

RESOLUTION

Subject: Support for Automatic Expungement of Criminal Records

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Referred to: Reference Committee

WHEREAS, criminal records generally include all criminal convictions and charges, even if they were later dismissed or acquitted^{1,2}; and

WHEREAS, having a criminal record can restrict access to employment, stable housing, nutrition, and education^{2,3}; and

WHEREAS, poverty, homelessness, and lower education are all associated with decreased health^{4,5,6,7,8,9}; and

WHEREAS, the U.S. Commission on Civil Rights found that the collateral consequences of a criminal record exacerbate punishment beyond the original conviction, and are in many cases unrelated to the original crime and public safety³; and

WHEREAS, expungement is the legal process to completely remove a charge or conviction from a criminal record¹⁰; and

WHEREAS, in 2020 Kentucky passed a law granting automatic expungement of cases 30 days after they were acquitted or dismissed^{11,12}; and

WHEREAS, if someone is convicted of a crime, expunging their record requires petitioning the court a minimum of 5 years after completing their sentence or parole, except in cases of an abuse of public office, a sex offense, or offense committed against a child, which cannot be expunged^{11,12}; and

WHEREAS, there are still major barriers to expungement of criminal records, such as cost, time, access to the legal system, and the knowledge needed to navigate it⁸; and

WHEREAS, automatic expungement would eliminate the need for an individual to petition a court for expungement, eliminate costs associated with it, and improve the ability for the person to reintegrate into society; and

WHEREAS, there are currently 12 states with automatic expungement of certain convictions¹³; and

WHEREAS, KMA policy supports efforts to mitigate criminal legal barriers which are preventing Kentuckians who are struggling with substance use disorder from acquiring gainful employment (Res 2019-21); now, therefore, be it

RESOLVED, that KMA recognizes criminal records as a negative determinant of health; and
be it further

RESOLVED, that KMA support automatic expungement of criminal records after cases have
been dismissed, acquitted, or after a sentence or parole is completed, except in cases of sex crimes or
crimes against children.

References:

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- ⁴ Chetty R, Stepner M, Abraham S, et al. The Association Between Income and Life Expectancy in the United States, 2001-2014. *JAMA*. 2016;315(16):1750-1766. doi:10.1001/jama.2016.4226
- ⁵ Bor J, Cohen GH, Galea S. Population health in an era of rising income inequality: USA, 1980–2015. *The Lancet*. 2017;389(10077):1475-1490. doi:10.1016/S0140-6736(17)30571-8
- ⁶ Clifford B, Wilson A, Harris P. Homelessness, health and the policy process: A literature review. *Health Policy*. 2019;123(11):1125-1132. doi:10.1016/j.healthpol.2019.08.011
- ⁷ Zajacova A, Lawrence EM. The Relationship Between Education and Health: Reducing Disparities Through a Contextual Approach. *Annu Rev Public Health*. 2018;39:273-289. doi:10.1146/annurev-publhealth-031816-044628
- ⁸ CDC Health Disparities & Inequalities Report (CHDIR) - Minority Health - CDC. Published December 14, 2020. Accessed July 8, 2021. <https://www.cdc.gov/minorityhealth/CHDIRReport.html>
- ⁹ *Health Impact Assessment of Expungement Policy in Kentucky*. Louisville Department of Public Health and Wellness; 2020. Accessed July 8, 2021. <https://louisvilleky.gov/document/expungementthiapdf>
- ¹⁰ Clean Slate Kentucky - Department of Public Advocacy. Accessed July 8, 2021. <https://dpa.ky.gov/clientandcommunityresources/expungement/Pages/default.aspx>
- ¹¹ *KRS 431.076*. Accessed July 8, 2021. <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=50191>
- ¹² *KRS 431.073*. Accessed July 8, 2021. <https://apps.legislature.ky.gov/law/statutes/statute.aspx?id=49358>
- ¹³ 50-State Comparison: Expungement, Sealing & Other Record Relief. Accessed July 8, 2021. <https://ccresourcecenter.org/state-restoration-profiles/50-state-comparisonjudicial-expungement-sealing-and-set-aside/>