



## Wisconsin State Legislature

FOR MORE INFORMATION  
CONTACT: LUTHER OLSEN (800) 991-5541

April 11, 2019

### **Expungement Reform – A Way To Grow The Workforce**

In Wisconsin, 1.4 million people have criminal records. Having a criminal record often makes it more difficult to find housing, employment, or to pursue higher education. One of the bills the legislature is considering this session would change the expungement process for some individuals who have completed their prison sentence. Expungement is the process of clearing a person's record of a low-level criminal offense. It is essentially giving people who have completed their sentence a "clean slate" to move forward with their lives.

Wisconsin is the only state that requires judges to determine if an individual will be eligible for expungement at the time of sentencing and is one of the few states that limits the possibility of expungement to people who are under the age of 25. Senate Bill 39 removes the requirement that expungement decisions be made at the time of sentencing and removes the age restriction. This new legislation does not change which crimes are eligible for expungement. Only misdemeanors and low-level felonies (Classes H and I) are eligible for expungement.

Senate Bill 39 clearly defines what it means to have successfully completed a prison sentence to ensure that a person has paid all fines, fees and restitution as well as successfully completed community supervision without any revocation. The bill does not allow for unlimited petitions for expungement. A petitioner must wait a year after successfully completing their sentence and if denied, they must wait two years before they are eligible to petition again. Individuals can only apply for expungement twice.

Critically important is the fact that if approved, Senate Bill 39 would be applied retroactively. Some people may not have known that they needed to request expungement at the time of sentencing or were over the age of 25 when sentenced. Applying this law retroactively means these people have the same chance for a productive future as people who are sentenced in the future. According to the Wisconsin Policy Forum, in Milwaukee County alone, as many as 30,000 individuals convicted between 2006 and 2017 may be eligible for expungement under this bill.

A study done in 2017 by the Badger Institute looked at expungements between 2010 and 2017 to see how the existing expungement statute was being used in practice. They found that the prevalence of expungement varied by county as well as the age and race of the offender. For instance, Milwaukee County had more crimes eligible for expungement than Outagamie, Kenosha or La Crosse counties during the study period, but had fewer expungements. Milwaukee County had 506 expungements, while the other three counties had 640, 623, and 597, respectively. They also looked at Washburn and Burnett counties as they have similarly sized populations with similar household incomes and poverty levels. Between 2010 and 2017, Washburn County had 124 expungements and Burnett County had five. These disparities speak to the need to give judges the authority to grant expungements after an individual completes their sentence, so the judge can evaluate evidence of rehabilitation.

One of the main purposes of the criminal justice system is to prepare offenders to re-enter society as productive, contributing citizens. However, people with a criminal past still face significant barriers, particularly when it comes to finding work. Senate Bill 39 recognizes that offenders can change their behavior and provides a better pathway to employment. These changes will not only help those individuals, but could also provide relief to the workforce shortage and strengthen Wisconsin's economy.

*If you have any questions about any of the information I have included or if you have suggestions on other topics or issues you would like learn more about, you may call my office toll-free at (800) 991-5541; write me at P.O. Box 7882, Madison, WI 53707; or e-mail me at: [Sen.Olsen@legis.state.wi.us](mailto:Sen.Olsen@legis.state.wi.us). You can also sign up for our newsletter at our website: <http://www.legis.state.wi.us/senate/sen14/news/index.htm>.*

#30#