

Expungement Reform Overview

A criminal record is a substantial barrier to employment, housing and higher education:

In Wisconsin, nearly 1.4 million adults have a criminal record, including 42% of Milwaukee's job seekers.¹ People with criminal records often experience "collateral consequences" that haunt them well after they have paid their debt to society, it's much harder for someone with a criminal record to get jobs, home loans, or to join college or the military. Without access to these building blocks of financial independence and stability, they become stuck in a cycle of recidivism and dependence on public assistance.

With record-low levels of unemployment in Wisconsin and an aging workforce, employers and workforce leaders recognize that criminal justice reform can dramatically improve both the labor market and life outcomes for people with criminal records.

Expungement provides non-violent offenders with a fresh start – but Wisconsin's system needs dramatic reform:

Expungement means sealing a criminal record if the judge finds that the offender will benefit and society will not be harmed. When an eligible criminal record is expunged, it becomes sealed from public access records, such as Wisconsin Circuit Court Access, used by many employers to screen potential employees. This enables people with non-violent criminal backgrounds a fresh start after they've paid their debt to society.

Unfortunately, Wisconsin's system is out of touch with the rest of the nation:

- Wisconsin is the only state in the nation that:
 - Requires judges to determine eligibility when somebody is sentenced, instead of when they are released. This is the only time that expungement is possible in Wisconsin.
 - Does not permit expungement for closed cases, even if they meet all other criteria.
- Wisconsin is one of a couple states that:
 - Limit expungement eligibility to offenses that occur before age 25

Fortunately, there's broad, bipartisan support for common sense reforms to Wisconsin's expungement system:

Employers recognize that nonviolent offenders that have paid their debt to society deserve a fresh start. Employers that have removed questions about criminal offenses from their job applications include Koch Industries, Walmart, Target and Starbucks. While this is a great start, these represent only a handful of potential employment opportunities, and they are concentrated in too few sectors. Additionally, it should not be the responsibility of individual employers to solve this issue. Wisconsin needs to create a legal solution that spans all industries, employers and residents.

Supporters of these bills included the Metropolitan Milwaukee Association of Commerce, Americans for Prosperity, The American Civil Liberties Union of Wisconsin and the State Bar of Wisconsin.

¹ Public Policy Forum. "Barriers to Employment. Who are Milwaukee's jobseekers?" October 2015