false swearing, or
10 making a false statement, including section 1001,
11 1621, 1622, or 1623, for failing to acknowledge the
12 record or respond to any inquiry made of the person
13 or the parent, relating to the record, for any pur-
14 pose.

15 “(5) CIVIL ACTIONS.—

16 “(A) IN GENERAL.—If a person whose ju-
17 venile record is expunged under this section
18 brings an action that might be defended with
19 the contents of the record, there shall be a re-
20 buttable presumption that the defendant has a
21 complete defense to the action.

22 “(B) SHOWING BY PLAINTIFF.—In an ac-
23 tion described in subparagraph (A), the plaintiff
24 may rebut the presumption of a complete de-
25 fense by showing that the contents of the ex-

1 punged record would not prevent the defendant
2 from being liable.

3 “(C) DUTY TO TESTIFY AS TO EXISTENCE
4 OF RECORD.—The court in which an action de-
5 scribed in subparagraph (A) is filed may re-
6 quire the plaintiff to state under oath whether
7 the plaintiff had a juvenile record and whether
8 the record was expunged.

9 “(D) PROOF OF EXISTENCE OF JUVENILE
10 RECORD.—If the plaintiff in an action described
11 in subparagraph (A) denies the existence of a
12 juvenile record, the defendant may prove the ex-
13 istence of the record in any manner compatible
14 with the applicable laws of evidence.

15 “(6) AUTHORIZATION FOR PERSON TO DIS-
16 CLOSE OWN RECORD.—A person who is the subject
17 of a juvenile record expunged under this section may
18 choose to disclose the record.”.

19 (2) TECHNICAL AND CONFORMING AMEND-
20 MENT.—The table of sections for chapter 403 of
21 title 18, United States Code, is amended by adding
22 at the end the following:

“5043. Sealing.

“5044. Expungement.”.

23 (e) JUVENILE SOLITARY CONFINEMENT.—

1 (1) IN GENERAL.—Chapter 403 of title 18,
2 United States Code, as amended by subsection (d),
3 is amended by adding at the end the following:

4 **“§ 5045. Juvenile solitary confinement**

5 “(a) DEFINITIONS.—In this section—

6 “(1) the term ‘juvenile detention facility’ means
7 any facility to which juveniles are committed, wheth-
8 er pursuant to an adjudication of delinquency under
9 this subchapter or conviction for an offense; and

10 “(2) the term ‘room confinement’ means the in-
11 voluntary restriction of a juvenile alone in a cell,
12 room, or other area for any reason.

13 “(b) PROHIBITION.—

14 “(1) IN GENERAL.—The use of room confine-
15 ment at a juvenile detention facility for discipline,
16 punishment, retaliation, staffing shortages, adminis-
17 trative convenience, or any reason other than as a
18 temporary response to the behavior of a juvenile that
19 poses a serious and immediate risk of physical harm
20 to the juvenile or others is prohibited.

21 “(2) JUVENILES POSING RISK OF HARM TO
22 OTHERS OR TO SELF AND OTHERS.—

23 “(A) REQUIREMENT TO USE LEAST RE-
24 STRICTIVE TECHNIQUES.—

1 “(i) IN GENERAL.—Before an em-
2 ployee of a juvenile detention facility places
3 a juvenile in room confinement, the em-
4 ployee shall attempt to use less restrictive
5 techniques, including—

6 “(I) talking with the juvenile to
7 de-escalate the situation; and

8 “(II) when possible, bringing in
9 other employees, qualified mental
10 health professionals, or other juveniles
11 to talk with the juvenile.

12 “(ii) EXPLANATION.—Before an em-
13 ployee of a juvenile facility places a juve-
14 nile in room confinement, or immediately
15 after doing so, the employee shall explain
16 to the juvenile—

17 “(I) the reasons for the room
18 confinement; and

19 “(II) the fact that the juvenile
20 will be released from room confine-
21 ment upon regaining self-control.

22 “(B) 3-HOUR MAXIMUM.—Except as pro-
23 vided in paragraph (3), if a juvenile is placed
24 in room confinement because the juvenile poses
25 a serious and immediate risk of physical harm

1 to others or to the juvenile and others, the juve-
2 nile shall not remain in room confinement for
3 more than 3 hours.

4 “(C) RELEASE.—As soon as a juvenile
5 placed in room confinement under subpara-
6 graph (A) is sufficiently under control so as to
7 no longer pose a serious and immediate risk of
8 physical harm to the juvenile or others, the ju-
9 venile shall be released from room confinement.

10 “(D) SPIRIT AND PURPOSE.—The use of
11 consecutive periods of room confinement to
12 evade the spirit and purpose of this subsection
13 shall be prohibited.

14 “(E) CONDITIONS.—A room used for room
15 confinement for a juvenile shall—

16 “(i) have not less than 80 square feet
17 of floor space;

18 “(ii) have adequate lighting, heating
19 or cooling (as applicable), and ventilation
20 for the comfort of the juvenile;

21 “(iii) be suicide-resistant and protru-
22 sion-free; and

23 “(iv) have reasonable access to water,
24 toilet facilities, and hygiene supplies.

1 “(F) ACCESS TO SERVICES.—A juvenile
2 placed in room confinement shall—

3 “(i) have access to appropriate med-
4 ical and psychological services; and

5 “(ii) receive crisis intervention and
6 one-on-one observation.

7 “(G) RISK OF HARM AFTER 3 HOURS.—If,
8 after 3 hours of room confinement, a juvenile
9 continues to pose a serious and immediate risk
10 of physical harm to others or to the juvenile
11 and others—

12 “(i) the juvenile shall be transferred
13 to another juvenile detention facility or in-
14 ternal location where services can be pro-
15 vided to the juvenile without relying on
16 room confinement; or

17 “(ii) if the juvenile cannot be trans-
18 ferred to another juvenile detention facility
19 or internal location in accordance with
20 clause (i), an employee of the juvenile de-
21 tention facility shall initiate a referral to a
22 mental health facility that can meet the
23 needs of the juvenile.

24 “(3) JUVENILES POSING RISK OF HARM TO
25 SELF.—

1 “(A) IN GENERAL.—A juvenile may be
2 placed in room confinement to protect the juve-
3 nile from a serious and immediate risk of phys-
4 ical harm that the juvenile poses to himself or
5 herself.

6 “(B) RELEASE.—A juvenile placed in room
7 confinement under subparagraph (A) shall be
8 released—

9 “(i) immediately when the juvenile no
10 longer poses a serious and immediate risk
11 of physical harm to himself or herself; and

12 “(ii) not later than 30 minutes after
13 being placed in room confinement.

14 “(C) EXPLANATION.—Before placing a ju-
15 venile in room confinement under subparagraph
16 (A) or immediately after doing so, an employee
17 of a juvenile detention facility shall explain to
18 the juvenile—

19 “(i) the reasons for the room confine-
20 ment; and

21 “(ii) the fact that the juvenile will be
22 released within 30 minutes.

23 “(c) STUDY AND REPORT.—Not later than 2 years
24 after the date of enactment of this section, and each year

1 thereafter, the Attorney General shall submit to Congress
2 a report that—

3 “(1) contains a detailed description of the type
4 of physical force, restraints, and room confinement
5 used at juvenile detention facilities; and

6 “(2) describes the number of instances physical
7 force, restraints, or room confinement are used at
8 juvenile detention facilities, disaggregated by race,
9 ethnicity, and gender.”.

10 (2) TECHNICAL AND CONFORMING AMEND-
11 MENT.—The table of sections for chapter 403 of
12 title 18, United States Code, as amended by sub-
13 section (d), is amended by adding at the end the fol-
14 lowing:

“5045. Juvenile solitary confinement.”.

15 **SEC. 4. STUDY AND REPORT ON COST SAVINGS FROM SEAL-**
16 **ING AND EXPUNGEMENT PROVISIONS.**

17 (a) STUDY.—

18 (1) IN GENERAL.—Not later than 5 years after
19 the date of enactment of this Act, the Attorney Gen-
20 eral, in consultation with the Secretary of Labor and
21 the Director of the Office of Management and Budg-
22 et, shall conduct a study on the cost savings and
23 broader economic impact of the sealing and
24 expungement provisions in the amendments made by
25 sections 2, 3, and 6 of this Act.

1 (2) CONSIDERATIONS.—In conducting the study
2 under paragraph (1), the Attorney General shall
3 consider—

4 (A) the reduction in recidivism and associ-
5 ated cost savings related to corrections and
6 public safety;

7 (B) increased economic activity by former
8 offenders, including by conducting an analysis
9 of the tax revenue generated by that activity;
10 and

11 (C) the economic impact on the household
12 of former offenders and the children of former
13 offenders.

14 (b) REPORT.—Not later than 5 years after the date
15 of enactment of this Act, the Attorney General shall sub-
16 mit to Congress a report on the study conducted under
17 subsection (a).

18 **SEC. 5. TANF ASSISTANCE AND SNAP BENEFITS.**

19 (a) AMENDMENT TO BAN ON ASSISTANCE.—Section
20 115 of the Personal Responsibility and Work Opportunity
21 Reconciliation Act of 1996 (21 U.S.C. 862a) is amend-
22 ed—

23 (1) in subsection (a)—

1 (A) by redesignating paragraphs (1) and
2 (2) as subparagraphs (A) and (B), respectively,
3 and adjusting the margins accordingly;

4 (B) in the matter preceding subparagraph
5 (A), as redesignated—

6 (i) by striking “An individual” and in-
7 serting the following:

8 “(1) DENIAL OF ASSISTANCE AND BENEFITS.—
9 Except as provided in paragraph (2), an individual”;
10 and

11 (ii) by striking “possession, use, or”;
12 and

13 (C) by adding at the end the following:

14 “(2) EXCEPTION FOR INDIVIDUALS WHO RE-
15 CEIVE TREATMENT AND OTHER INDIVIDUALS.—The
16 prohibition under paragraph (1) shall not apply to
17 an individual convicted of an offense described in
18 paragraph (1) who—

19 “(A) has committed an offense that the
20 court in which the individual is convicted (re-
21 ferred to in this paragraph as the ‘court’) deter-
22 mines is rationally related to a substance abuse
23 disorder;

24 “(B)(i) is on a waiting list for, is accepted
25 for, successfully participates in, or has satisfac-

1 torily completed a substance abuse treatment
2 program approved by the court; or

3 “(ii) has been determined by the court to
4 not need substance abuse treatment; and

5 “(C) complies with all obligations imposed
6 by the court.”;

7 (2) in subsection (d), by striking “the date of
8 the enactment of this Act” each place that term ap-
9 pears and inserting “the date of enactment of the
10 Record Expungement Designed to Enhance Employ-
11 ment Act of 2014”; and

12 (3) in subsection (f), by striking paragraph (5)
13 and inserting the following:

14 “(5) Employment services, including job train-
15 ing programs and any other employment services
16 that are funded using assistance or benefits referred
17 to in subsection (a).”.

18 (b) EFFECT ON STATE ELECTIONS TO OPT OUT OR
19 LIMIT PERIOD OF PROHIBITION.—

20 (1) DEFINITION.—In this subsection, the term
21 “TANF assistance or SNAP benefits” means assist-
22 ance or benefits referred to in section 115(a) of the
23 Personal Responsibility and Work Opportunity Rec-
24 onciliation Act of 1996 (21 U.S.C. 862a(a)).

1 (2) EFFECT.—A law enacted by a State under
2 the authority under subparagraph (A) or (B) of sub-
3 section (d)(1) of section 115 of the Personal Respon-
4 sibility and Work Opportunity Reconciliation Act of
5 1996 (21 U.S.C. 862a) (as in effect on the day be-
6 fore the date of enactment of this Act), and any
7 State law or regulation enacted to carry out the re-
8 quirements of such section (as in effect on the day
9 before the date of enactment of this Act), that im-
10 poses conditions on eligibility for TANF assistance
11 or SNAP benefits that are more restrictive than the
12 conditions on eligibility for TANF assistance or
13 SNAP benefits under such section as amended by
14 subsection (a) shall have no force or effect.

15 **SEC. 6. STATE INCENTIVES.**

16 (a) COPS GRANTS PRIORITY.—Section 1701(c) of
17 the Omnibus Crime Control and Safe Streets Act of 1968
18 (42 U.S.C. 3796dd(c)) is amended—

19 (1) by striking “In” and inserting the following:

20 “(1) IN GENERAL.—In”;

21 (2) by striking “where feasible” and all that fol-
22 lows, and inserting the following: “where feasible, to
23 an application—

24 “(A) for hiring and rehiring additional ca-
25 reer law enforcement officers that involves a

1 non-Federal contribution exceeding the 25 per-
2 cent minimum under subsection (g); or

3 “(B) from an applicant in a State that has
4 in effect—

5 “(i) a law relating to the confiden-
6 tiality, sealing, and expungement of juve-
7 nile records that is substantially similar to,
8 or more generous to the former offender
9 than, the amendments made by subsections
10 (b) through (d) of section 3 of the Record
11 Expungement Designed to Enhance Em-
12 ployment Act of 2014;

13 “(ii) a law prohibiting juvenile solitary
14 confinement that is substantially similar
15 to, or more restrictive than, the amend-
16 ment made by subsection (e) of section 3
17 of the Record Expungement Designed to
18 Enhance Employment Act of 2014;

19 “(iii) a law relating to the sealing of
20 adult records that is substantially similar
21 to, or more generous to the former of-
22 fender than, the amendments made by sec-
23 tion 2 of the Record Expungement De-
24 signed to Enhance Employment Act of
25 2014;

1 “(iv) subject to paragraph (2), a law
2 that establishes that an adult criminal
3 court may not have original jurisdiction
4 over an individual who was less than 18
5 years of age when the individual committed
6 an offense;

7 “(v) a law that allows an individual
8 who has successfully sealed or expunged a
9 criminal record to be free from civil and
10 criminal perjury laws; or

11 “(vi) a law relating to the eligibility of
12 individuals for assistance or benefits re-
13 ferred to in subsection (a) of section 115
14 of the Personal Responsibility and Work
15 Opportunity Reconciliation Act of 1996
16 (21 U.S.C. 862a(a)) that is no more re-
17 strictive than such section, as amended by
18 section 5 of the Record Expungement De-
19 signed to Enhance Employment Act of
20 2014.”; and

21 (3) by adding at the end the following:

22 “(2) JUVENILE TRANSFER PROVISIONS.—Para-
23 graph (1)(B)(iv) shall not be construed to preclude
24 from preferential consideration an application from
25 an applicant in a State that—

1 “(A) has in effect a law that authorizes the
2 transfer of an individual who is less than 18
3 years of age to adult criminal court if the indi-
4 vidual commits a specified offense or an offense
5 that falls under a specified category of offenses;
6 or

7 “(B) exercises other case-specific transfer
8 mechanisms.

9 “(3) DEGREE OF PRIORITY COMMENSURATE
10 WITH DEGREE OF COMPLIANCE.—If the Attorney
11 General, in awarding grants under this part, gives
12 preferential consideration to any application as au-
13 thorized under paragraph (1)(B), the Attorney Gen-
14 eral shall base the degree of preferential consider-
15 ation given to an application from an applicant in a
16 particular State on the number of clauses under
17 paragraph (1)(B) that the State has satisfied, rel-
18 ative to the number of such clauses that each other
19 State has satisfied.”.

20 (b) ATTORNEY GENERAL GUIDELINES AND TECH-
21 NICAL ASSISTANCE.—The Attorney General shall issue
22 guidelines and provide technical assistance to assist States
23 in complying with the incentive under section
24 1701(c)(1)(B) of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3796dd(c)(1)(B)), as
2 added by subsection (a).

3 **SEC. 7. ENSURING ACCURACY IN THE FBI BACKGROUND**
4 **CHECK SYSTEM.**

5 (a) IN GENERAL.—Section 534 of title 28, United
6 States Code, is amended by adding at the end the fol-
7 lowing:

8 “(g) ENSURING ACCURACY IN THE FBI BACK-
9 GROUND CHECK SYSTEM.—

10 “(1) DEFINITIONS.—In this subsection—

11 “(A) the term ‘applicant’ means the indi-
12 vidual to whom a record sought to be exchanged
13 pertains;

14 “(B) the term ‘incomplete’, with respect to
15 a record, means the record—

16 “(i) indicates that an individual was
17 arrested but does not describe the offense
18 for which the individual was arrested; or

19 “(ii) indicates that an individual was
20 arrested or criminal proceedings were insti-
21 tuted against an individual but does not
22 include the final disposition of the arrest
23 or of the proceedings if a final disposition
24 has been reached;

1 “(C) the term ‘record’ means a record or
2 other information collected under this section;

3 “(D) the term ‘reporting jurisdiction’
4 means any person or entity that provides a
5 record to the Attorney General under this sec-
6 tion; and

7 “(E) the term ‘requesting entity’—

8 “(i) means a person or entity that
9 seeks the exchange of a record for civil
10 purposes that include employment, hous-
11 ing, credit, or any other type of applica-
12 tion; and

13 “(ii) does not include a law enforce-
14 ment or intelligence agency that seeks the
15 exchange of a record for—

16 “(I) investigative purposes; or

17 “(II) purposes relating to—

18 “(aa) law enforcement em-
19 ployment; or

20 “(bb) employment that re-
21 quires a government security
22 clearance.

23 “(2) PERIODIC REVIEW AND UPDATE OF
24 RECORDS.—Not later than 1 year after the date of
25 enactment of the Record Expungement Designed to

1 Enhance Employment Act of 2014, and every 2
2 years thereafter, the Attorney General shall—

3 “(A) review each record for completeness
4 and accuracy; and

5 “(B) to the extent feasible, update or cor-
6 rect each incomplete or inaccurate record.

7 “(3) INCOMPLETE OR INACCURATE RECORDS.—

8 If the Attorney General determines under paragraph
9 (2)(A) that a record is incomplete or inaccurate, the
10 Attorney General—

11 “(A) shall notify each relevant reporting
12 jurisdiction that the record is incomplete or in-
13 accurate; and

14 “(B) may not exchange the record with a
15 requesting entity until the Attorney General up-
16 dates or corrects the record.”.

17 (b) REPORT.—Not later than 2 years after the date
18 of enactment of this Act, the Attorney General shall sub-
19 mit to Congress a report on the implementation of section
20 534(g) of title 28, United States Code, as added by sub-
21 section (a), that includes—

22 (1) the number of exchanges of records or in-
23 formation for employment-related purposes made
24 with entities in each State through the records sys-

1 tem created under section 534 of title 28, United
2 States Code;

3 (2) appropriate statistical information to deter-
4 mine whether the exchange of records or information
5 about arrests that did not result in convictions is af-
6 fecting the employment opportunities of employees
7 to whom those records or information pertain;

8 (3) any prolonged failure of a reporting jurisdic-
9 tion to comply with a request by the Attorney
10 General for information about dispositions of ar-
11 rests; and

12 (4) the numbers of successful and unsuccessful
13 challenges to the accuracy and completeness of
14 records or information, by State where the records
15 and information originated.

16 **SEC. 8. REPORT ON STATUTORY AND REGULATORY RE-**
17 **STRICTIONS AND DISQUALIFICATIONS BASED**
18 **ON CRIMINAL RECORDS.**

19 (a) IN GENERAL.—Not later than 2 years after the
20 date of enactment of this Act, the Attorney General, in
21 consultation with the Secretary of Labor and the Director
22 of the Office of Personnel Management, shall submit to
23 Congress a report on each Federal statute, regulation, or
24 policy that authorizes a restriction on, or disqualification

1 of, an applicant for employment or for a Federal license
2 or permit based on the criminal record of the applicant.

3 (b) IDENTIFICATION OF INFORMATION.—In the re-
4 port submitted under subsection (a), the Attorney General
5 shall—

6 (1) identify each occupation, position, license,
7 or permit to which a restriction or disqualification
8 described in subsection (a) applies; and

9 (2) for each occupation, position, license, or
10 permit identified under paragraph (1), include—

11 (A) a description of the restriction or dis-
12 qualification;

13 (B) the duration of the restriction or dis-
14 qualification;

15 (C) an evaluation of the rationale for the
16 restriction or disqualification and its continuing
17 usefulness;

18 (D) the procedures, if any, to appeal, waive
19 or exempt the restriction or disqualification
20 based on a showing of rehabilitation or other
21 relevant evidence;

22 (E) any information available about the
23 numbers of individuals restricted or disqualified
24 on the basis of a criminal record; and

1 (F) the identity of the Federal agency with
2 jurisdiction over the restriction or disqualifica-
3 tion.

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