



**To: Senate Committee on Judiciary and Public Safety**

**From: Metropolitan Milwaukee Association of Commerce (MMAC) & Waukesha County Business Alliance (WCBA)**

**Date: May 6, 2021**

**Re: Support for Senate Bill 78 – ‘Pathways to Employment’ through expungement of records of certain crimes**

Even as we recover from COVID, workforce development continues to be the number one issue facing many of our employers. Just as before the pandemic, our employers need employees. Reforming our expungement system is one tool to help get unemployed and underemployed talent off the sidelines and into the workforce. We simply cannot adequately fuel Wisconsin’s booming economy for the long term if we do not address the state’s labor shortage.

Employers and workforce leaders recognize that criminal justice reform can improve both the labor market and life outcomes for people with criminal records. Supporting programs that assist targeted populations, such as those with a criminal background, to enter or re-enter the workforce can widen the pool of available candidates.

**Expungement provides non-violent offenders with a fresh start.** 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. Currently, expungement in Wisconsin is only eligible to those who have committed a non-violent crime no greater than a Class H felony and have no previous felonies. We believe those parameters make sense and should stay in place.

However, other aspects of Wisconsin’s current expungement law need reform. For example, Wisconsin is the only state in the nation that requires judges to determine expungement eligibility when somebody is sentenced, instead of when they are released. This is the only time that expungement is possible in Wisconsin. In other words, judges are asked to decide whether expungement is appropriate very soon after the crime has been committed, rather than a year or more later, when the defendant’s rehabilitation (or lack thereof) is more readily apparent. Wisconsin is also one of a few states that limits expungement eligibility to offenses that occur before age 25.

In Wisconsin, nearly 1.4 million adults have a criminal record, including 42 percent of Milwaukee’s job seekers. Ex-offenders often experience “collateral consequences” that haunt them well after they have paid their debt to society. Many vocational licenses cannot be obtained by individuals with criminal records, yet those vocations are often the jobs for which ex-offenders are most qualified. Additionally, it’s harder for ex-offenders to get home loans, go to college or join 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.

According to the Federal Bureau of Prisons, ex-offenders who are employed are three to five times less likely to reoffend. Prison academic and vocational programs have been found to reduce recidivism by up to 13 percent, and trade or job training programs increase the likelihood of post-release employment by up to 21 percent. And the pathway to employment after release can start with expungement.

We urge you to support Senate Bill 78. This legislation makes common-sense revisions to the court process for Wisconsin's outdated expungement law and brings it in line with most of the country.

Between the Alliance and MMAC, our organizations represent more than 3,000 businesses throughout southeast Wisconsin. As our employers continue to struggle with workforce challenges, we believe that expungement reform is an important piece of the workforce development puzzle that helps move us in the right direction. Support for SB78 is directly connected to supporting the men and women of our community who are searching for meaningful employment, which benefits all of us.

Sincerely,



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