

117TH CONGRESS
1ST SESSION

H. R. 5651

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

IN THE HOUSE OF REPRESENTATIVES

OCTOBER 20, 2021

Mr. TRONE (for himself, Mr. RODNEY DAVIS of Illinois, Mr. CRENSHAW, Mrs. BICE of Oklahoma, Ms. BLUNT ROCHESTER, Mr. RESCHENTHALER, Ms. DEAN, Ms. BUSH, Ms. SCANLON, Mrs. SPARTZ, Mr. JEFFRIES, Mr. FITZPATRICK, Mr. MELJER, Mrs. MILLER-MEEKS, Mr. KAHELE, Mr. MFUME, Ms. KUSTER, Ms. SHERRILL, Ms. BROWNLEY, Mr. COHEN, Ms. BASS, and Mr. KELLER) introduced the following bill; which was 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 automated record sealing and expungement, 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”.

1 **SEC. 2. ESTABLISHMENT.**

2 (a) IN GENERAL.—The Attorney General may make
3 not more than 1 grant under this Act to each eligible
4 State. Each such grant shall be in an amount of not more
5 than \$5,000,000.

6 (b) ELIGIBILITY.—A State shall be eligible if—

7 (1) the State has in effect a covered
8 expungement law;

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

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

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

21 (B) a description of how infrastructure
22 created through grant funding will facilitate
23 automatic expungement or record sealing fund-
24 ing for individuals eligible for record sealing or
25 expungement; and

1 (C) an identification of the anticipated
2 number of individuals that would benefit from
3 the implementation of automated expungement
4 or record sealing infrastructure.

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

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

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

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

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

19 **SEC. 4. REPORTING REQUIREMENTS.**

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

24 (1) The number of individuals eligible for auto-
25 matic expungement or sealing under the covered

1 expungement law of that State, disaggregated by
2 race, ethnicity, and gender.

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

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

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

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

24 **SEC. 5. DEFINITIONS.**

25 In this Act:

1 (1) Terms used have the meanings given such
2 terms in section 901 of the Omnibus Crime Control
3 and Safe Streets Act of 1968 (34 U.S.C. 10251).

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

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

14 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

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

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