



Testimony in Support of Senate Bill 39, the Pathways to Employment Act

Chairman Wanggaard and members of the Senate Committee on Judiciary and Public Safety, thank you for the opportunity to testify in support of Senate Bill 39, the Pathways to Employment Act, which makes smart and needed reforms to Wisconsin's expungement laws. These reforms will help provide low-risk former offenders with second chances, allowing these individuals a fairer shot at putting their lives back together after fully paying their debt to society. This bill help breaks down barriers to opportunity and Americans for Prosperity (AFP) strongly supports this legislation.

Criminal records create barriers for individuals in hiring, housing, higher education and even professional licensing. Wisconsin's restrictive expungement laws put our citizens at a disadvantage when trying to successfully reenter society after serving their sentences. Senate Bill 39's modest reforms to the expungement process in Wisconsin would help people across the state get the second chances they have earned.

Under current law, a court may only expunge a person's criminal record if the person committed the crime before the age of 25 and expungement was ordered at the time of sentencing. Wisconsin is the only state in the country that requires expungement eligibility decisions at sentencing and one of only seven that limits expungement based on someone's age when committing a crime. Compared to our neighboring states, and the nation as a whole, Wisconsin has one of the most restrictive expungement laws.

The legislation would remove the current requirement only allowing expungement eligibility at sentencing. The bill would also allow people sentenced past the age of 25 to seek expungement and, importantly, allow for retroactive expungement applications. Only individuals who remain crime free for a year following the end of their sentence will be eligible for record expungement. SB 39 maintains significant discretion for judges during the expungement process. Judges are not required to issue expungement orders if they believe the individual will be dangerous or society will be harmed. Additionally, the expungement petition process allows for a District Attorney to hold a hearing if there are concerns, ensuring that all aspects of the criminal justice system are involved in any expungement decision.

Wisconsinites with a past criminal record should not face unnecessary barriers to opportunity once they complete their sentences and continue to live crime-free. These individuals deserve a chance to fully rejoin communities with a fair shot at employment, housing, education and certain professional licensing.

Americans for Prosperity strongly urges members of the Senate Committee on Judiciary and Public Safety to support this important and meaningful legislation. AFP thanks Senators Darling and Risser and Representatives Steffen and Goyke for authoring these bills. Thank you for the opportunity to support this legislation that makes significant progress toward breaking down the barriers nonviolent ex-offenders face in our communities. We are happy to answer any questions committee members may have.