



A FRESH START: Wisconsin's Atypical Expungement Law and Options for Reform

BARRIERS TO EMPLOYMENT

No high school diploma/GED

23%

No driver's license

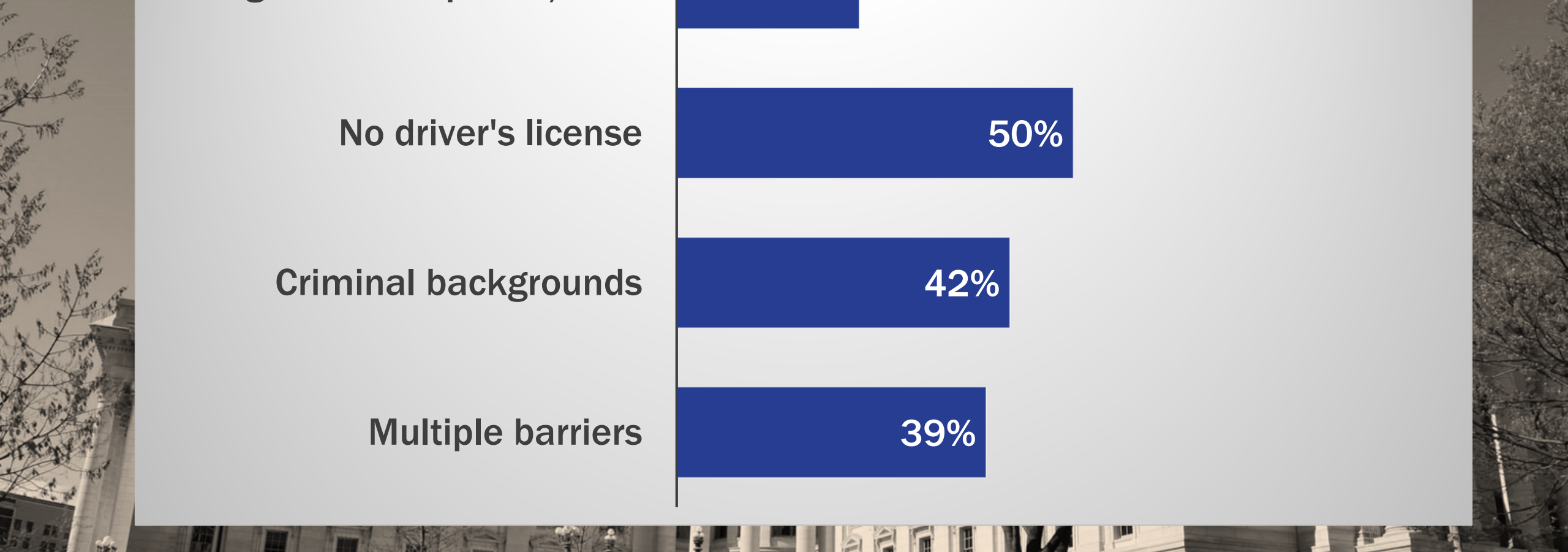
50%

Criminal backgrounds

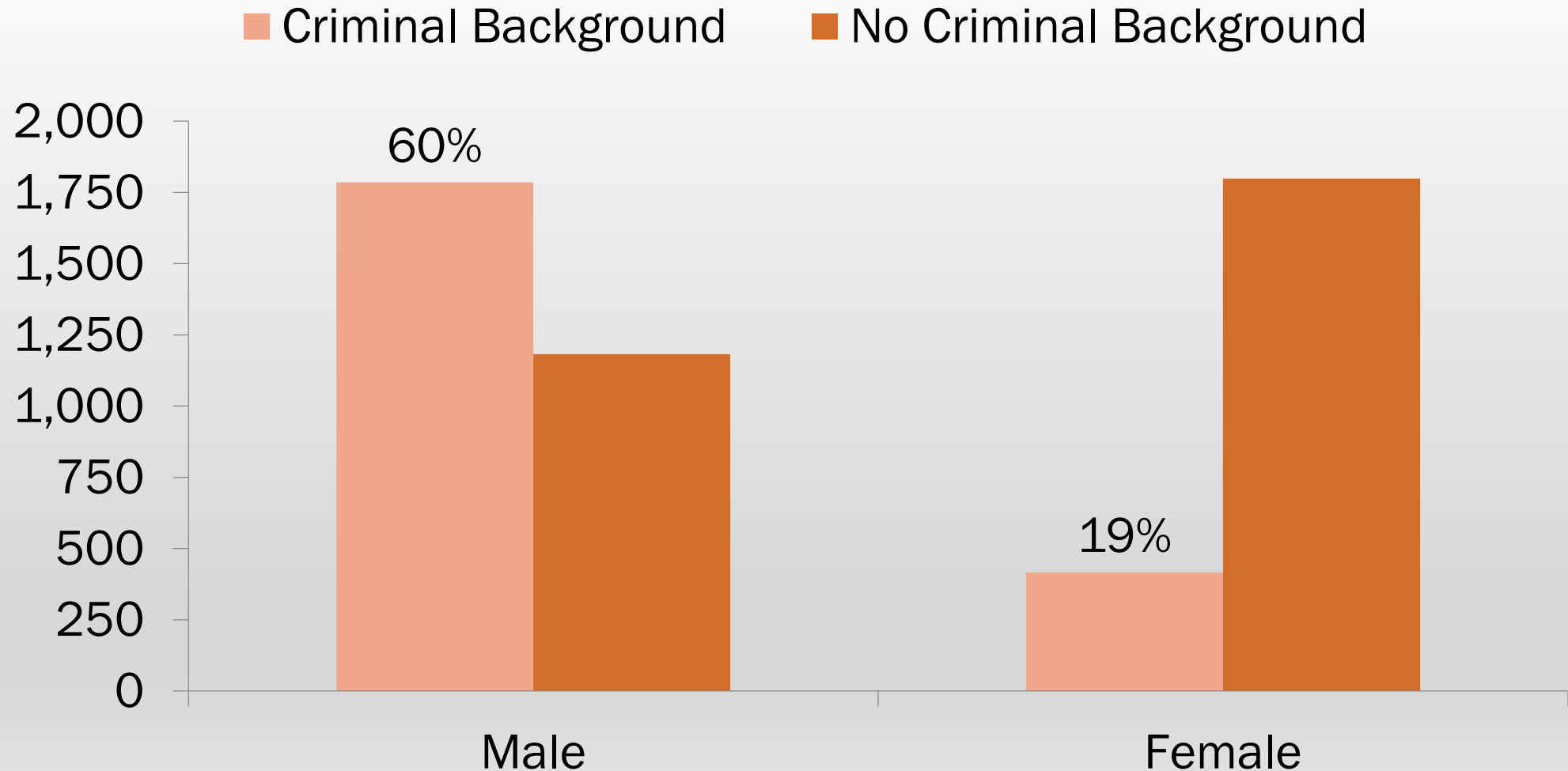
42%

Multiple barriers

39%



BARRIERS TO EMPLOYMENT



EXPUNGEMENT

Seals a criminal case record from public access.

Roughly 2,000 cases expunged in Wisconsin each year (including fewer than 100 cases in MKE County)



NATIONAL INVENTORY OF THE COLLATERAL CONSEQUENCES OF CONVICTION

Collateral consequences are legal and regulatory sanctions and restrictions that limit or prohibit people with criminal records from accessing employment, occupational licensing, housing, voting, education, and other opportunities. Collateral consequences most frequently affect people who have been convicted of a crime, though in some states an arrest alone—even an arrest that doesn't result in a conviction—may trigger a collateral consequence. The National Inventory of Collateral Consequences of Conviction is a searchable database of the collateral consequences in all U.S. Jurisdictions.

The National Inventory of Collateral Consequences of Conviction is supported by a grant from the Bureau of Justice Assistance, Office of Justice Programs, U.S. Department of the Justice. This project was initially supported by Award No.2009-IJ-CX-0102 awarded by the National Institute of Justice, Office of Justice Programs, U.S. Department of Justice and by the ABA Criminal Justice Section.



EXPUNGEMENT

Laws in Wisconsin vs. other states

Possible changes that could expand
expungement opportunities

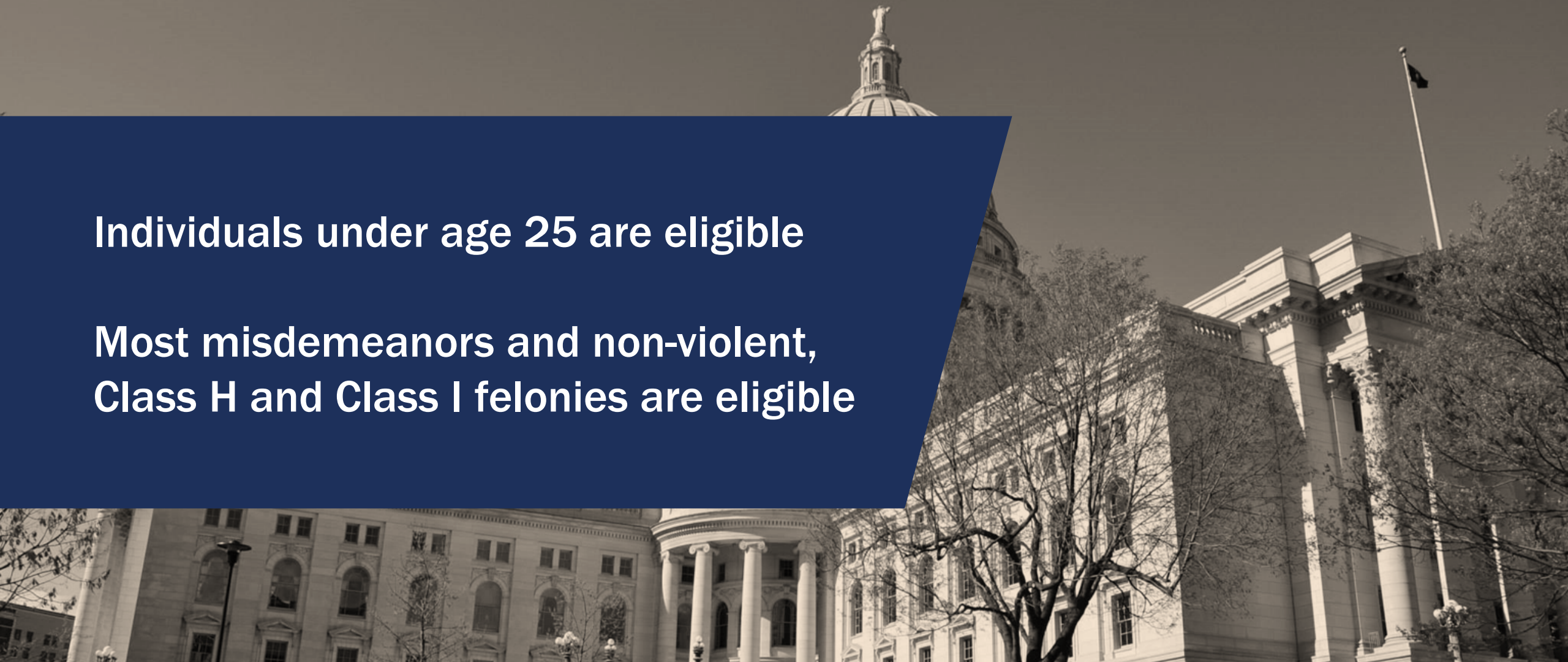
Analysis of Milwaukee County court
records from 2006-2017



WISCONSIN'S EXPUNGEMENT LAW

Individuals under age 25 are eligible

Most misdemeanors and non-violent,
Class H and Class I felonies are eligible



UNCOMMON FEATURES

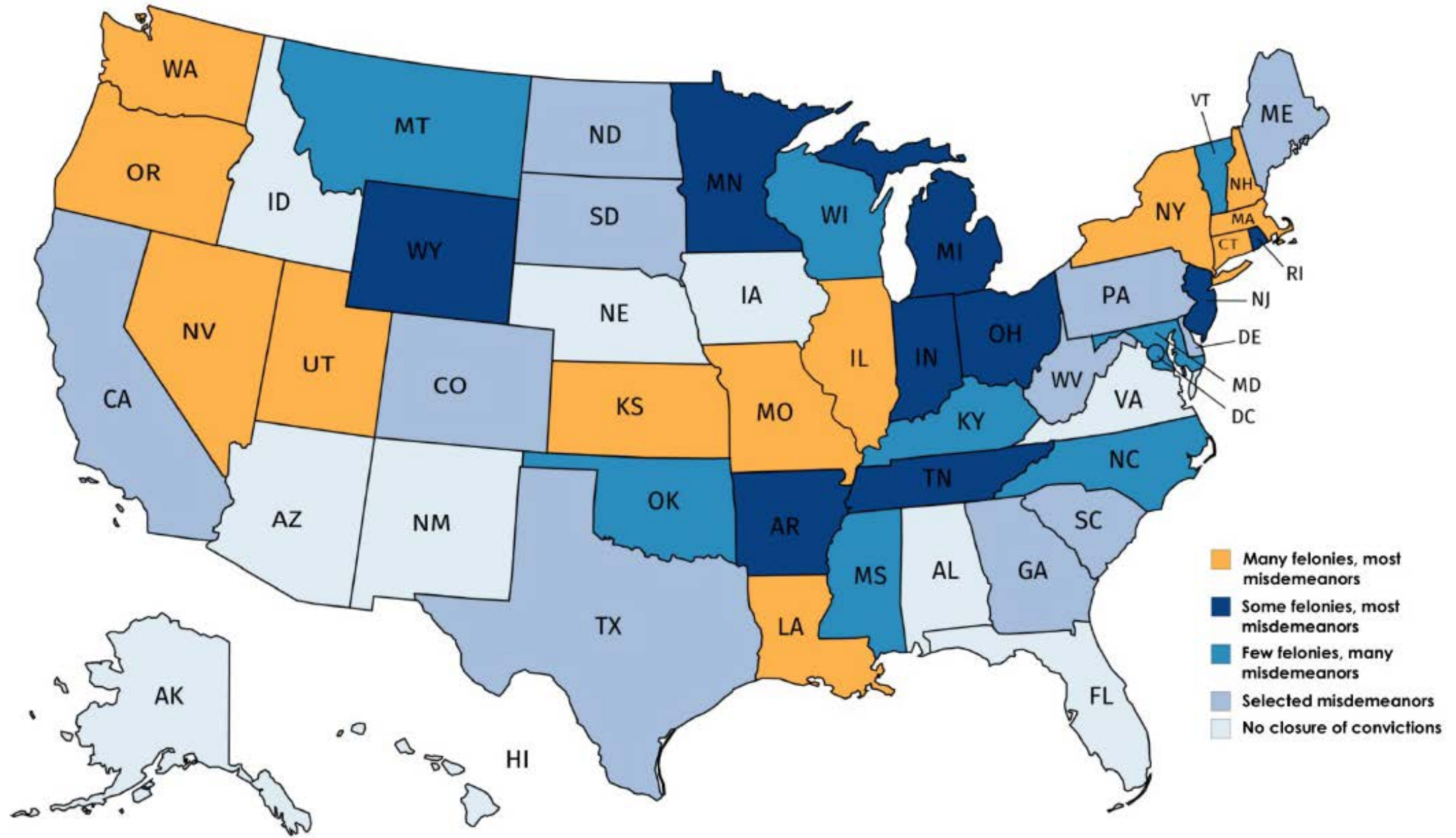
Only state where approval must be made at sentencing

One of only a few states where eligibility is restricted to young adults

One of a few states with no provision for non-convictions



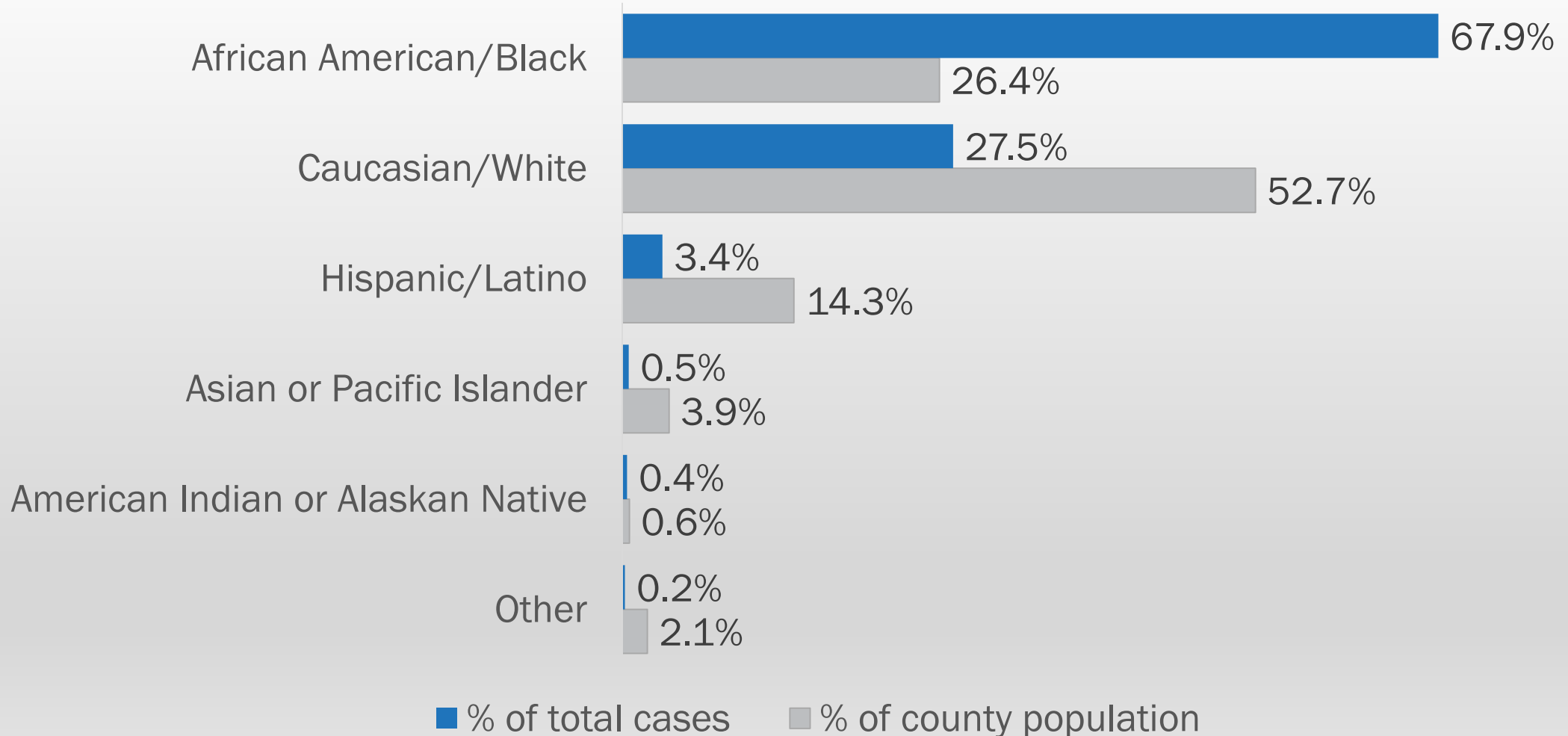
EXPUNGEMENT & RECORD SEALING



SURROUNDING STATES

	Adult Cases	More or Less Restrictive than WI?
Iowa	Expungement only allowed for non-convictions.	More
Illinois	All misdemeanors, most felonies, and all non-convictions are eligible for expungement regardless of offender age.	Less
Indiana	All misdemeanors, most felonies, and all non-convictions are eligible for expungement regardless of offender age.	Less
Michigan	Most felony convictions are eligible. Non-convictions for first offenses also eligible. No age restriction.	Less
Minnesota	All misdemeanors, many non-violent felonies, and all non-convictions are eligible regardless of offender age.	Less

MKE COUNTY CASES BY RACE (2006-2017)

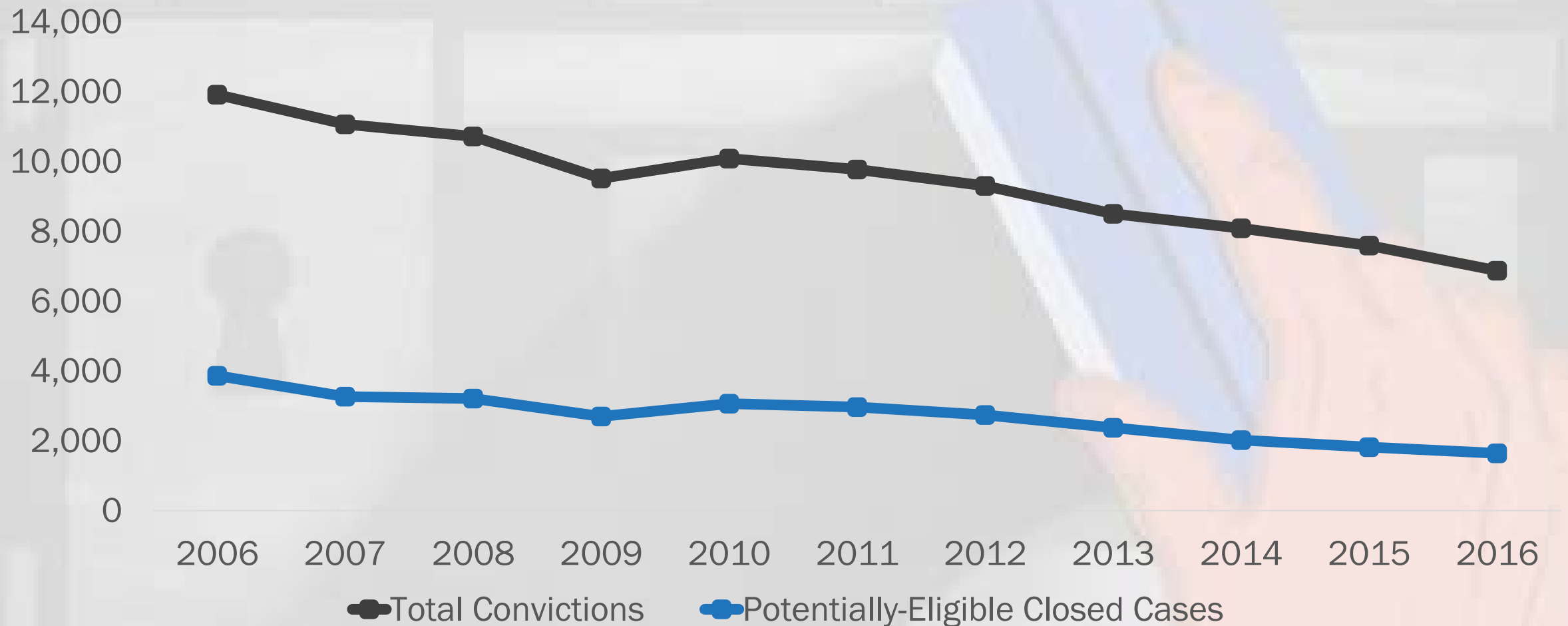


OPTION 1

**ALLOW DECISION-MAKING
AFTER SENTENCE COMPLETION**

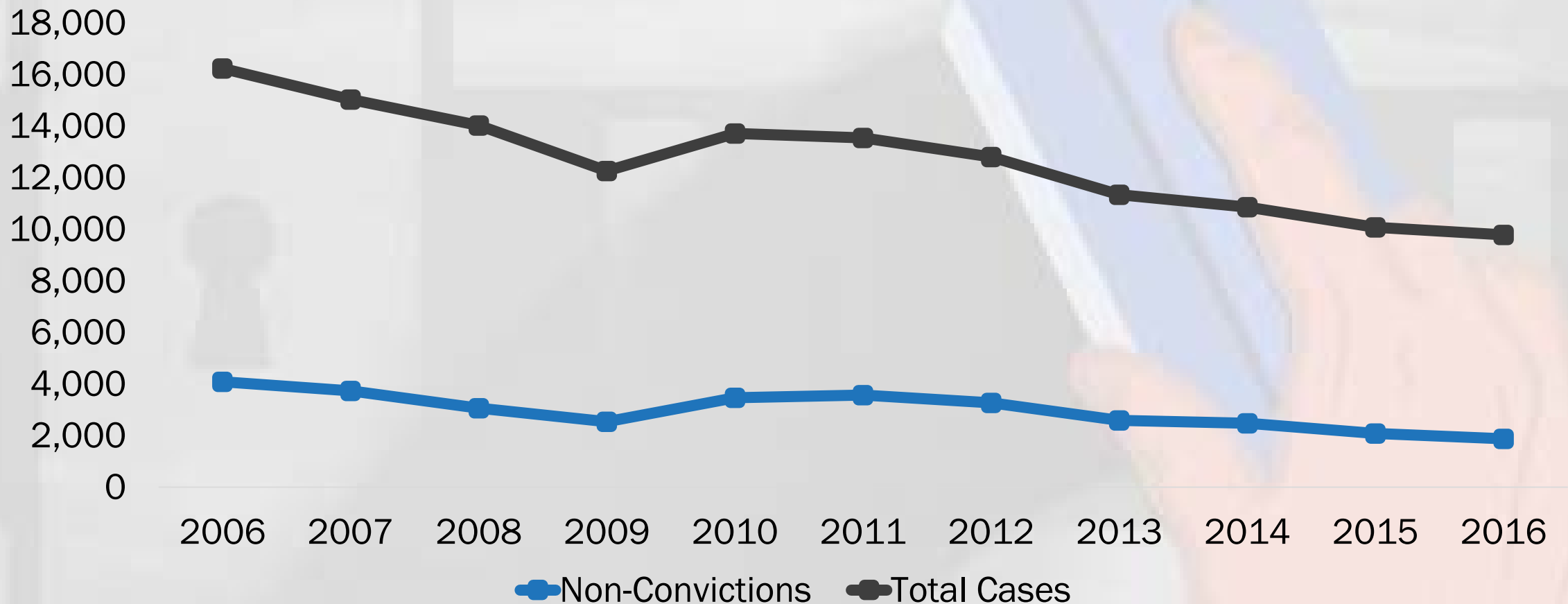
OPTION 2

PERMIT EXPUNGEMENT FOR CLOSED CASES



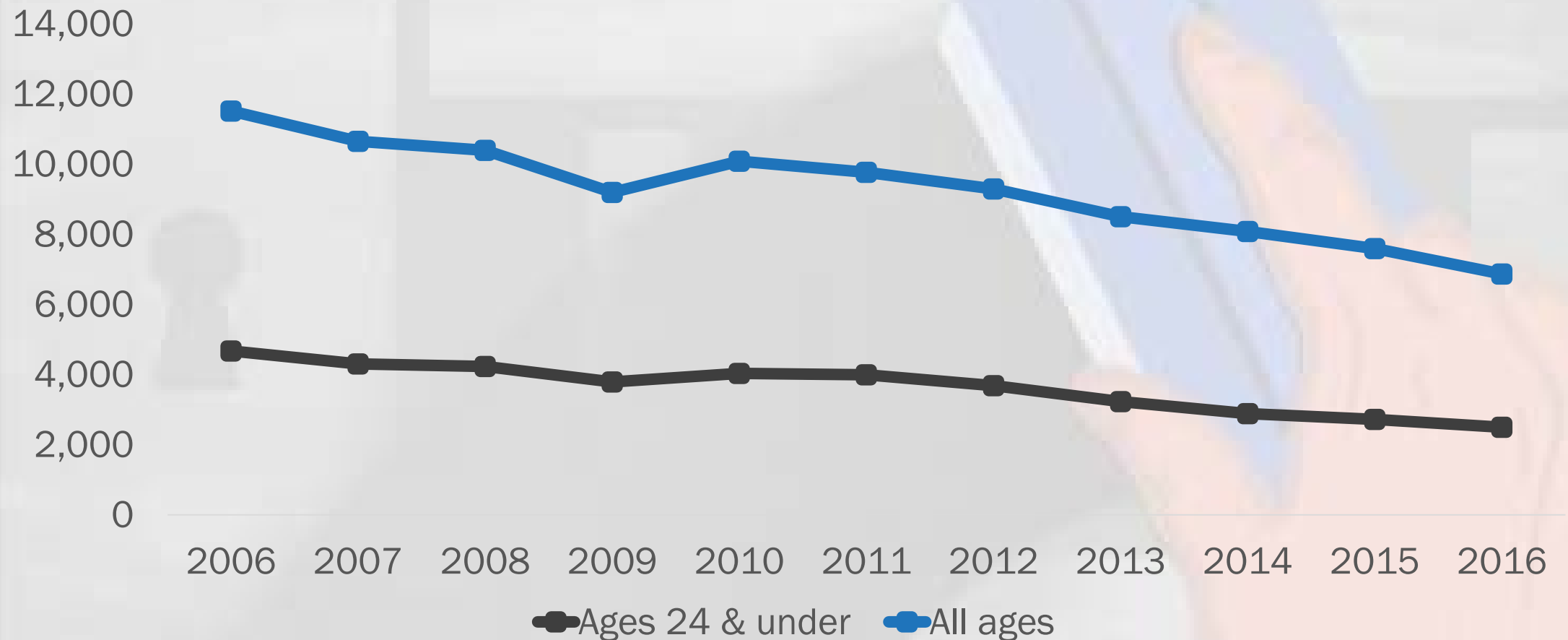
OPTION 3

ALLOW NON-CONVICTIONS TO BE EXPUNGED



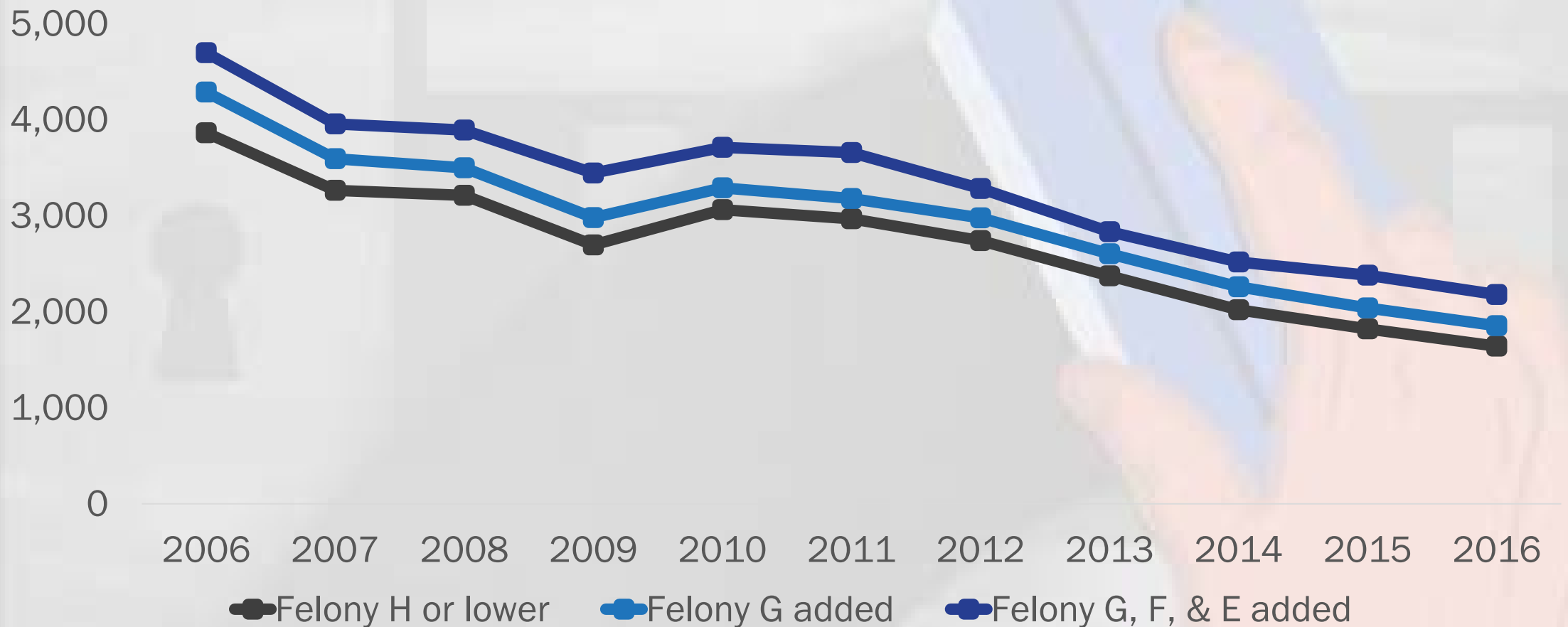
OPTION 4

REMOVE AGE REQUIREMENT



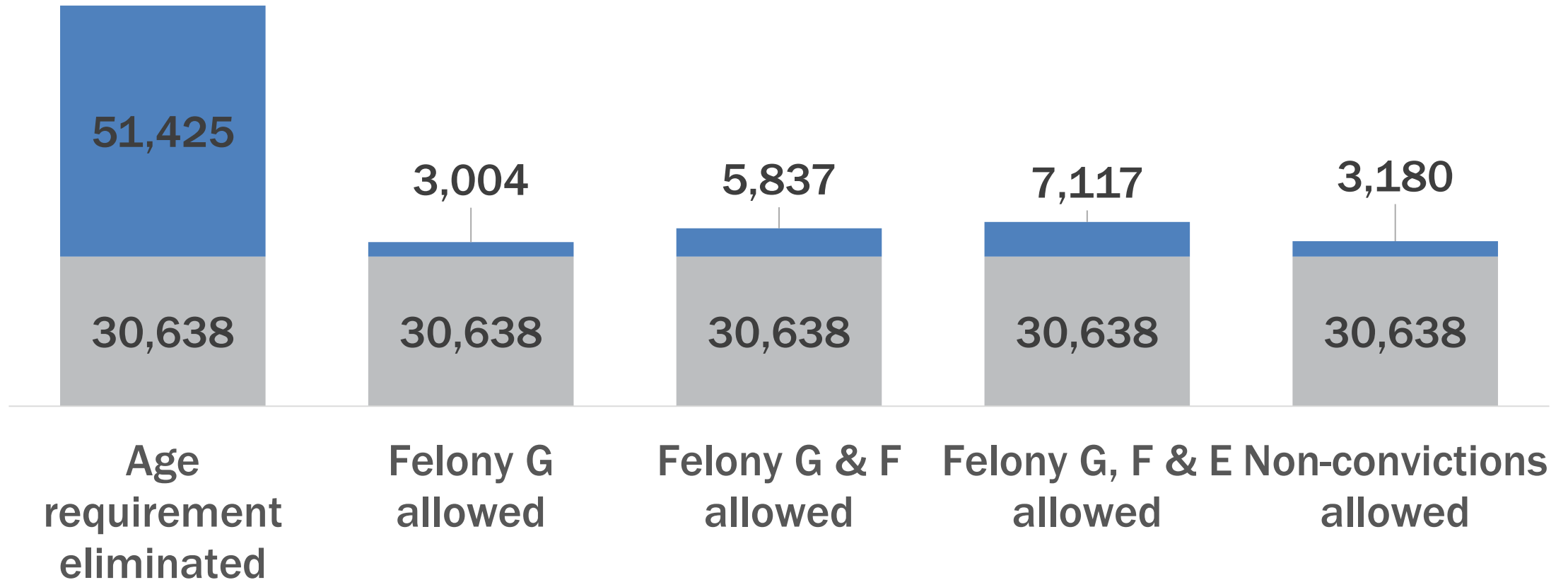
OPTION 5

PERMIT EXPUNGEMENT OF MORE FELONIES

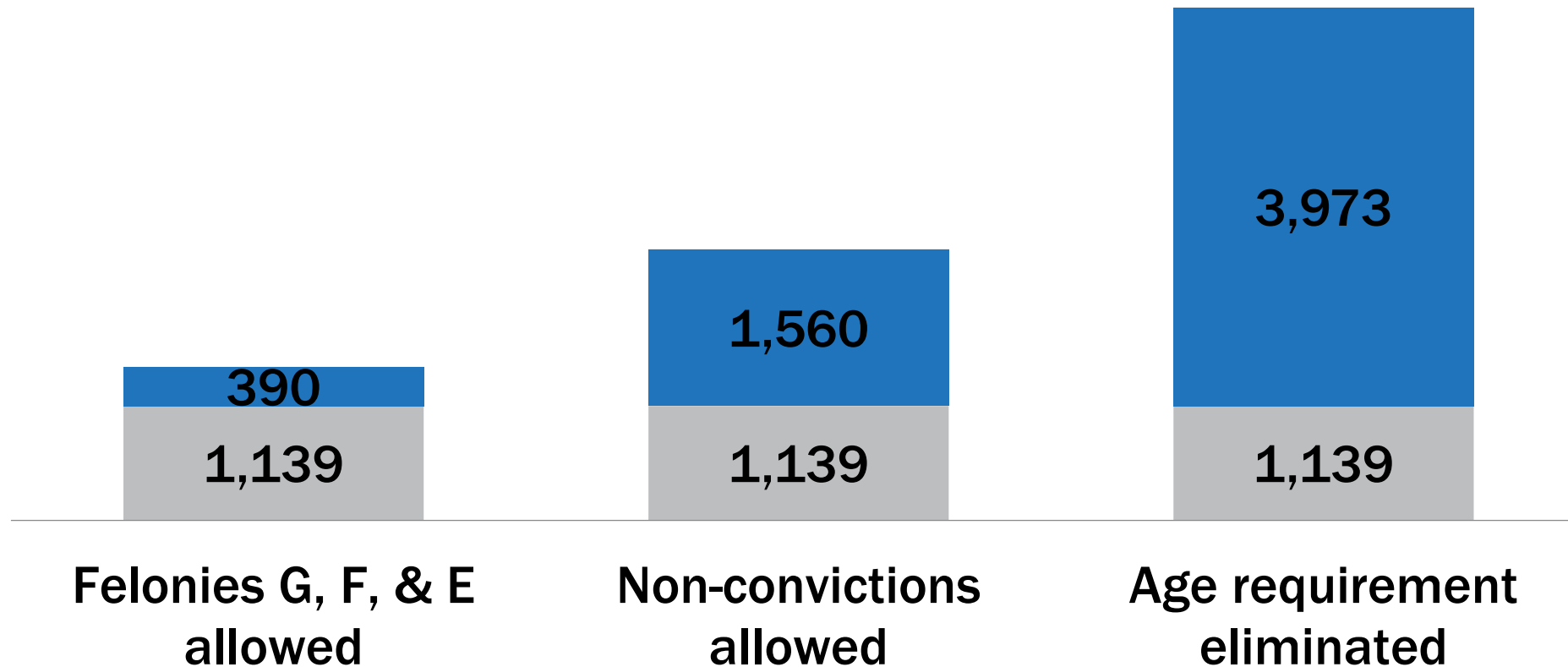


RELATIVE IMPACT OF CHANGES ON CASES

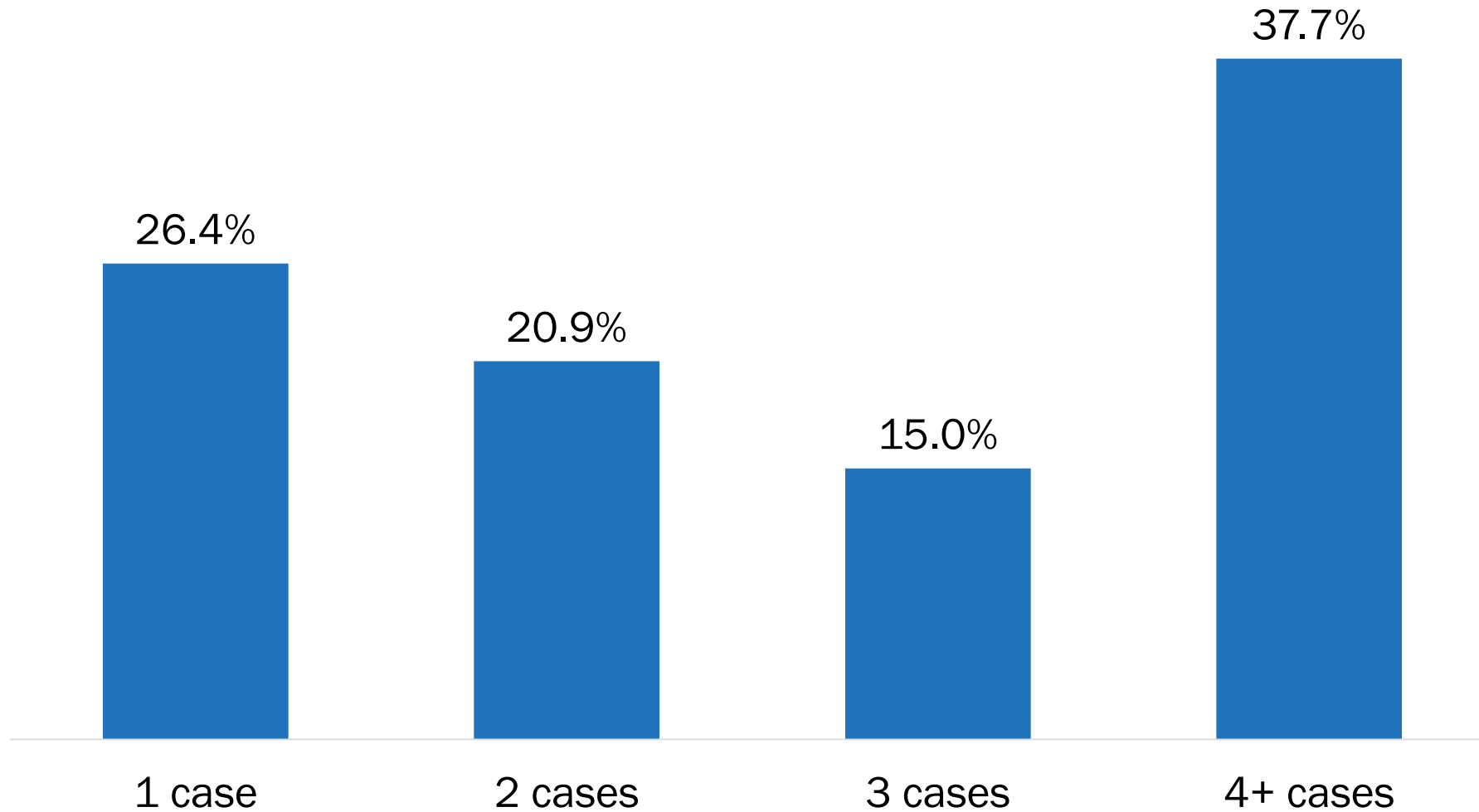
■ Closed cases allowed ■ Additional cases



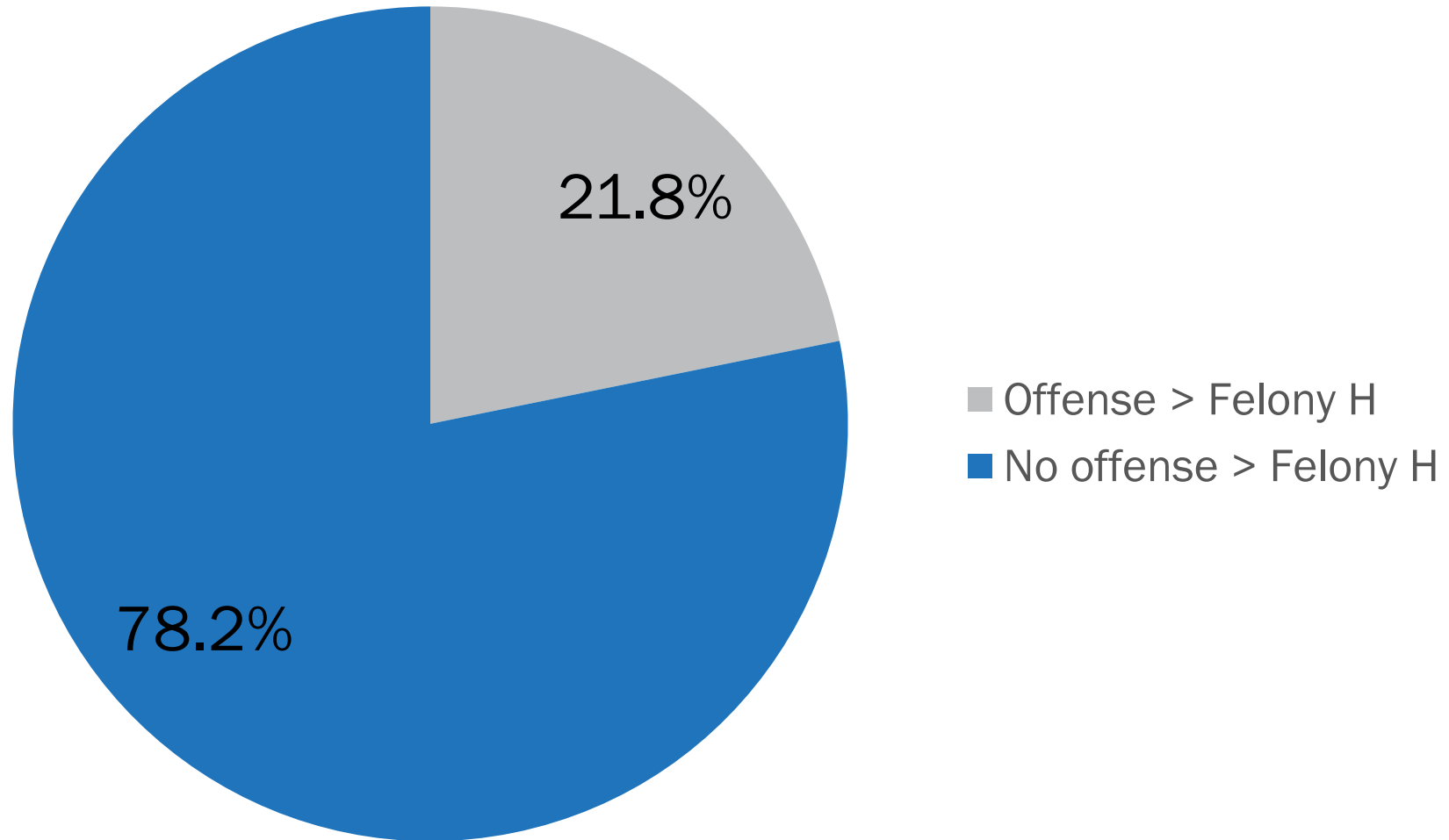
PROJECTED ADDITIONAL MKE COUNTY CASES THAT COULD BECOME ELIGIBLE IN 2019



INDIVIDUALS BY NUMBER OF CASES



INDIVIDUALS BY SEVERITY OF CONVICTIONS



POTENTIAL IMPACTS ON CRIMINAL JUSTICE SYSTEM

Clerks of courts offices

Court system

D.A. offices

Public defender's offices

RECENT ACTION AT THE STATE CAPITOL

- **As of April 1, 2018, the State Courts limit the amount of time records for dismissed cases and acquittals are displayed on the WCCA website to two years.**
- **This is not addressed in the statute and does not necessarily represent a permanent policy change.**

RECENT ACTION AT THE STATE CAPITOL

WI Senate – approved 2017 Senate Bill 53 by a 30-2 margin.

WI Assembly – committee approved 2017 Assembly Bill 331; full Assembly approved Senate Bill 53 by a 95-0 margin and sent it back to Senate with Assembly Bill 331 attached.

WI Senate took no further action so neither bill advanced.



WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

FOR IMMEDIATE RELEASE

June 7, 2018

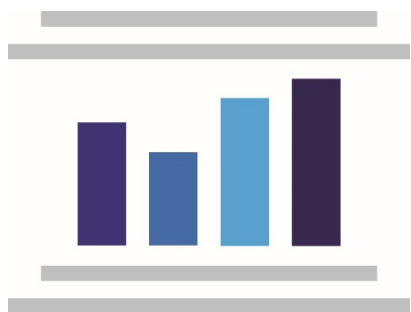
Contact: Rep. David Steffen, 608.266.5840 & Rep. Evan Goyke, 608.266.0645

Rep. Steffen & Rep. Goyke to Reintroduce Expungement Reform Legislation

Non-Partisan Wisconsin Policy Forum Report Validates Need for Wisconsin Expungement Law Reform to Help Citizens and Strengthen Wisconsin's Workforce

MADISON – This week the non-partisan Wisconsin Policy Forum released a report, [*A Fresh Start: Wisconsin's Atypical Expungement Law and Options for Reform*](#), highlighting the need for reform to Wisconsin's current expungement law. The report follows on bi-partisan legislation introduced this session by Rep. David Steffen (R-Green Bay) and Rep. Evan Goyke (D-Milwaukee) that provides comprehensive reform to Wisconsin's outdated and inconsistent expungement law. [*Assembly Bill 331*](#), introduced last May, lays the groundwork legislatively for many of the policy recommendations found within the report.

Rep. Steffen and Rep. Goyke thank the Wisconsin Policy Forum for publishing this important report.



WISCONSIN

POLICY FORUM

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