

The Record Expungement Designed to Enhance Employment Act of 2014 (REDEEM Act)

Senators Booker (D-NJ), Paul (R-KY)

Our criminal justice system is broken, and we are all paying the price for it. Home to just five percent of the world's population, but 25 percent of the world's prison population, our nation is wasting massive sums of taxpayer dollars to make our streets less, not more, safe. Furthermore, incarceration trends have created racial and socio-economic injustices of staggering proportions.

Crafted to complement sentencing reform efforts, the bipartisan Record Expungement Designed to Enhance Employment, or REDEEM Act, will reduce recidivism among both children and adults. Reducing recidivism and keeping kids from a life of crime will improve economic output, save money by driving down incarceration rates, and make our communities safer.

Once convicted of a crime, Americans face daunting obstacles to successfully rejoining society. Over a half million incarcerated Americans are released from our prisons each year, with an estimated two of every three ex-offenders rearrested within three years of returning to their community. A recent report from The Pew Charitable Trusts revealed that if just ten states studied cut their recidivism rates by ten percent, it would save taxpayers \$470 million a year.

Introduced with these challenges in mind, the REDEEM Act:

- ***Creates a federal sealing pathway for nonviolent adult ex-offenders:*** Currently, there is no broad federal statute that allows for the sealing of adult criminal records. The REDEEM Act enables those convicted of nonviolent crimes to petition for the sealing of their criminal records, making it more likely that they will be able to obtain a job and reintegrate into society. Petitioners who have successfully sealed their records may lawfully claim that their records do not exist. The REDEEM Act provides an incentive for states to follow suit by allowing preference to be given to Community Oriented Policing Services (COPS) grant applications that originate from states that have enacted similar or stronger adult sealing provisions.
- ***Automatically seals and, in some cases, expunges juvenile records:*** The REDEEM Act improves juvenile record confidentiality, automatically expunges nonviolent juvenile offenses that are committed by a child before they turn 15, and automatically seals nonviolent juvenile offenses that occur after a child has reached the age of 15. The automatic sealing and expungement occurs at the age of 18, or three years after the offense, whichever happens later. The REDEEM Act provides an incentive for states to do the same by allowing preference to be given to Community Oriented Policing Services (COPS) grant applications that originate from states that have enacted similar or stronger juvenile confidentiality, sealing and expungement provisions.
- ***Incentivizes states to raise the age of adult criminal responsibility to 18 years old:*** Studies of youth development have found that the decision-making functions of the brain

do not fully develop until much later than was previously believed to be the case. Despite this, some states still try 17, and even 16, year olds as adults by default. The REDEEM Act incentivizes states to establish 18 years old as a floor for original jurisdiction by adult criminal courts by allowing preference to be given to Community Oriented Policing Services (COPS) grant applications that originate from states that have enacted similar or stronger provisions.

- ***Significantly restricts room confinement of juveniles:*** Room confinement of juveniles—also known as solitary confinement—has been widely criticized as detrimental to the immediate and long-term mental and physical health of youth detainees. The REDEEM Act bans the use of room confinement for discipline, punishment, retaliation, staffing shortages, administrative convenience, or any reason other than as a temporary response to behavior that poses a serious and immediate risk of physical harm to the juvenile or others at any facility to which a federally adjudicated juvenile is sent. The REDEEM Act provides an incentive for states to follow suit by allowing preference to be given to Community Oriented Policing Services (COPS) grant applications that originate from states that have enacted similar or stronger juvenile room confinement provisions.
- ***Lifts the lifetime SNAP and TANF bans on many non-violent drug offenders:*** Federal law currently prohibits individuals convicted of drug-related felonies from receiving assistance under the Supplemental Nutrition Assistance Program (SNAP) and Temporary Assistance for Needy Families (TANF) program. A major consequence of this ban is that some of the most disadvantaged in our nation, after release from prison, face impossible odds of supporting themselves and their families as they search for a job. This hardship greatly increases the chances that ex-offenders will recidivate. The REDEEM Act modifies the ban, lifting it completely for those who have served their time for drug use and possession crimes, and by providing individuals convicted of drug distribution felonies that are rationally related to addiction with a path to restoration of benefit eligibility through enrollment in a substance abuse disorder treatment program.
- ***Improves the accuracy of the FBI background check system:*** Since 9/11, the number of FBI background checks performed has increased each year. Last year alone, the FBI conducted 17 million checks, many of which were for private employers. The system has been stretched beyond its limits, resulting in the production of some incomplete and inaccurate checks. The result can be devastating to a jobseeker. The REDEEM Act requires the FBI to review each record for completeness and accuracy every two years, and prohibits the distribution of any incomplete record with exceptions made for law enforcement agencies.

For more information regarding the REDEEM Act, please contact Matt Klapper (4-3224) in Senator Booker's office or Billy Easley (8-6912) in Senator Paul's office.