

# The Reintegration Report Card

Grading the States on Laws Restoring Rights and Opportunities After Arrest or Conviction

March 2022

By Margaret Colgate Love



## COLLATERAL CONSEQUENCES RESOURCE CENTER

The Collateral Consequences Resource Center (CCRC) is a non-profit organization established in 2014 to promote public engagement on the myriad issues raised by the collateral consequences of arrest or conviction. Collateral consequences are the legal restrictions and societal stigma that burden people with a criminal record long after their criminal case is closed. The Center provides news and commentary about this dynamic area of the law, and a variety of research and practice materials aimed at legal and policy advocates, courts, scholars, lawmakers, and those most directly affected by criminal justice involvement.

Through our flagship resource, the [Restoration of Rights Project](#) (RRP), we describe and analyze the various laws and practices relating to restoration of rights and criminal record relief in each U.S. jurisdiction. In addition to these state-by-state profiles, a series of 50-state comparison charts and periodic reports on new enactments make it possible to see national patterns and emerging trends in formal efforts to mitigate the adverse impact of a criminal record. We develop and advocate for policy reforms, provide technical support to those working to expand restoration mechanisms, participate in court cases challenging specific collateral consequences, and engage with social media and journalists on these issues. For more information, visit the CCRC website at <http://ccresourcecenter.org>.

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## INTRODUCTION AND RANKINGS

This Report Card is a companion piece to our 50-state report, “The Many Roads from Reentry to Reintegration” (March 2022). That survey of U.S. laws aimed at restoring rights and opportunities after arrest or conviction includes topical essays covering voting and firearms rights, an array of record relief remedies, and consideration of criminal record in employment, occupational licensing, and housing.

The Many Roads report assigns to each state, D.C., and the federal system a grade for nine different categories of restoration laws:

- (1) loss and restoration of voting rights
- (2) pardon
- (3) felony expungement, sealing & set-aside (“felony relief”)
- (4) misdemeanor expungement, sealing & set-aside (“misdemeanor relief”)
- (5) non-conviction relief
- (6) deferred adjudication
- (7) judicial certificates of relief
- (8) employment
- (9) occupational licensing.

Using these grades, supplemented in a few exceptional cases by “extra credit” for statewide fair housing laws, we produced an overall ranking of the states and D.C. The criteria used in determining the grades in each category are explained in each section of the Many Roads report, and the method for determining overall ranking is explained in the Appendix to this report.

The Many Roads report summarizes the changes in overall rankings since our first Report Card in September 2020, noting which states moved up and which did not. To summarize briefly here, New Jersey and New Mexico moved into the top 10 by virtue of impressive lawmaking in 2021, while the District of Columbia, Michigan, Ohio, and Virginia moved into the top 20 by virtue of new laws enacted in the last 18 months. Most encouraging, two of the latter group of movers had been well down toward the bottom of the pack in 2020, with Virginia making a particularly strong showing, moving from 44<sup>th</sup> place to 16<sup>th</sup>, with D.C. moving from 40<sup>th</sup> place to 19<sup>th</sup>. Oregon also improved its rank significantly based on an overhaul of its record-clearing law. (Arizona would have risen farther, given its enactment of its first-ever general record clearing law, if we had not given it credit for its existing record relief law in last year’s report.)

Illinois retained its top rank, with Connecticut and California close behind. Most of the states ranked in the top 10 in the 2020 Report Card are still there, while most of the states ranked in the bottom 10 in the earlier report remained where they were. (Rankings from the 2020 report can be accessed for comparative purposes [here](#).)

The restoration laws in the District of Columbia are noteworthy for a remarkable study in contrasts: D.C. has extraordinarily progressive laws in civil areas like voting, employment, housing, and occupational licensing, and among the most regressive laws in the Nation in every category of criminal record relief, likely reflecting the heavy hand of the federal authorities that are responsible for most prosecutions under the D.C. Code.

We emphasize once again that our grades are based solely on the text of each state's law, leaving more nuanced judgments about the law's actual operation to practitioners, researchers, and the law's intended beneficiaries. We expect to look more closely at the operation of some of the record relief laws in the near future, and welcome comments and suggestions from those who have experience with them, particularly their intended beneficiaries. In the meantime, we hope our grades will challenge, encourage, and inspire additional reforms in the months and years ahead.

For more details and legal citations for each state, see the [Restoration of Rights Project](#). For essays surveying each subject topic, consult [The Many Roads from Reentry to Reintegration](#).

## National Ranking of State Restoration Laws – March 2022

|    |                              |    |                               |    |                             |    |                               |
|----|------------------------------|----|-------------------------------|----|-----------------------------|----|-------------------------------|
| 1  | <a href="#">Illinois</a>     | 15 | <a href="#">Michigan</a>      | 29 | <a href="#">Kentucky</a>    | 42 | <a href="#">West Virginia</a> |
| 2  | <a href="#">Connecticut</a>  | 16 | <a href="#">North Dakota</a>  | 30 | <a href="#">Nebraska</a>    | 43 | <a href="#">Kansas</a>        |
| 3  | <a href="#">California</a>   | 16 | <a href="#">Rhode Island</a>  | 31 | <a href="#">Hawaii</a>      | 44 | <a href="#">Wisconsin</a>     |
| 4  | <a href="#">Colorado</a>     | 16 | <a href="#">Virginia</a>      | 31 | <a href="#">N. Carolina</a> | 44 | <a href="#">Maine</a>         |
| 4  | <a href="#">Delaware</a>     | 19 | <a href="#">D.C.</a>          | 31 | <a href="#">Tennessee</a>   | 44 | <a href="#">Texas</a>         |
| 4  | <a href="#">New Jersey</a>   | 19 | <a href="#">N. Hampshire</a>  | 34 | <a href="#">Arizona</a>     | 47 | <a href="#">Iowa</a>          |
| 7  | <a href="#">New York</a>     | 19 | <a href="#">Oklahoma</a>      | 34 | <a href="#">Georgia</a>     | 48 | <a href="#">Montana</a>       |
| 8  | <a href="#">Minnesota</a>    | 22 | <a href="#">Indiana</a>       | 34 | <a href="#">Maryland</a>    | 49 | <a href="#">S. Dakota</a>     |
| 9  | <a href="#">Nevada</a>       | 22 | <a href="#">Louisiana</a>     | 37 | <a href="#">Idaho</a>       | 50 | <a href="#">Alaska</a>        |
| 10 | <a href="#">New Mexico</a>   | 22 | <a href="#">Massachusetts</a> | 38 | <a href="#">Wisconsin</a>   | 51 | <a href="#">Florida</a>       |
| 11 | <a href="#">Ohio</a>         | 25 | <a href="#">Arkansas</a>      | 39 | <a href="#">Alabama</a>     | 52 | <a href="#">Federal</a>       |
| 11 | <a href="#">Pennsylvania</a> | 25 | <a href="#">Missouri</a>      | 39 | <a href="#">Mississippi</a> |    |                               |
| 11 | <a href="#">Utah</a>         | 25 | <a href="#">Oregon</a>        | 39 | <a href="#">S. Carolina</a> |    |                               |
| 11 | <a href="#">Washington</a>   | 25 | <a href="#">Vermont</a>       |    |                             |    |                               |

## ALABAMA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| F                      | A                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | B                      | D                      |
| Employment             | Occupational Licensing |                        |
| F                      | F                      |                        |



**Alabama has perhaps the most restrictive felony disenfranchisement law in the country, requiring completion of sentence including payment of all court debt and a petition to the Board of Pardon and Parole.**

**Otherwise, the state appears to have a regularly functioning pardon system, and it authorized sealing of pardoned felony convictions in 2021. The 2021 law also authorized sealing of non-violent misdemeanors and violations for the first time. Alabama has an extensive system of intervention courts, but non-conviction records may be sealed only at a court’s discretion, with certain offenses excluded.**

**Courts may grant relief from specific licensing bars upon petition, but the state has no general law regulating consideration of criminal record by employers or occupational licensing agencies.**

**The state’s ranking has risen ten places since 2020 thanks to the passage of its first sealing law, but its continued low ranking is attributable to its unusually restrictive reenfranchisement law and the absence of any regulation of how criminal record is considered in the workplace. Alabama could take a page from the book used by its neighbors Mississippi and North Carolina to enact occupational licensing reforms.**

## ALASKA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | F                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | F                      |                        |



Alaska restores the vote after completion of felony supervision, which may be delayed if court debt has not been paid.

Non-conviction records are confidential, and courts have broad authority to defer sentencing and set aside convictions after probation, but its courts have no authority to seal, expunge, or set aside convictions. Its governors have not used their pardon power in years.

Alaska is one of the very few states that has no general law regulating consideration of criminal records by employers or occupational licensing agencies.

Alaska has enacted no laws in recent years in furtherance of reentry or reintegration, and its overall restoration scheme remains one of the two most restrictive in the Nation.



## ARIZONA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| F                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| B                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | C                      | C                      |
| Employment             | Occupational Licensing |                        |
| D                      | A                      |                        |



Arizona restores the vote automatically to those with a single felony conviction who have completed the sentence and paid restitution, but those with more than one conviction must petition the sentencing court.

Arizona’s governors have granted only a handful of pardons a term since the 1980s despite a statutory “gatekeeper” advisory structure that should offer governors protection and incentive. This is a missed opportunity to supplement a judicial restoration scheme that has improved in 2021 but still falls short.

In 2021 Arizona enacted its first record-sealing law applicable to both conviction and non-conviction records, and a 2020 ballot initiative provided for expungement of minor marijuana convictions. Its courts are also authorized to set aside felony and misdemeanor convictions, and as of 2021 to issue “certificates of second chance” (whose legal effect is not clear). Diversion is authorized only in specialized court programs or at the instance of the prosecutor.

Arizona has a commendable regime for regulating consideration of criminal records by occupational licensing agencies (it has passed six separate laws in four years), but its ban-the-box law extends only to public employers and lacks clear standards or enforcement provisions. Its ranking has not improved much despite its having enacted some progressive record relief laws since 2020, largely because we credited its parallel set-aside scheme in our 2020 report.

# ARKANSAS

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| F                      | A                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | B                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | B                      |                        |



Arkansas restores the vote only upon completion of a felony sentence, including payment of all court debt.

Misdemeanor convictions are eligible for sealing upon completion of sentence; certain felonies are eligible subject to varying waiting periods and other procedural barriers. Governors issue pardons regularly, after which the record is sealed for most offenses. Non-conviction records may be sealed only through a separate petition process rather than automatically at disposition. Deferred adjudication is available only for misdemeanors and a single felony.

Arkansas recently improved its standards for occupational licensing, but it still allows consideration of records not directly related to the occupation, does not cover many important occupations, and provides no accountability procedures. Unlike most states, it sets no limits on consideration of criminal record in public or private employment.

Arkansas has neither risen nor fallen in the rankings since our 2020 report. In order to improve its ranking, it could make sealing of non-convictions automatic at disposition, extend record clearance to more felonies, and do more to regulate consideration of conviction in the workplace.

## CALIFORNIA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | D                      | B                      |
| Employment             | Occupational Licensing |                        |
| A                      | B                      |                        |



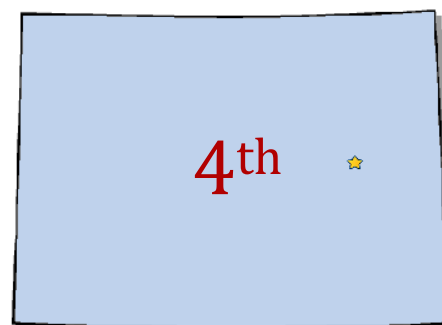
California restores the vote after completion of any felony imprisonment, having removed restriction for parolees in 2020 via ballot initiative.

Recent governors have pardoned generously, relying on judicial certificates of rehabilitation. In 2019, the state enacted automatic relief for non-conviction records, misdemeanors, and less serious felony convictions, relief that was made retroactive to 1973 in 2021. It offers few opportunities for court-managed deferred adjudication, and its extensive diversion programs depend upon policies of county prosecutors.

California has robust prohibitions on employment discrimination based on criminal record, but its regulation of the occupational licensing process must be strengthened if it wants to reclaim its #2 ranking from Connecticut, and catch Illinois as the leader in the CCRC rankings. It should also consider offering record clearance to more serious felonies, and extending opportunities for deferred adjudication.

## COLORADO

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | D                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | A                      | B                      |
| Employment             | Occupational Licensing |                        |
| C                      | C                      |                        |



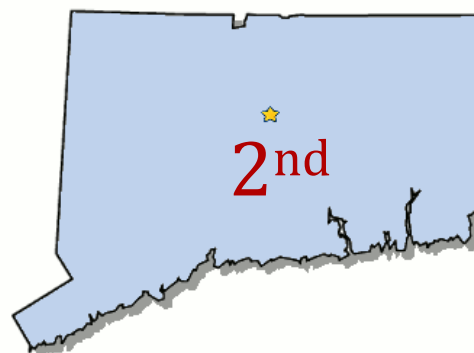
Colorado recently limited felony disenfranchisement to the period of incarceration.

The state has also made commendable recent improvements to its record relief: it authorizes sealing of non-conviction records at disposition, provides broad authority for deferred adjudication, and makes sealing available for most misdemeanors. The state needs to strengthen felony record clearance since its recent governors have been reluctant to pardon regularly.

Colorado’s ranking has moved up three spaces since our 2020 report, and it is now among the national leaders in restoration laws. But there is still room for improvement in its restoration laws. For example, its courts are authorized to remove mandatory licensing and other restrictions, but it is not clear whether this authority is being used, and state law otherwise provides only modest regulation of licensing agencies in considering criminal records. While Colorado’s ban-the-box law extends to private and public employers, it lacks clear standards or provisions for enforcement. Its ranking would improve with more robust laws limiting consideration of criminal record in the workplace.

## CONNECTICUT

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | A                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| B                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | C                      | B                      |
| Employment             | Occupational Licensing |                        |
| B                      | C                      |                        |



Connecticut had a great year in 2021 rising from fifth to second place in the rankings, right behind Illinois, by virtue of a strong legislative performance. It finally acted to limit disenfranchisement to a period of actual incarceration, though it could go further to repeal the disenfranchisement statute altogether.

Connecticut gets a lot done through its pardon program, and in 2021 it supplemented that program with a “clean slate” system of delivering record clearing relief automatically that applies to most misdemeanor convictions and less serious felonies. It could authorize its courts to defer adjudication beyond specialized programs, so as to avoid conviction entirely.

The Connecticut Fair Employment Practices Act prohibits discrimination based upon criminal record, but the state’s regulation of occupational licensing agencies in this regard is disappointing. Connecticut passed California into the #2 place in the rankings this year, and is within striking distance of Illinois. Improving this law – as well as extending eligibility for clean slate relief to additional records – could allow it to achieve this goal.

## DELAWARE

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | A                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| C                      | C                      |                        |



Delaware no longer conditions restoration of the vote on payment of court debt, but restoration may be delayed where fines and fees are a condition of supervision.

Delaware has one of the strongest pardon programs in the country, and in 2021 the state also expanded its judicial record relief laws to make sealing automatic for non-convictions, certain misdemeanors, and certain minor felonies (though court debt must be paid). Other convictions – as well as pardoned convictions – are eligible for discretionary sealing by the court on petition.

Delaware has a strong law governing consideration of criminal records in public employment, but the rules governing occupational licensing agencies need strengthening, and private employers are not regulated at all. Despite its passage of an automatic sealing law,

Delaware moved up four places in the rankings this year and could easily improve its place in the Top 10 by strengthening its laws for consideration of criminal record in the workplace, including for occupational licensing. The state could also eliminate payment of court debt as a condition of record clearance. Finally, it would seem a simple matter to extend automatic record-sealing to pardoned convictions.

**DISTRICT OF COLUMBIA**

|                               |                               |                               |
|-------------------------------|-------------------------------|-------------------------------|
| <b>Voting</b>                 | <b>Pardon</b>                 |                               |
| A                             | F                             |                               |
| <b>Felony relief</b>          | <b>Misdemeanor relief</b>     |                               |
| F                             | D                             |                               |
| <b>Non-conviction records</b> | <b>Deferred adjudication</b>  | <b>Certificates of relief</b> |
| D                             | D                             | F                             |
| <b>Employment</b>             | <b>Occupational Licensing</b> |                               |
| A                             | A                             |                               |



D.C. shot up in the rankings from 40<sup>th</sup> to 19<sup>th</sup> place, by virtue of its enactment in 2021 of a comprehensive occupational licensing law, complementing its existing strong laws regulating consideration of criminal record in employment and housing, and its abolition of felony disenfranchisement.

At the same time, however, D.C.’s record relief laws are among the least generous in the Nation: D.C. provides no relief for felony convictions, imposes burdensome and restrictive eligibility and procedural requirements on sealing of non-convictions and misdemeanors, and gives its courts no power to control access to deferred dispositions. The president has granted only a handful of pardons for D.C. Code offenses in the past 50 years. A comment in the Many Roads report about the District’s overall relief scheme is worth quoting in full:

*The record reforms enacted by the District of Columbia in the past few years are worth a separate comment, for they present a remarkable study in contrasts: On the one hand, D.C. has enacted a series of extraordinarily progressive laws to open opportunities for people with a record in civil areas like voting, employment, housing, and occupational licensing. At the same time, D.C.’s grades in every category of criminal record relief are among the lowest of any U.S. jurisdiction, which likely reflects the heavy hand of the federal authorities that control most prosecutions under the D.C. Code, a mortifying record in these important categories that is rivaled only by that of the federal system itself.*

## FLORIDA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| F                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | F                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| D                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | D                      |                        |



Florida ranks at the bottom of almost every category, and it has done nothing to improve its position since our 2020 report. Its felony disenfranchisement system is a national scandal, requiring payment of all court debt to regain the vote, but providing individuals no certain way of determining how much they owed.

The state has no statutory authority to seal convictions even if pardoned, and non-conviction records may be sealed only if the person has no prior record and the charges did not involve a long list of crimes. Sealing in “withheld” cases is similarly restrictive. The state clemency board’s program is controlled by the governor and for years has produced few grants.

Rules for limiting discrimination based on a criminal record in public employment and occupational licensing are weak (with the exception of some trades taught in prison), and private employers are not regulated at all.

Florida would not have to work hard to improve its ranking by emulating the record relief laws enacted by surrounding states like Alabama, Georgia, Mississippi, and South Carolina.



## GEORGIA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| D                      | A                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | B                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | C                      |                        |



Georgia does not restore the vote unless a person has completed their felony sentence including paying fines assessed by the court.

The state has made some recent efforts to improve its record relief laws, including under its First Offender Act, but only its pardon system earns a high mark. Sealing even in non-conviction cases is discretionary with the court and subject to a balancing test.

State agencies are subject to a “ban-the-box” rule by executive order, but there are no standards or procedures for enforcement, and private employers are unregulated. Regulation of occupational licensing agencies is modest.

Georgia could improve its ranking by making clearance of non-convictions automatic or at least mandatory at disposition, and by enacting more robust regulation of how criminal record is considered in the workplace as many of its neighboring states have done (*see, e.g.,* Mississippi, North Carolina, Tennessee).

## HAWAII

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | F                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | B                      | F                      |
| Employment             | Occupational Licensing |                        |
| A                      | C                      |                        |



Hawaii restores the vote after completion of any felony incarceration.

The state has no general authority for sealing convictions, including those that have been pardoned; public access to non-conviction records is generally limited, but expungement is available only through filing a petition with the attorney general, including in deferred adjudication cases.

While Hawaii incorporates criminal record into its general fair employment law, it allows occupational licensing agencies to disqualify based on any record less than 10 years old that is deemed “rationally related” to a position.

Hawaii has done nothing to improve its low ranking since the 2020 report. There is plenty of room for improvement in its record clearance laws, and its relatively weak occupational licensing law stands in stark contrast to its admirable scheme for considering criminal record in employment, which is a model for other states. Its legislature and executive branch have demonstrated very little interest in fair chance issues in recent years, compiling one of the least impressive records in new laws or pardons.

## IDAHO

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | B                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | C                      |                        |



Idaho disenfranchises only those sentenced to prison but is one of only two remaining states in this category that restores after completion of parole. (In the last two years, California, Connecticut, and New York all limited disenfranchisement to actual incarceration, and Louisiana limits parolee disenfranchisement to five years.)

Idaho offers two types of record relief for adult convictions: its independent pardon board grants between 30% and 50% of applications received, and its courts have authority to set aside the record of conviction after successful completion of a probationary sentence, which has the effect of restoring civil rights. Courts also have authority to reduce felonies to misdemeanors at the end of probation or five years after a custody sentence. In addition, Idaho courts have authority to defer sentencing that potentially results in dismissal of charges and set-aside. But none of these remedies clears the record. Other non-conviction records may be sealed upon request.

Idaho took its first tentative steps in 2020 toward regulating consideration of criminal record in occupational licensing, but still has no law regulating employment.

Idaho could improve its ranking by bringing its dated set-aside law into the modern world by authorizing courts to seal the record, as all but one other state (Nebraska) have done. It could also strengthen its regulation of how criminal record is considered in the workplace.

## ILLINOIS

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| A                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | C                      | A                      |
| Employment             | Occupational Licensing |                        |
| A                      | B                      |                        |



Illinois held on to its first place ranking this year through addressing discrimination based on conviction record to its Human Rights Act, but several other states are threatening to overtake it. While its record relief laws are fairly progressive, it should consider authorizing automatic sealing of non-convictions at disposition, and except that deferred dispositions are offered only in specialized cases (drugs and other minor nonviolent crimes). Pardoning is dependent on the predilections of the incumbent governor, and it is less reliable than in states with more transparent advisory systems.

Illinois has taken several commendable legislative steps to encourage voting awareness by prisoners, but it seems that it would take a constitutional amendment to do away with felony disenfranchisement altogether.

Its legislature should consider making sealing of non-convictions automatic or mandatory at disposition without requiring a separate petition, though its decentralized records system may make further automation technologically challenging. It could also eliminate some of the access barriers to petition-based relief identified in CCRC's 2021 report, and it could give its courts broader authority to defer adjudication in any case eligible for a probationary sentence to avoid conviction. Finally, it could close a loophole in its expungement law to specifically authorize courts to reduce restitution to a civil judgment.

## INDIANA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| B                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | A                      |                        |



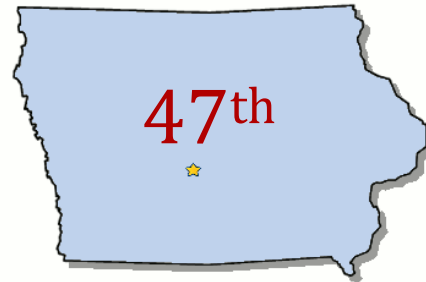
Indiana restores the vote after completion of any period of incarceration. It has a broad petition-based record relief scheme that extends to most convictions, and results in mandatory sealing for eligible misdemeanors and low-level felonies, with additional employment-related protections for expunged convictions. However, sealing for non-convictions is available only after a one-year waiting period, rather than at disposition, and the state offers few opportunities for deferred adjudication. Its governors have failed to make good use of their pardon power for decades.

The state's law regulating consideration of criminal record in occupational licensing is the strongest in the Nation, but its regulation of public and private employment is relatively toothless, providing no standards or enforcement provisions. Ban-the-box is provided by executive order for executive branch employment only, and local regulation of employment is prohibited by statute. No law covers private employment except relating to expunged convictions.

Indiana slipped 6 places in our rankings since 2020, largely because of an inactive legislature that in the past has produced national models. The state could improve its ranking by enacting a law making sealing automatic for non-conviction records (a bill to accomplish this was awaiting the governor's signature at the time this report went to press), and by providing additional clearance authority for expunged felony convictions. It could also consider pairing its excellent occupational licensing law with a law prohibiting discrimination in public and private employment like its neighbor Illinois.

## IOWA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| D                      | D                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | D                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| D                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | A                      |                        |



Iowa restores the vote only through clemency, though its current governor has issued a broad restoration order.

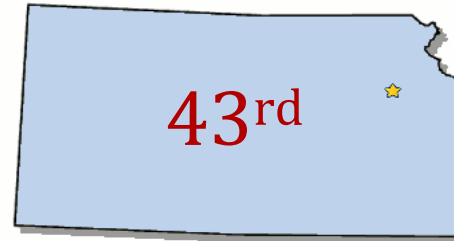
Opportunities for record relief are scarce: sealing of convictions is extended only to a single misdemeanor after a lengthy 8-year waiting period, and full pardons are rare. Deferred adjudication followed by expungement of records is available only for first offenses, and records of acquittals and dismissed charges may be expunged after 180 days only if all court debt has been paid.

Iowa enacted in 2020 one of the strongest laws in the country regulating consideration of criminal record by occupational licensing agencies but it has no law at all regulating private or public employers.

Iowa has scarcely changed its low ranking since our 2020 report. It is plainly capable of enacting very progressive laws affecting workplace opportunity, as evidenced by its occupational licensing law, but it has failed to enact anything comparable for employment generally. Its record relief law is among the weakest in the Nation, and restoration of the vote has in the past decades been controlled by the varying predilections of its incumbent governors. It could improve its low ranking by acting in any of these areas.

## KANSAS

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| F                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| A                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| D                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | D                      |                        |



**Kansas is one of the few U.S. jurisdictions that conditions restoration of the vote on payment of fines and restitution.**

**It has broad record relief for convictions, but it applies similar procedures to sealing of non-conviction records (requiring a full-blown hearing with balancing test except in cases of acquittal) and makes no provision for deferred dispositions.**

**It has very weak rules for considering criminal record in public employment, and its occupational licensing agencies are free to disqualify applicants based on felonies and serious misdemeanors, as well as any other crime within five years of completion of sentence.**

**Kansas could improve its low ranking (which has slipped since our 2020 report) by removing court debt as a bar to regaining the vote, by making sealing of non-convictions automatic, and by regulating how criminal record is considered in the workplace.**

## KENTUCKY

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| F                      | D                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | B                      | F                      |
| Employment             | Occupational Licensing |                        |
| B                      | B                      |                        |



Kentucky restores the vote only through clemency, though its current governor has issued a broad restoration order covering many offenses, but those that must petition for relief must also pay court debt.

In recent years Kentucky has steadily improved its record relief laws for misdemeanors and it has a broad deferred adjudication law, but it extends sealing relief only to the lowest level felonies. By virtue of a 2020 law, non-conviction records are automatically expunged after disposition. It has one of the strongest laws regulating public employment in the country, but does not address private employment at all, and its occupational licensing law needs substantial improvement.

Kentucky has made strides in recent years in almost every area, though its ranking has slipped a bit since our 2020 report. It could improve its ranking by making record clearance automatic for misdemeanor convictions and by extending eligibility for petition-based relief to more serious felonies. It could also go further in regulating consideration of criminal record in the workplace, both by strengthening its occupational licensing law and regulating private employers.

Finally, and not least, it is time that Kentucky amended its constitution to automatically restore the vote to all of its citizens despite a felony record.



## LOUISIANA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| B                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| B                      | D                      |                        |



Louisiana disenfranchises only those sentenced to a prison term, terminates the period of disenfranchisement after five years in the community.

The state has a strong clemency system, and its current governor has resumed a regular practice of pardoning. Other record relief for convictions is still subject to lengthy waiting periods and exclusions, though it has been gradually improved over the past five years. A motion to expunge non-conviction records, including records of pretrial diversion, may be filed at any time, but it is subject to the same procedural requirements as expungement of convictions, including potentially a hearing if the prosecutor objects. An effort to automate at least some record clearance failed in the legislature in 2021 reportedly based on objections by law enforcement and the courts.

Rules for considering criminal record in public employment are reasonably strong, but private employment is unregulated and the law regulating occupational licensing has been so watered down as to be ineffectual.

Louisiana passes many small record reforms each year, but its ranking has slipped four places since our 2020 report, when it was in the top 20. It seems time for it to consider passing something significant. At a bare minimum, clearance of non-convictions should be automatic at disposition, a measure that should place a minimal burden on the courts and law enforcement. It could also consider broadening its courts' deferred adjudication authority, and extending greater workplace protections for those with a criminal record.

## MAINE

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| A                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | F                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| C                      | C                      |                        |



Maine is one of two states that does not disenfranchise based on conviction record, but for the most part its other record relief laws offer little support for people with a criminal record. Its low overall ranking has slipped 5 places even since our 2020 report.

However, it offers no statutory record relief for adult convictions, and pardons have been infrequent and the process irregular in recent years. Non-conviction records held by law enforcement, including records of deferred adjudication, are not generally available to the public but court records are.

Maine bars application-stage inquiries by public and private employers into criminal record, but the state otherwise imposes no standards on the hiring process. Its rules for occupational licensing agencies place stricter limits on less serious offenses and generally bar consideration of dated convictions, but it provides only minimal procedural protections for applicants and nothing to hold agencies accountable.

Maine interprets federal constitutional caselaw to require that its court records remain available to the public, though other states that would seemingly be subject to the same caselaw (e.g., Massachusetts, New Hampshire, Rhode Island) do not. The state needs to reconsider whether it needs to be bound by this interpretation at least for some types of records. It also needs to improve its workplace protections for people with a criminal record if it wants to move from the bottom 10 in the rankings.

## MARYLAND

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | D                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | A                      | C                      |
| Employment             | Occupational Licensing |                        |
| C                      | C                      |                        |



Maryland restores the vote after completion of any felony incarceration.

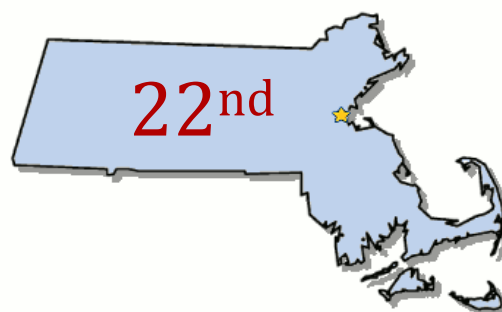
Expungement is available for specified misdemeanors and a handful of felonies only after lengthy waiting periods. Non-conviction records are automatically expunged after a three-year waiting period (unless a person waives tort claims) but this does not include records of charges dismissed following deferred adjudication. Pardons in Maryland depend upon the predilection of the governor, and the current incumbent has issued none throughout his tenure.

A ban-the-box rule applies to both public and private employment but there are no standards or provisions for enforcement. Occupational licensing agencies may not deny a license because of a conviction unless it directly relates to the desired license or there would be an unreasonable risk to property or safety, and no license may be denied seven years after completion of sentence even if the disqualifying standards exist. On the other hand, there are few procedural protections for applicants, although agencies must report periodically to the governor and General Assembly.

Maryland didn't change its ranking much this year, despite automating sealing for non-conviction records. It needs to complete this work (extending to PBJ and reducing waiting period), and it should shorten the unusually lengthy waiting periods for misdemeanor and felony expungement. If it is to improve its ranking, Maryland will also have to strengthen workplace protections for people with a record.

## MASSACHUSETTS

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| A                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| B                      | F                      |                        |



Massachusetts restores the vote after completion of any felony incarceration.

The state offers broad sealing relief for most felonies and misdemeanors, although its governors have not pardoned regularly for years. Some non-conviction records are eligible for automatic sealing (acquittals and deferred adjudication cases), and some require a judicial finding “that substantial justice would best be served” by sealing (nolle prosequi or dismissed charges).

The state’s regulation of how public and private employers consider conviction could be strengthened by standards and procedures for enforcement, and state occupational licensing agencies are subject to no general regulation at all.

Massachusetts has fallen six places in the rankings since our 2020 report, largely because it made no progress in enacting new laws in 2021. In 2022 it should seek to improve workplace protections for people with a criminal record, particularly for occupational licensing. A judicial certificate could compensate for a dysfunctional pardon process. Like Maine, Massachusetts needs to come to grips with the implications of dated constitutional holdings for clearance of non-conviction records.

## MICHIGAN

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| A                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | D                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | B                      |                        |



Michigan restores the vote after completion of any confinement in jail or prison.

Shortly after the publication of the first edition of this Report Card, Michigan enacted a broad new sealing law, extending eligibility for relief and making it automatic for some misdemeanors and minor felonies. Courts have relied on state police authority to seal non-conviction records, and deferred adjudication is available only in drug cases where the person has no prior drug conviction.

Michigan's ban-the-box law covers only public employers and includes few standards and no procedures for enforcement, and private employers are not regulated at all. Michigan's law regulating occupational licensing boards dates from the 1970s, and while it appears reasonably effective it needs updating by reference to current models.

Michigan made good progress this year, rising from 27<sup>th</sup> to 15<sup>th</sup> in the rankings, thanks to its broad new automatic expungement law. It could further improve its ranking by regularizing the automatic sealing of non-conviction records, giving its courts authority to defer judgment in any case eligible for a probationary sentence, and strengthening workplace protections for people with a criminal record.

## MINNESOTA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | B                      | F                      |
| Employment             | Occupational Licensing |                        |
| A                      | A                      |                        |



Minnesota restores the vote upon discharge from a felony sentence, which can be delayed due to unpaid court debt for up to ten years.

Minnesota's provisions for record relief are only adequate, though its courts have broad authority to defer adjudication, and its high ranking is a function of its strong regulation of public employment and occupational licensing under a law largely unchanged since the 1970s, which was recently extended to private employment.

Sealing eligibility could be extended and procedures simplified, and relief made automatic for non-conviction records. Courts' authority to stay adjudication could be made independent of the prosecutor's assent, since its authority otherwise extends only to first offender drug cases. Its pardon process is regular but not particularly productive, and it does not compensate for the narrow eligibility standards of its record clearing laws.

Minnesota slipped four places in the rankings this year, largely because its legislature didn't enact any new laws. It could enhance its position by automating sealing of non-conviction records, making more felonies eligible for record clearing, and restoring the vote to anyone living in the community without regard to whether they still owe court debt.

## MISSISSIPPI

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| D                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | D                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | A                      |                        |



Mississippi disenfranchises only for certain state offenses but has no automatic restoration, relying on the pardon power that is not administered in a regular manner.

It provides for sealing of a single felony and misdemeanors for first offenders, categories that could be expanded. Non-conviction records are eligible for immediate expungement upon disposition, and the state has a broad system of intervention courts administered on a county basis that offer opportunities to avoid conviction.

The state recently enacted a commendable system for regulating consideration of criminal record by occupational licensing agencies, but it has no law limiting consideration of criminal record in public or private employment.

Mississippi lost some ground this past year, falling from 33<sup>rd</sup> to 39<sup>th</sup> in the rankings since 2020 largely through legislative inaction after a strong performance in 2019. It could improve its ranking by broadening its record clearing laws, improving workplace protection for those with criminal records, and narrowing the list of crimes leading to disenfranchisement to those specifically listed in the state constitution.

## MISSOURI

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| D                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| C                      | B                      |                        |



Restoration of the vote is upon discharge from a felony sentence, which may be delayed (though not denied entirely) for non-payment of court debt.

The current governor has revived regular pardoning. Expungement is authorized for non-Class A felonies and all misdemeanors, subject to a lengthy list of exceptions. Records in cases disposed of favorably to the defendant (including deferred dispositions) are automatically “closed,” but expungement is available only pursuant to the same eligibility rules and procedures that apply to convictions, and subject to the same three-year waiting period as misdemeanors.

The state has a longstanding system of regulating consideration of criminal record in public employment, to which it recently added a ban-the-box provision by executive order, and in 2020 the state took its first steps toward regulating its occupational licensing agencies.

Missouri rose 5 places in the rankings this year by virtue of its improved record relief laws and its governor’s pardoning. It could rise further by extending the franchise to all those living in the community, by broadening eligibility and simplifying procedures for record clearing, by making expungement of non-convictions automatic, and by strengthening its regulation of occupational licensing and workplace protections applicable to private employers.



## MONTANA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| F                      | B                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | D                      |                        |



Montana restores the vote after completion of any felony incarceration.

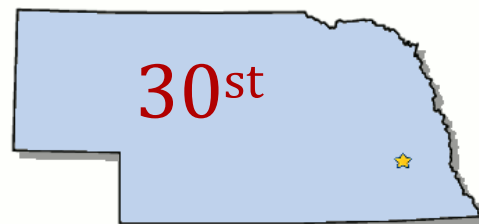
The state recently streamlined its law on sealing of misdemeanor convictions, although this relief remains available only once in a lifetime; no statutory relief is provided for felonies and the pardon process is unproductive. Deferred adjudication followed by sealing is available for misdemeanors and first felony offenses, and while non-conviction records in the repository must be returned to their subject, there appears to be no authority to seal non-conviction court records or to make them confidential.

Montana has never updated a 1975 law allowing licensing agencies to reject individuals deemed “insufficiently rehabilitated,” and the state has no law regulating public or private employment.

Montana fell six places in the rankings this year, largely through legislative inaction. In order to improve its ranking Montana needs to provide for sealing of non-conviction court records and make some provision for extending record relief to felony convictions, either by pardon or certificate if not by clearance. It also needs to strengthen the scant protections offered to people with a criminal record in the workplace.

# NEBRASKA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | C                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | C                      |                        |



Nebraska restores the vote two years after completion of a felony sentence, including any period of parole. Restoration may be delayed (though not denied entirely) for non-payment of court debt.

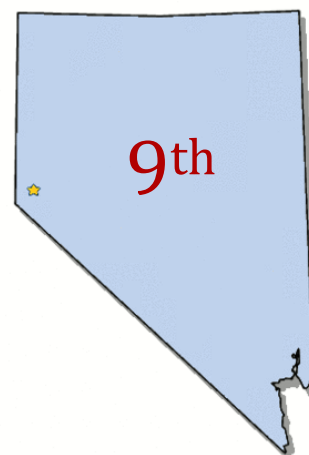
There is no statutory authority to seal convictions, although probationers may have their convictions set aside upon successful completion of sentence, which restores rights and removes legal restrictions. Sealing is automatic in non-conviction cases, including deferred adjudication. Pardons have in the past been granted frequently and regularly by the board of pardons (which includes the governor), but there have been questions about the board’s recent failure to hold regular hearings after the departure of a key longtime staff member.

The state has recently taken tentative steps toward regulating consideration of a criminal record by occupational licensing agencies, but its public sector ban-the-box law contains few standards and makes no provision for enforcement.

Nebraska fell 13 places in the rankings this year, one of the biggest drops of any state, largely due to legislative inaction and the failure of its pardon board to return to a regular grant-making practice. To improve its ranking Nebraska, like Idaho, needs to consider whether to add sealing to its venerable set-aside record remedy as other states have done (most recently California). If necessary, it should seek a constitutional amendment to restore the franchise to all those living in the community. It also needs to strengthen workplace protections for those with a criminal record, including its relatively weak regulation of licensing agencies.

## NEVADA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| A                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| B                      | D                      |                        |



Nevada repealed a complex and restrictive voting restoration law in 2019, replacing it with a simple law limiting disenfranchisement to a period of felony incarceration.

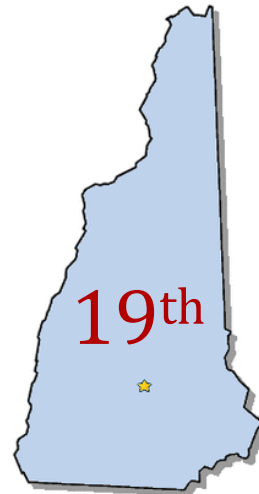
The state has one of the most extensive record relief schemes in the country: almost all convictions are eligible for sealing after a graduated waiting period, and the state pardon board also issues pardons regularly. Non-conviction records are presumptively eligible for sealing at disposition, though cases declined for prosecution must wait until after the limitations period has run or 10 years. The state has an extensive system of intervention courts, but otherwise makes no provision for deferred adjudication.

Nevada has one of the strongest laws in the Nation prohibiting discrimination based on a criminal record in public employment, but it has not extended any regulation to private employers. It took the first steps toward regulating occupational licensing agencies in 2019 and could go further.

Nevada slipped four places in the rankings this year, and its road to a higher ranking (including catching up with its neighbor Colorado) is clear: make sealing of non-convictions automatic (including in cases declined for prosecution), strengthen regulation of the occupational licensing process, and extend the same protections to private sector employment as are available in the case of public employment.

## NEW HAMPSHIRE

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| B                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | D                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | A                      |                        |



**New Hampshire restores the vote after completion of any felony incarceration.**

**Courts have authority to annul (seal) misdemeanors and many felonies. Non-conviction records are now automatically sealed on disposition, but authority to defer adjudication is limited to drug courts. The pardon authority is structured in a manner that almost guarantees it will not be used.**

**The state has one of the most progressive schemes for regulating consideration of criminal record by occupational licensing boards, but no law limiting its consideration in public or private employment.**

**New Hampshire slipped 7 places in the rankings this year, but its road to the Top 10 is clear: extend deferred dispositions to any offense eligible for a probationary sentence, improve protections applicable to public and private employment, and enact a judicial relief mechanism that will substitute for its dysfunctional pardon system. It could also eliminate felony disenfranchisement, as its neighbors have done.**

## NEW JERSEY

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | C                      | A                      |
| Employment             | Occupational Licensing |                        |
| C                      | C                      |                        |



New Jersey has made great strides in recent years in almost every area: it repealed a restrictive voting restoration law in 2019 and replaced it with a simple law limiting disenfranchisement to a period of felony incarceration.

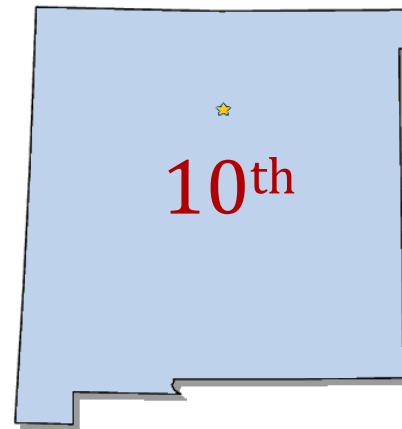
Also in 2019 New Jersey expanded its courts' expungement authority, and authorized automatic sealing of misdemeanors and many felonies. It makes expungement of non-conviction records automatic, but limits deferred adjudication to drug court cases. New Jersey courts have authority to issue certificates relieving mandatory collateral consequences as early as sentencing, and its parole board has this authority thereafter, but pardoning has been infrequent and irregular in recent years.

New Jersey law regulating consideration of criminal record in occupational licensing, which dates from the 1960s, was improved in 2021 but needs more work. Its ban-the-box requirement for public and private employment provides no standards or procedures for enforcement.

This year New Jersey rose eight places to make the Top 10, thanks to the "extra credit" it got from its broad and progressive fair housing law, leaving both New York and Pennsylvania behind. To secure its place there it needs to improve workplace protections for those with a criminal record. It could usefully incorporate some of the occupational licensing protections of jurisdictions that scored highest (Iowa, Indiana, and D.C.).

## NEW MEXICO

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| A                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | A                      | B                      |
| Employment             | Occupational Licensing |                        |
| C                      | C                      |                        |



New Mexico restores the vote after completion of a felony sentence. Restoration may be delayed (though not denied entirely) for non-payment of court debt.

In 2019, New Mexico authorized expungement of all but the most serious violent offenses after a conviction-free waiting period ranging from 2 to 10 years. Deferred sentencing following a plea is available except in first-degree felony cases, but expungement is subject to the procedures and standards applicable to convictions. Courts may also expunge non-conviction records (including conditional discharges) after a one-year waiting period, so long as no charges are pending. In 2021 the state added provisions of the Uniform Collateral Consequences of Conviction Act authorizing courts to dispense with mandatory restrictions.

In 2021 the state made some improvements in its 1970s-era law regulating public employment and occupational licensure, to which a ban-the-box provision for private employers was added in 2019.

The state moved up five spots in this year's rankings, thanks to some progressive law-making. It could improve its position even more by restoring the vote to all those living in the community, by making expungement of non-convictions automatic, and by strengthening its laws relating to consideration of conviction in the workplace.

## NEW YORK

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | D                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | D                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | C                      | A                      |
| Employment             | Occupational Licensing |                        |
| A                      | B                      |                        |



New York restores the vote after completion of felony imprisonment and in 2021 repealed extension of disenfranchisement to a period of parole.

New York enjoys a relatively high ranking by virtue of its strong laws barring discrimination by public and private employers and licensing agencies, although its provisions governing licensing agencies need strengthening based on national models.

Its provisions for record clearance that apply to convictions are inadequate, with sealing authorized only for two convictions (only one of them a felony) with a 10-year waiting period even for misdemeanors, and court-managed diversion options are limited. However, non-conviction records are sealed automatically on disposition. Its courts have authority to issue certificates relieving mandatory collateral consequences as early as sentencing, and its parole board has authority thereafter, but pardoning has been infrequent and irregular in recent years.

New York has been considering a “clean slate” law which would boost its ranking considerably, and put it into a position to challenge Illinois, Connecticut, and California for a leadership role. It could also give its courts authority to defer adjudication in any case where a person would be eligible for a probationary sentence. Finally, as noted, it could strengthen its provisions applicable to the occupational licensing process to limit boards’ discretion.

## NORTH CAROLINA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | D                      | C                      |
| Employment             | Occupational Licensing |                        |
| C                      | A                      |                        |



North Carolina restores the vote upon unconditional discharge from a felony sentence, with restoration potentially delayed for non-payment of court debt.

Minor nonviolent felony and nonviolent misdemeanor convictions are eligible for “expunction” on a one-time basis after an extended eligibility period. Most non-conviction records are automatically expunged, except that felony charges dismissed through a plea may be expunged only on petition. A provision disqualifying those with a prior felony conviction was recently deleted. Deferred adjudication is available only for first-time minor drug offenses. A judicial certificate is available one year after completion of sentence but both eligibility and legal effect are limited.

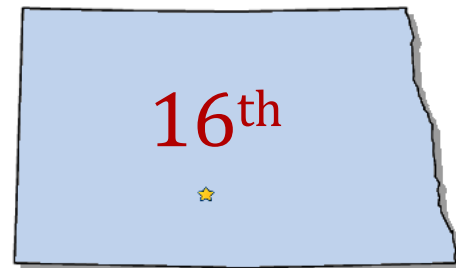
The state recently enacted a commendable system for regulating the occupational licensing process, but it has no law regulating consideration of criminal record in the workplace. An executive order applicable to state employment lacks procedural protections.

North Carolina slipped 5 places in the rankings this year, largely due to its having fallen behind other states in offering record clearing for convictions. To improve its ranking, the state needs to strengthen workplace protections for people with a criminal record, expand eligibility for record clearance to more felonies, improve its judicial certificate program, and restore the vote to those living in the community without regard to court debt.



## NORTH DAKOTA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | D                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| A                      | A                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| D                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | B                      |                        |



North Dakota restores the vote after completion of any felony incarceration.

Under a comprehensive 2019 enactment, misdemeanor and felony convictions may be sealed upon petition, with waiting periods of 3 and 5 years, though violent offenses must wait 10 years. Deferred imposition of sentence is broadly available, and felonies may be knocked down to misdemeanors. However, non-conviction records may be sealed only by court rule that includes a balancing test.

Public employers may not ask about criminal record until an applicant has been selected for an interview, but thereafter no procedural standards and substantive criteria guide the employer's decision-making, and private employment is unregulated. Occupational, professional, and business licenses are subject to a robust regulatory scheme enacted in 1977 that could usefully be updated.

North Dakota slipped 6 places in the rankings this year, largely because of its legislature's inaction. In the coming year it could improve its ranking by making sealing automatic for non-conviction records and at least some misdemeanors. It could also strengthen its laws regulating consideration of criminal record in the workplace, including its once-commendable but now outdated occupational licensing law.

## OHIO

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | C                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| B                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | D                      | B                      |
| Employment             | Occupational Licensing |                        |
| D                      | A                      |                        |



Ohio restores the vote after completion of any felony incarceration.

The state authorizes sealing only for a limited number of convictions, and the current governor’s professed interest in pardoning has not produced much to date. Some non-conviction records may be sealed upon disposition, and others require a waiting period. Deferred adjudication is limited to cases involving substance abuse. A judicial certificate that lifts automatic bars to both employment and licensure creates a presumption of qualification and protects against liability.

Public employers and licensing agencies may not consider sealed convictions or non-conviction records, unless “the question bears a direct and substantial relationship” to the desired position. Otherwise, Ohio’s ban-the-box law contains no standards to guide decisions and no protections for applicants and does not apply at all to private employers. The state recently made additional improvements to its law regulating consideration of criminal record in occupational licensing, inter alia providing applicants a preliminary determination and procedural protections in the event of denial.

Ohio has moved up an admirable 12 spots in the rankings thanks to its legislature’s productive actions in 2021. To improve its ranking still further, Ohio needs to broaden eligibility for record clearance, make sealing of non-conviction records automatic, authorize its courts to defer adjudication in any case suitable for probation, and improve workplace protections.

## OKLAHOMA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | A                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | B                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | B                      |                        |



Oklahoma restores the vote after a period of time equal to the term of the sentence.

The state authorizes courts to expunge (seal) a limited number of felony and misdemeanor convictions, and its pardon program offers a useful supplement. Deferred adjudication leading to expungement is available for misdemeanors and first-time minor felony offenses but dismissed charges may be expunged only if the person has no prior felony convictions.

Public employers are subject to a ban-the-box rule by executive order, but no standards or procedures apply, and private employers are not regulated at all. Oklahoma revised its laws for considering criminal record in occupational licensing in 2019, but it needs to tighten substantive standards and offer greater procedural protections for applicants.

Oklahoma slipped 7 places in the rankings since the 2020 report, largely because its legislature did little last year. To improve its ranking, Oklahoma needs to eliminate the prior felony restriction on sealing of non-convictions (it is one of only two states that still have this requirement) and make sealing automatic. It also should broaden eligibility for record clearance and improve its laws regulating how criminal record is considered in the workplace.

## OREGON

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| C                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| C                      | D                      |                        |



Oregon restores the vote after completion of any felony incarceration.

Oregon made substantial improvements to its record-clearing laws in 2021, notably reducing what were some of the longest waiting periods in the country and most confusing eligibility criteria (including low-back periods at odds with waiting periods). Misdemeanors and all but the most serious felonies may now be set aside and sealed from 3 to 7 years after judgment, and non-conviction records may be sealed on petition shortly after disposition. But deferred adjudication remains available only in drug cases and first offense misdemeanors.

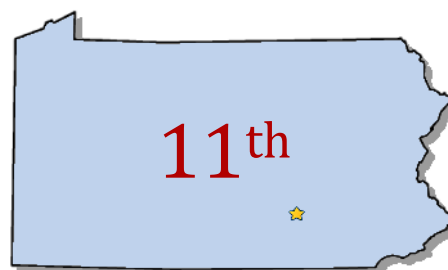
Public and private employers are subject to a ban-the-box rule, but the law provides no standards or enforcement mechanism. A licensing agency may deny licensure if it determines that an applicant's conviction is "substantially related" to the occupation or profession, and no procedural protections are available for applicants.

Oregon moved up 11 places in the rankings, thanks to its legislature's work to clarify and expand its record clearing laws. In order to further improve its ranking, Oregon should make sealing of non-conviction records automatic, broaden eligibility for deferred adjudication to any probation-eligible offense, and strengthen its laws regulating how criminal record is considered in the workplace, including in occupational licensing. There has been discussion in

**the legislature of eliminating felony disenfranchisement which would be a significant step.**

## PENNSYLVANIA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | A                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| C                      | C                      |                        |



**Pennsylvania restores the vote after completion of any felony incarceration.**

**The state seals most misdemeanor convictions and non-convictions automatically, but only after an extremely long waiting period of 10 years. Record relief is available for felonies only through the pardon process, which is extremely efficient, resulting in automatic expungement. Pre-plea diversion leading to expungement may be ordered by the court in non-violent cases.**

**Public and private employers are subject to a ban-the-box rule, but the law provides no standards or enforcement mechanism. The substantive standards governing occupational licensure were extensively revised in 2020, but no procedural protections for applicants were included.**

**Pennsylvania slipped out of the top 10 this year, but its ranking did not change significantly. It could improve its standing by shortening its excessively long waiting period for sealing of misdemeanors (one of the longest in the country), extend sealing relief to felonies, and strengthen its laws regulating consideration of conviction in employment and licensure by adding procedural protections recommended in national models (preliminary consideration, written reasons for denial, opportunity to present mitigating information, appeal).**

## RHODE ISLAND

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | A                      | C                      |
| Employment             | Occupational Licensing |                        |
| C                      | A                      |                        |



Rhode Island restores the vote after completion of any felony incarceration.

Rhode Island has a mix-and-match system of record relief for “first offenders” (either felony or misdemeanor), for those with up to six nonviolent misdemeanors after a longer waiting period, and for those who successfully complete deferred sentences (which are generously available to anyone eligible for a probationary sentence). Any of this relief might usefully be made automatic. Pardon is unavailable by design, given the constitutional requirement of legislative approval. In 2021 a prior felony restriction on sealing non-conviction records was repealed, and relief is mandatory upon disposition.

In 2020, Rhode Island enacted a comprehensive scheme to regulate consideration of conviction in occupational licensing, which contains both substantive standards and procedural protections for applicants. Public and private employers may not ask about an applicant’s criminal record until an initial interview, but there are no substantive or procedural standards to guide decision-making thereafter.

Rhode Island’s ranking this year remains essentially the same as it was in 2020. To improve, it should make non-conviction relief entirely automatic, simplify and expand eligibility for sealing of convictions, and strengthen its laws regulating how criminal record is considered in the workplace.

## SOUTH CAROLINA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | A                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | D                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | D                      |                        |



South Carolina provides that a person convicted of a felony or election-law offense, or incarcerated for a misdemeanor, may not vote until completion of sentence, including probation or parole. Restoration may be delayed if fines and fees are made conditions of supervision.

The state relies for conviction record relief on a regularly functioning pardon system, and offers very little by way of judicial record relief to supplement it. Records of minor misdemeanor convictions and summary offenses may be expunged and destroyed after three years if there are no subsequent convictions, and some youthful convictions and diversionary dispositions for non-violent first offenses may also be expunged. Expungement is available for other non-conviction records by petition. People with felony offenses are relegated to the pardon process, which does not carry sealing.

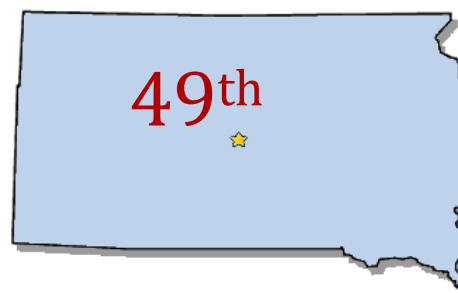
The state has no general law regulating consideration of criminal record in employment, and only the barest limit on the occupational licensing process.

South Carolina’s low ranking could be improved by making sealing of non-conviction records automatic, extending eligibility for sealing of conviction records, and strengthening its laws regulating consideration of criminal record in employment and licensing, as several of its neighboring states have done.



## SOUTH DAKOTA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| F                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| D                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | F                      |                        |



**South Dakota is one of a handful of states that restores the vote only if a person has completed their sentence and paid all court debt, as applied to convictions after July 1, 2012. Older felony convictions carry disenfranchisement only while serving a prison sentence, including parole.**

**The state offers automatic sealing after 5 years to convictions for Class 2 misdemeanors, municipal violations, and petty offenses, but there is otherwise no statutory authority to seal convictions unless they are first pardoned. but Deferred adjudication leading to sealing is available for persons with no prior convictions who are charged with all but the most serious felonies. Non-conviction records may be expunged upon petition at any time after acquittal, after dismissal with consent of the prosecutor, or one year after arrest if no charges are filed.**

**South Dakota is one of only a handful of states that has no laws regulating consideration of criminal record in employment or occupational licensing.**

**South Dakota could improve its very low ranking by limiting disenfranchisement to incarceration only (as the law was until 2012), by authorizing automatic sealing of non-conviction records, by authorizing record clearance for felonies, and by restricting how criminal record is considered in the workplace.**

## TENNESSEE

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| F                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | A                      | B                      |
| Employment             | Occupational Licensing |                        |
| C                      | B                      |                        |



Tennessee is one of a handful of states that requires people with a felony conviction to pay court debt (restitution and costs) before they may vote – and Tennessee uniquely also requires child support payments to be current.

The state offers meager record clearing relief for convictions, and pardon is not a reliable alternative. Pretrial diversion may lead to expungement, but it applies only to misdemeanors and Class D felonies who have no prior record. All non-conviction records “shall be destroyed” by the court without charge upon petition, and Tennessee courts also offer certificates that relieve mandatory consequences.

State law provides strong protections against discrimination based on record in public employment, although its recently enacted occupational licensing law could be improved by covering more licenses and excluding consideration of some records.

Tennessee has many excellent features in its restoration laws, but its ranking suffers from inadequate provisions for record relief, either judicial or executive, and it dropped 4 places since our 2020 report. It could regain momentum by confining disenfranchisement to periods of incarceration, or at least eliminating the requirement to pay court debt and child support. It could make sealing of non-convictions automatic, broaden eligibility for conviction record clearance and for deferred adjudication, improve its occupational licensing law, and extend workplace protections to private employment.

# TEXAS

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| D                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | D                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | C                      |                        |



Texas is one of the few states that still conditions restoration of the vote on payment of some court debt (fines).

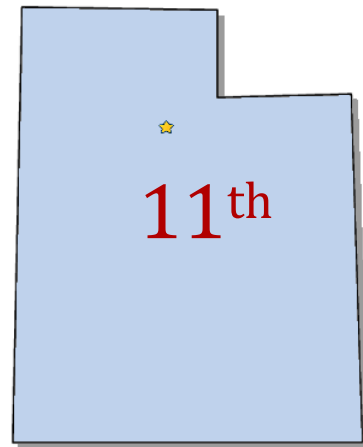
The state authorizes no record relief for felonies and provides sealing (“nondisclosure”) in misdemeanor cases only where the person has no prior convictions or deferred adjudications. However, its deferred adjudication law is one of broadest in the Nation and potentially results in sealing. Other non-conviction records may be expunged on petition after disposition or after a short waiting period.

The state’s ban-the-box law contains no standards or provisions for enforcement and does not extend to private employers. State law also protects employers against negligent hiring liability and regulates background screeners but does not protect employees and applicants for employment against discrimination based on criminal record. The state has recently strengthened its occupational licensing laws, but they do not extend to significant parts of the licensed workforce and permit denial of licensure based on some sealed records.

To improve its ranking Texas should restore the vote without regard to payment of fines, make sealing of non-convictions automatic, extend sealing to felony convictions, and provide workforce protections to people with a record.

## UTAH

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | B                      |                        |



Utah restores the vote after completion of any incarceration for a felony or election-related misdemeanor. A person convicted of one felony and varying numbers of misdemeanors is eligible to apply to expunge all but serious and violent offenses. Non-conviction records are eligible for expungement by petition after 30 days if no charges are filed, the charges are dismissed and the limitations period has expired on all charges, or dismissed pursuant to a deferred adjudication agreement, or the person is acquitted. Utah’s clean slate law authorizes development of an automated expungement process for certain less serious misdemeanors and certain non-conviction records, though all court debt must be paid.

The state bans-the-box for public employers and prohibits consideration of expunged records by public employers and licensing agencies, but there are no procedures for enforcement vis a vis employers, and no protections at all for private sector employment. Utah has enacted significant improvements in its regulation of licensing agencies in the past several years, though not all agencies are covered.

Utah fell 6 places in the rankings since our 2020 report, and slipped out of the top 10 – although there are some simple steps it could take to improve: It could eliminate the requirement to pay court debt as a condition of sealing, particularly for non-conviction records, extend eligibility for felony sealing beyond a single conviction, and strengthen its protections for those with criminal records in the workplace.

## VERMONT

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| A                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | D                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| A                      | A                      | B                      |
| Employment             | Occupational Licensing |                        |
| C                      | D                      |                        |



Vermont is one of three U.S. jurisdictions that does not disenfranchise based on conviction record.

The state provides little by way of sealing relief for felony convictions and pardons are rare, but it has a judicial certificate program that dispenses with mandatory consequences and confirms rehabilitation, and is available to all but serious convictions. Many misdemeanors may be sealed or expunged, deferred adjudication is broadly available, and non-conviction records are automatically expunged upon disposition unless the prosecutor objects for cause.

The state ban-the-box law applies to both public and private employers, and employers and licensing agencies may not ask about or consider expunged or sealed convictions. A felony conviction may be used to deny a license in over 40 professions, although a 2021 law requires agencies to consider mitigating factors and provide for a preliminary determination. Still, the law contains no procedural protections for applicants and no accountability provisions.

Vermont's ranking fell 7 places in this year's report, and it could easily make up the deficit by providing for automatic sealing of non-conviction records, expanding opportunities to clear felony records, extending eligibility for judicial certificates to all categories of conviction, and beefing up the protections it offers for applicants for employment and occupational licenses.

## VIRGINIA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| C                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| D                      | C                      |                        |



Virginia made the most dramatic progress this year of any jurisdiction, rivaled only by the District of Columbia, moving up 28 places from the bottom 10 at 44<sup>th</sup> place to the top 20 at 16<sup>th</sup> place.

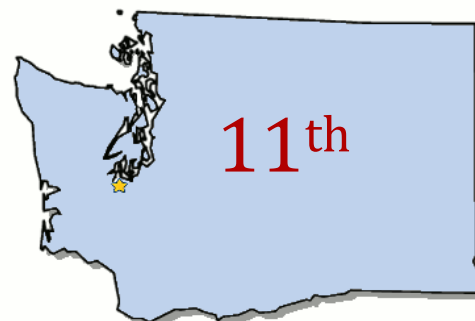
In 2021 the state made great strides toward implementing record clearing relief for both non-convictions and convictions, including some relief that will be automatic when the law takes effect in 2025. The state has also made deferred adjudication more broadly available. Recent governors have pardoned generously and issued executive orders restoring the vote upon release from prison. The state has also started the process of amending its constitution to automatically restore voting rights.

Virginia’s protections for people with a record in the workplace lag behind. A ban-the-box law applies to public employment, but there are no standards or procedures for enforcement, and private employment is unregulated. Licensing agencies are subject to a “direct relationship” standard, but applicants have no procedural protections in the licensing process and agencies are not held accountable for their decision-making.

In order to further improve its ranking, Virginia must turn its attention to enacting workplace protections for individuals with a criminal record, both in employment and occupational licensure. There are examples all around it of jurisdictions that have made major strides in improving employment opportunities for people with a criminal record, including North Carolina, Tennessee, Kentucky, and the District of Columbia.

## WASHINGTON

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| B                      | C                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| B                      | B                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| D                      | A                      | C                      |
| Employment             | Occupational Licensing |                        |
| C                      | B                      |                        |



Washington legislated in 2021 to restore voting rights to all not actually incarcerated.

Convictions for all but the most serious and violent offenses that have been discharged may be “vacated.” While vacatur results in statutory sealing of law enforcement records, court records require a “compelling” standard for sealing — including for non-conviction records and records of deferred adjudication. Pardons process is regular but grants few.

Washington bans the box for both public and private employers, but there are no standards or procedures for enforcement. Licensing law allows disqualification if conviction “directly relates” to occupation and occurred within the previous ten years, gives effect to judicial CROP certificate, and authorizes preliminary determination - but many procedural protections lacking. Many licensed professions and jobs fall outside this law (e.g., health, education, and social service jobs), though recent laws extend CROP protections to health professions.

Washington has moved up 7 places in the rankings since 2020 through productive lawmaking last year. To improve its ranking further, Washington should revisit efforts to automate some record clearance, at least for non-convictions. It can also do more to offer procedural protections in licensed professions apart from CROP certificates and should extend workplace protections more generally.

## WEST VIRGINIA

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | C                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| D                      | A                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | B                      |                        |



West Virginia restores the vote upon completion of a felony sentence. Restoration may be delayed where fines and fees are conditions of supervision.

Some misdemeanors and nonviolent felonies are eligible for expungement after a short waiting period, but the application process is burdensome. There is broad authority for deferred adjudication potentially leading to expungement, and non-conviction records may be expunged only if the defendant has no prior felony conviction.

West Virginia enacted in 2019 progressive regulation of consideration of criminal record by occupational licensing agencies, but the state has no law limiting consideration of criminal record in employment.

West Virginia has shown itself interested in facilitating reintegration and ought to be interested in raising its ranking out of the bottom 10. For example, it is one of only two states (the other being Oklahoma) that preclude sealing of non-convictions if a person has a prior felony record. The state could improve its position substantially by removing this bar and by making sealing automatic (as its neighbors Kentucky, Virginia, and North Carolina have recently done). West Virginia could modernize its voting law (limit disenfranchisement to incarceration). But its main problem is in affording so few protections to people with a record in the workplace, including in the occupational licensing process.



## WISCONSIN

|                        |                        |                        |
|------------------------|------------------------|------------------------|
| Voting                 | Pardon                 |                        |
| C                      | B                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| F                      | F                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| F                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| A                      | B                      |                        |



Wisconsin restores the vote upon service of a felony sentence. Restoration may be delayed if fines and fees are made conditions of supervision.

The state offers no judicial record relief for convictions (except a "youthful offender" sentencing statute) and its authority for court-managed deferred adjudication is limited to intervention courts. special populations like. It has no authority to clear court non-conviction records, though law enforcement records are cleared if a person is "released without charge, or cleared of the offense through court proceedings." While the current governor has revived pardoning, the vitality of Wisconsin's pardon process depends upon the predilections of the incumbent governor and is therefore unreliable.

Wisconsin extends its fair employment law to discrimination based on criminal record, but its courts have recently been more progressive in applying this law in favor of employees. Recent (2018) amendments to the occupational licensing law incorporate progressive protections but it does not extend to many licensed professions.

Wisconsin's persistent low ranking, despite its strong workplace protections for people with a record, is attributable to its almost unique failure to extend record clearance to convictions or to court records of non-convictions. It should also consider extending its courts' authority to offer deferred dispositions to any probation-eligible offense.

## WYOMING

| Voting                 | Pardon                 |                        |
|------------------------|------------------------|------------------------|
| C                      | F                      |                        |
| Felony relief          | Misdemeanor relief     |                        |
| D                      | D                      |                        |
| Non-conviction records | Deferred adjudication  | Certificates of relief |
| B                      | C                      | F                      |
| Employment             | Occupational Licensing |                        |
| F                      | C                      |                        |



Wyoming restores the vote for first felony offenses (non-violent only) upon completion of supervision, but restoration may be delayed if fines and fees are owed. For other felonies, a person must apply to the governor for a pardon.

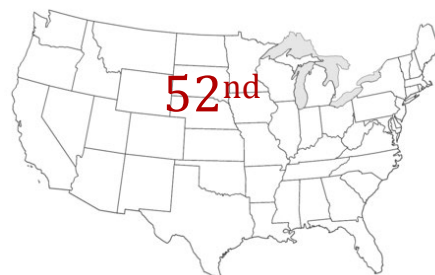
A single felony conviction may be expunged ten years after the sentence expires but only if the applicant has no other felony convictions. A handful of misdemeanors are also eligible on a one-time basis. Deferred sentencing is authorized also on a one-time basis for misdemeanors and first felony offenses, excluding certain serious crimes; no conviction results but expungement is unavailable. Non-conviction records (excluding deferred sentences) may be expunged 180 days after dismissal of proceedings if no other charges are pending.

The state has no law regulating consideration of conviction in employment, and only recently took the first tentative steps toward regulating the occupational licensing process (which lacks procedural protections for applicants).

Wyoming's low ranking is attributable to its grudging extension of record clearance to a narrow category of convictions, its failure to automatically restore the vote to all individuals, and its failure to afford adequate workplace protections to people with a criminal record, including in professional licensing. It could begin by automating clearance of non-conviction records.

**FEDERAL**

|                               |                               |                               |
|-------------------------------|-------------------------------|-------------------------------|
| <b>Voting</b>                 | <b>Pardon</b>                 |                               |
| n/a                           | F                             |                               |
| <b>Felony relief</b>          | <b>Misdemeanor relief</b>     |                               |
| F                             | F                             |                               |
| <b>Non-conviction records</b> | <b>Deferred adjudication</b>  | <b>Certificates of relief</b> |
| F                             | D                             | F                             |
| <b>Employment</b>             | <b>Occupational Licensing</b> |                               |
| B                             | F                             |                               |



The federal system provides no record relief of any kind for those with federal convictions other than a presidential pardon, and the pardon process has ceased to function in a reliable manner. It provides deferred adjudication and expungement only for youthful drug possession.

It limits application stage inquiries by federal agency employers and contractors, but its Office of Personnel Management has to date been unable to produce implementing regulations in a timely manner. In addition, many federal laws and benefit programs fail to recognize state record clearance relief; a guilty plea is considered a conviction under many federal statutes (including the Fair Credit Reporting Act), undercutting state efforts to help people avoid collateral consequences. There is no federal law regulating occupational or professional licensure even in the federal sector, and criminal record is not a protected class under federal civil rights laws.

The federal government could take first steps toward improving its rock bottom ranking by offering some record relief to those with federal criminal records, including non-conviction records. It should also consider extending its very narrow deferred adjudication authority to all probation-eligible offenses. It should either revive a regular practice of pardoning or authorize its courts to grant certificates of relief. It should review federal laws and agency rules to ensure that they offer adequate protections to all those with criminal records, and respect state relief measures like expungement.

## APPENDIX

The following table shows the grades for each issue as reflected on the report cards in this report. Scores were calculated by assigning grades A-1 through F-5 and adding up the nine columns to get the total score, with lower scores determining higher rank. The final column assigns an overall ranking of the restoration laws of each state (D.C. and the federal system), assigning equal weight to each relief mechanism, except that deferred adjudication and certificates of relief were each assigned 50% weight. States that have strong statewide fair housing laws were given “extra credit” according to the strength of their laws (subtracting either one or two points). Laws restoring firearms rights and juvenile relief mechanisms, and specialized relief mechanisms like those applicable to victims of human trafficking or to those convicted of offenses that are no longer a crime (e.g., marijuana possession) were not considered in determining each state’s overall ranking.

In some cases, several states’ grades combined for the same total score and so they were assigned the same rank, with subsequent rankings skipped ahead omitting intervening rankings. Thus, for example, three states tied for 4<sup>th</sup> place, so the next state after those three is ranked 7<sup>th</sup>. (The state rankings are displayed in order at p.5, *supra*.)

|    | Voting | Pardon | Felony relief | Misdo. relief | Non-convict. | Deferred adjud. | Cert. of relief | Employm't | Licensing | Rank |
|----|--------|--------|---------------|---------------|--------------|-----------------|-----------------|-----------|-----------|------|
| AL | F      | A      | C             | C             | C            | B               | D               | F         | F         | 39   |
| AK | C      | F      | F             | F             | B            | C               | F               | F         | F         | 50   |
| AZ | F      | F      | B             | B             | C            | C               | C               | D         | A         | 34   |
| AR | F      | A      | C             | A             | C            | B               | F               | F         | B         | 25   |
| CA | B      | B      | C             | A             | A            | D               | B               | A         | B         | 3    |
| CO | B      | D      | B             | B             | A            | A               | B               | C         | C         | 4    |
| CT | B      | A      | B             | A             | A            | C               | B               | B         | C         | 2    |
| DE | B      | A      | C             | B             | A            | C               | F               | C         | C         | 4    |
| DC | A      | F      | F             | D             | D            | D               | F               | A         | A         | 19   |
| FL | F      | F      | F             | F             | D            | C               | F               | D         | D         | 51   |
| GA | D      | A      | C             | C             | C            | C               | F               | D         | C         | 34   |
| HI | B      | F      | F             | F             | B            | B               | F               | A         | C         | 31   |

|           | <i>Voting</i> | <i>Pardon</i> | <i>Felony relief</i> | <i>Misdo. relief</i> | <i>Non-convict.</i> | <i>Deferred adjud.</i> | <i>Cert. of relief</i> | <i>Employment</i> | <i>Licensing</i> | <i>Rank</i> |
|-----------|---------------|---------------|----------------------|----------------------|---------------------|------------------------|------------------------|-------------------|------------------|-------------|
| <i>ID</i> | C             | B             | D                    | C                    | B                   | B                      | F                      | F                 | C                | 37          |
| <i>IL</i> | B             | B             | A                    | B                    | C                   | C                      | A                      | A                 | B                | 1           |
| <i>IN</i> | B             | F             | B                    | B                    | B                   | C                      | F                      | D                 | A                | 22          |
| <i>IA</i> | D             | D             | F                    | D                    | D                   | C                      | F                      | F                 | A                | 47          |
| <i>KS</i> | F             | F             | A                    | B                    | D                   | D                      | F                      | D                 | D                | 43          |
| <i>KY</i> | F             | D             | D                    | B                    | A                   | B                      | F                      | B                 | B                | 29          |
| <i>LA</i> | C             | B             | B                    | C                    | B                   | C                      | F                      | B                 | D                | 22          |
| <i>ME</i> | A             | F             | F                    | F                    | F                   | A                      | F                      | C                 | C                | 44          |
| <i>MD</i> | B             | F             | D                    | D                    | B                   | A                      | C                      | C                 | C                | 34          |
| <i>MA</i> | B             | F             | A                    | A                    | C                   | A                      | F                      | B                 | F                | 22          |
| <i>MI</i> | B             | F             | A                    | A                    | A                   | A                      | F                      | D                 | B                | 14          |
| <i>MN</i> | C             | B             | C                    | A                    | C                   | D                      | F                      | A                 | A                | 8           |
| <i>MS</i> | D             | F             | D                    | D                    | B                   | A                      | F                      | F                 | A                | 39          |
| <i>MO</i> | C             | B             | C                    | C                    | D                   | A                      | F                      | B                 | C                | 25          |
| <i>MT</i> | B             | F             | F                    | B                    | F                   | B                      | F                      | F                 | D                | 48          |
| <i>NE</i> | C             | C             | D                    | C                    | A                   | A                      | F                      | D                 | C                | 31          |
| <i>NV</i> | B             | B             | A                    | A                    | C                   | C                      | F                      | B                 | D                | 9           |
| <i>NH</i> | B             | F             | B                    | A                    | A                   | D                      | F                      | F                 | A                | 19          |
| <i>NJ</i> | B             | F             | B                    | A                    | A                   | C                      | B                      | C                 | C                | 4           |
| <i>NM</i> | C             | F             | A                    | A                    | B                   | A                      | B                      | C                 | C                | 10          |
| <i>NY</i> | B             | D             | D                    | D                    | A                   | C                      | A                      | A                 | B                | 7           |
| <i>NC</i> | C             | F             | D                    | C                    | A                   | D                      | C                      | D                 | A                | 31          |
| <i>ND</i> | B             | D             | A                    | A                    | D                   | A                      | F                      | D                 | B                | 15          |
| <i>OH</i> | B             | C             | B                    | B                    | C                   | D                      | B                      | D                 | A                | 11          |
| <i>OK</i> | B             | A             | C                    | C                    | C                   | C                      | F                      | D                 | B                | 19          |
| <i>OR</i> | B             | B             | C                    | B                    | C                   | C                      | F                      | C                 | D                | 25          |
| <i>PA</i> | B             | A             | D                    | C                    | A                   | C                      | F                      | C                 | C                | 11          |
| <i>RI</i> | B             | F             | D                    | B                    | B                   | A                      | C                      | C                 | A                | 15          |
| <i>SC</i> | C             | A             | F                    | D                    | B                   | C                      | F                      | F                 | D                | 39          |

|            | <i>Voting</i> | <i>Pardon</i> | <i>Felony relief</i> | <i>Misdo. relief</i> | <i>Non-convict.</i> | <i>Deferred adjud.</i> | <i>Cert. of relief</i> | <i>Employm't</i> | <i>Licensing</i> | <i>Rank</i> |
|------------|---------------|---------------|----------------------|----------------------|---------------------|------------------------|------------------------|------------------|------------------|-------------|
| <i>SD</i>  | F             | B             | F                    | C                    | D                   | C                      | F                      | F                | F                | 49          |
| <i>TN</i>  | F             | F             | C                    | C                    | B                   | A                      | B                      | C                | B                | 31          |
| <i>TX</i>  | D             | F             | F                    | D                    | B                   | A                      | F                      | D                | C                | 44          |
| <i>UT</i>  | B             | B             | C                    | B                    | B                   | A                      | F                      | D                | B                | 11          |
| <i>VT</i>  | A             | F             | D                    | D                    | A                   | A                      | A                      | C                | D                | 25          |
| <i>VA</i>  | B             | B             | C                    | B                    | B                   | A                      | F                      | D                | C                | 15          |
| <i>WA</i>  | B             | C             | B                    | B                    | D                   | A                      | C                      | C                | B                | 11          |
| <i>WV</i>  | C             | F             | D                    | C                    | D                   | A                      | F                      | F                | B                | 42          |
| <i>WI</i>  | C             | B             | F                    | F                    | F                   | D                      | F                      | A                | B                | 38          |
| <i>WY</i>  | C             | F             | D                    | D                    | B                   | C                      | F                      | F                | C                | 44          |
| <i>Fed</i> | n/a           | F             | F                    | F                    | F                   | D                      | F                      | B                | F                | 52          |