



DUE PROCESS

INSTITUTE

Support the Bipartisan Kenneth P. Thompson Begin Again Act, H.R. 1924

A criminal record, particularly a conviction, is a significant barrier to employment, housing, and education opportunities. Avenues to pursue record-sealing or expungement for certain offenses offer avenues of opportunity to those with a criminal record and prevent a mistake from impeding them for the rest of their lives.

Considering that one in every three Americans has had an interaction with law enforcement that created a criminal record, this is a serious problem. As is often the case in the criminal justice system, there is evidence that people of color are impacted at higher rates. A January 2014 [study](#) noted that “about 30% of Black males have experienced at least one arrest by age 18 (vs. about 22% for White males); by age 23 about 49% of Black males have been arrested (vs. about 38% for White males).”

Over the past several years, a bipartisan consensus has emerged in state legislatures to do something about the barriers created by a criminal record. Today, more than 40 states have some form of an expungement or record-sealing law for some felonies and/or misdemeanor convictions. These states are as diverse as California, Kansas, New York, and Tennessee.

Unfortunately, Congress has lagged far behind states, which have served as laboratories of democracy in this area. Currently, there is only a very limited path, via 18 U.S. Code § 3607, to expunge a federal drug possession offense. This statute only allows an individual under the age of 21 to seek expungement for first-time simple possession of a controlled substance under 21 U.S.C. § 844.

Introduced by Reps. Hakeem Jeffries (D-NY) and Van Taylor (R-TX), the Kenneth P. Thompson Begin Again Act, H.R. 1924, would amend 18 U.S. Code § 3607 to make anyone, regardless of his or her age, eligible for expungement of a simple possession charge under 21 U.S.C. § 844. The bipartisan Kenneth P. Thompson Begin Again Act simply provides a way for all individuals, regardless of their age, to not be defined by one simple possession conviction.

For some, the bipartisan Kenneth P. Thompson Begin Again Act is a way to address racial disparities and promote restorative justice. For others, it is a means to promote upward mobility that might not otherwise exist for people who have been caught up in the criminal justice system. No matter the justification for supporting this much-needed legislation, people’s lives will be improved through a belief in second chances. We urge you to support this legislation.

Due Process Institute is a bipartisan nonprofit that works to honor, preserve, and restore principles of fairness in the criminal legal system. If you have any questions or concerns, please contact Director, Rule of Law Initiatives, Jason Pye at jason@idueprocess.org.