

117TH CONGRESS
1ST SESSION

S. 3049

To establish a grant program for States for purposes of modernizing criminal justice data infrastructure to facilitate automatic record expungement and sealing, and for other purposes.

IN THE SENATE OF THE UNITED STATES

OCTOBER 21, 2021

Mr. VAN HOLLEN (for himself and Mr. CASEY) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

A BILL

To establish a grant program for States for purposes of modernizing criminal justice data infrastructure to facilitate automatic record expungement and sealing, 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.**

4 This Act may be cited as the “Fresh Start Act of
5 2021”.

6 **SEC. 2. ESTABLISHMENT.**

7 (a) IN GENERAL.—The Attorney General may make
8 not more than 1 grant under this Act to each eligible

1 State. Each such grant shall be in an amount of not more
2 than \$5,000,000.

3 (b) ELIGIBILITY.—A State shall be eligible for a
4 grant under this Act if—

5 (1) the State has in effect a covered
6 expungement law;

7 (2) the covered expungement law of the State
8 provides that expungement or sealing of a criminal
9 record shall not be delayed by reason of a failure to
10 pay a fee or fine; and

11 (3) the State submits an application to the At-
12 torney General, containing such information as the
13 Attorney General may require, including, at a min-
14 imum—

15 (A) information identifying whether there
16 is a system that, as of the date of the applica-
17 tion, exists for record expungement or sealing
18 in the State;

19 (B) a description of how infrastructure
20 created through grant funding will facilitate
21 automatic record expungement or sealing for in-
22 dividuals eligible for record expungement or
23 sealing; and

24 (C) an identification of the anticipated
25 number of individuals that would benefit from

1 the implementation of automatic record
2 expungement or sealing infrastructure.

3 **SEC. 3. USE OF GRANT AMOUNTS.**

4 A grant under section 2 shall be used to implement
5 a covered expungement law in accordance with the fol-
6 lowing:

7 (1) Not more than 10 percent of such grant
8 shall be used for research or planning for criminal
9 record data infrastructure improvements that will
10 make criminal record expungement or sealing auto-
11 matic.

12 (2) Any remaining amounts shall be used to im-
13 plement such improvements.

14 (3) The portion of the costs of implementing
15 such a law provided by a grant under this section
16 may not exceed 75 percent.

17 **SEC. 4. REPORTING REQUIREMENTS.**

18 (a) IN GENERAL.—A State receiving a grant under
19 section 2 shall report to the Attorney General, each year
20 of the grant term, pursuant to guidelines established by
21 the Attorney General, information regarding the following:

22 (1) The number of individuals eligible for auto-
23 matic expungement or sealing under the covered
24 expungement law of that State, disaggregated by
25 race, ethnicity, and gender.

1 (2) The number of individuals whose records
2 have been expunged or sealed annually since the en-
3 actment of such law, disaggregated by race, eth-
4 nicity, and gender.

5 (3) The number of individuals whose applica-
6 tion for expungement or sealing under such law are
7 still pending, disaggregated by race, ethnicity, and
8 gender.

9 (b) **INACCESSIBILITY OF DATA FOR REPORTING.**—In
10 the event that elements of the data on expungement and
11 sealing required to be reported under subsection (a) are
12 not able to be compiled and reported, the State shall de-
13 velop and report a comprehensive plan to obtain as much
14 of the unavailable data as possible not later than the date
15 that is 1 year after the first year of the grant being award-
16 ed.

17 (c) **PUBLICATION.**—Not later than 1 year after the
18 date of enactment of this Act, and each year thereafter,
19 the Attorney General shall publish, and make available to
20 the public, a report containing the data reported to the
21 Attorney General under this section.

22 **SEC. 5. DEFINITIONS.**

23 In this Act:

24 (1) Terms used have the meanings given such
25 terms in section 901 of title I of the Omnibus Crime

1 Control and Safe Streets Act of 1968 (34 U.S.C.
2 10251).

3 (2) The term “automatic” means, with regard
4 to the expungement or sealing of a criminal record,
5 that such expungement or sealing occurs without
6 any action required on the part of the State from an
7 eligible individual.

8 (3) The term “covered expungement law”
9 means a law of a State providing for the automatic
10 expungement or sealing, subject to such require-
11 ments as the State may impose, of a criminal record
12 of an individual.

13 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

14 There are authorized to be appropriated \$50,000,000
15 for each of fiscal years 2022 through 2026 to carry out
16 this Act.

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