



DUE PROCESS

INSTITUTE

Support the Clean Slate Act, S. 1580 and H.R. 3114

It is estimated that 1 in 3 Americans—as many as 100 million people—have some kind of a criminal record. This means that as many as one in three people face major obstacles in securing a job or housing. At the same time, the United States faces a shortage of workers. In January 2025, for example, there were 913,000 more job openings than unemployed people actively seeking work. Congress can take a meaningful step towards addressing these challenges through the Clean Slate Act.

The stigma of a criminal record, particularly if an individual has spent time in prison, is a [barrier to employment](#). Due to a number of outdated “tough on crime” policies that continue to burden those with a criminal record long after their matter has resolved with the legal system, we are setting people up to fail when we should be providing opportunities and support to help them succeed—for the betterment of themselves, their families, their communities, and our society at large.

Introduced by Sens. Lisa Blunt Rochester (D-DE) and Rand Paul (R-KY) in the Senate and Reps. Lucy McBath (D-GA) and Nathaniel Moran (R-TX) in the House, the Clean Slate Act offers a path for individuals with certain nonviolent federal criminal records an opportunity for a second chance. The Clean Slate Act would provide for the automatic sealing of records for those people acquitted or exonerated, people who were arrested but never had charges filed against them, as well as those convicted of simple possession of a controlled substance under 21 U.S.C. § 844 or for any federal nonviolent marijuana offense—one year after someone has completed his or her sentence, probation, and/or supervised release.

The Clean Slate Act also provides a petition process for the sealing of records for certain nonviolent offenses. A person who has been convicted of two or fewer nonviolent offenses can petition a court to seal the record one year after completing all the terms of any sentence. Eligible individuals would be notified of their right to file a petition to seal their record; notification would also be sent to the prosecutor and any victim of the individual’s actions. A hearing would be required unless the prosecutor waived it. If the prosecutor challenges the petition, the petitioner would be given access to a public defender and the burden falls to the government to prove that the sealing of the record is not warranted.

Individuals who have been convicted for treason, terrorism, access and transmission of sensitive information, national security related offenses, and sex offenses would not be eligible for record sealing. Nor would records pertaining to murder, voluntary manslaughter, kidnapping, aggravated assault; robbery; arson; extortion; interstate domestic violence, and other violent offenses. Although a record would be sealed and not visible to the public or to prospective employers, law enforcement and the courts would still have access to the sealed record. In addition, employers would be given immunity from civil liability for any claim arising out of misconduct of the hired individual.

Twelve states have already passed “Clean Slate” legislation to automatically seal records while most other states have some form of record sealing or expungement laws. Federal law is extraordinarily lacking in this area. **Due Process Institute supports the Clean Slate Act and urges senators and representatives to co-sponsor and support this bipartisan bicameral legislation.** We encourage Congress to take this opportunity to explore ways to provide second chance opportunities to the millions of people who need a “clean slate” to move forward with their lives.

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, please contact Vice President Jason Pye at jason@idueprocess.org.