

# A FRESH START

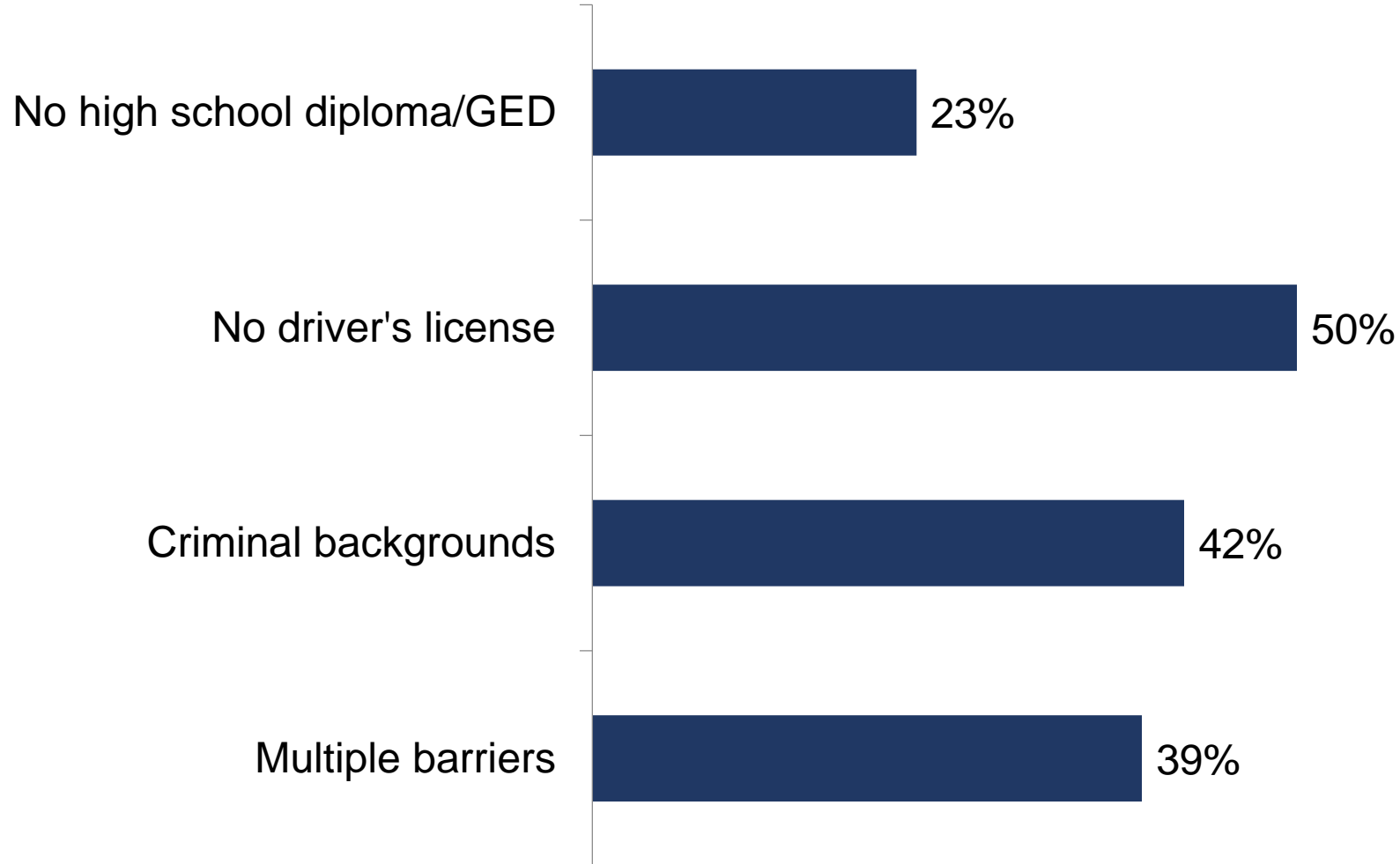
*Wisconsin's Atypical Expungement  
Law and Options for Reform*



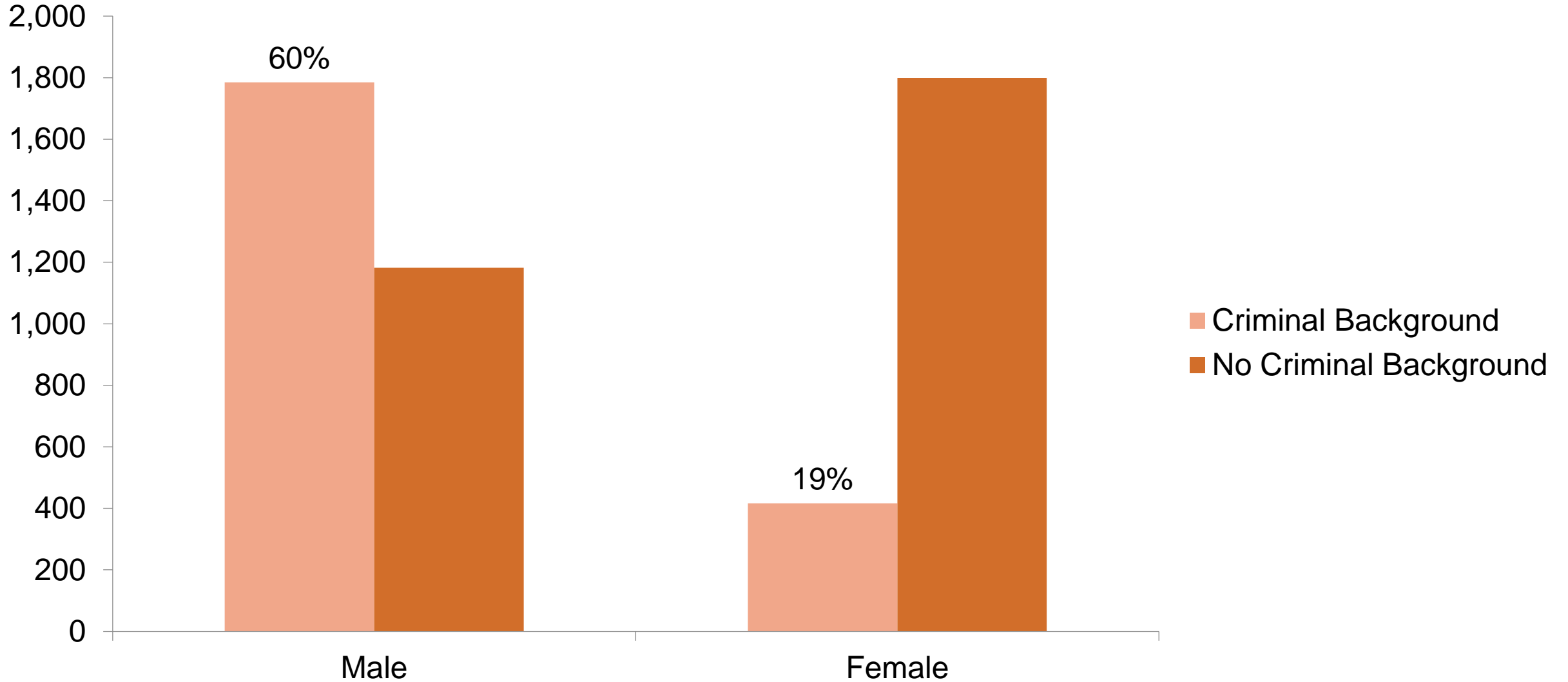
WISCONSIN  
**POLICY FORUM**

# BARRIERS TO EMPLOYMENT

**N = 8,668**



# BARRIERS TO EMPLOYMENT



# EXPUNGEMENT

Seals a criminal case record from public access and removes electronic record from Wisconsin Circuit Court Access (WCCA) website



# EXPUNGEMENT

- Laws in Wisconsin vs. other states
- Possible changes that could expand expungement opportunities
- Analysis of Milwaukee County court cases from 2006-2017



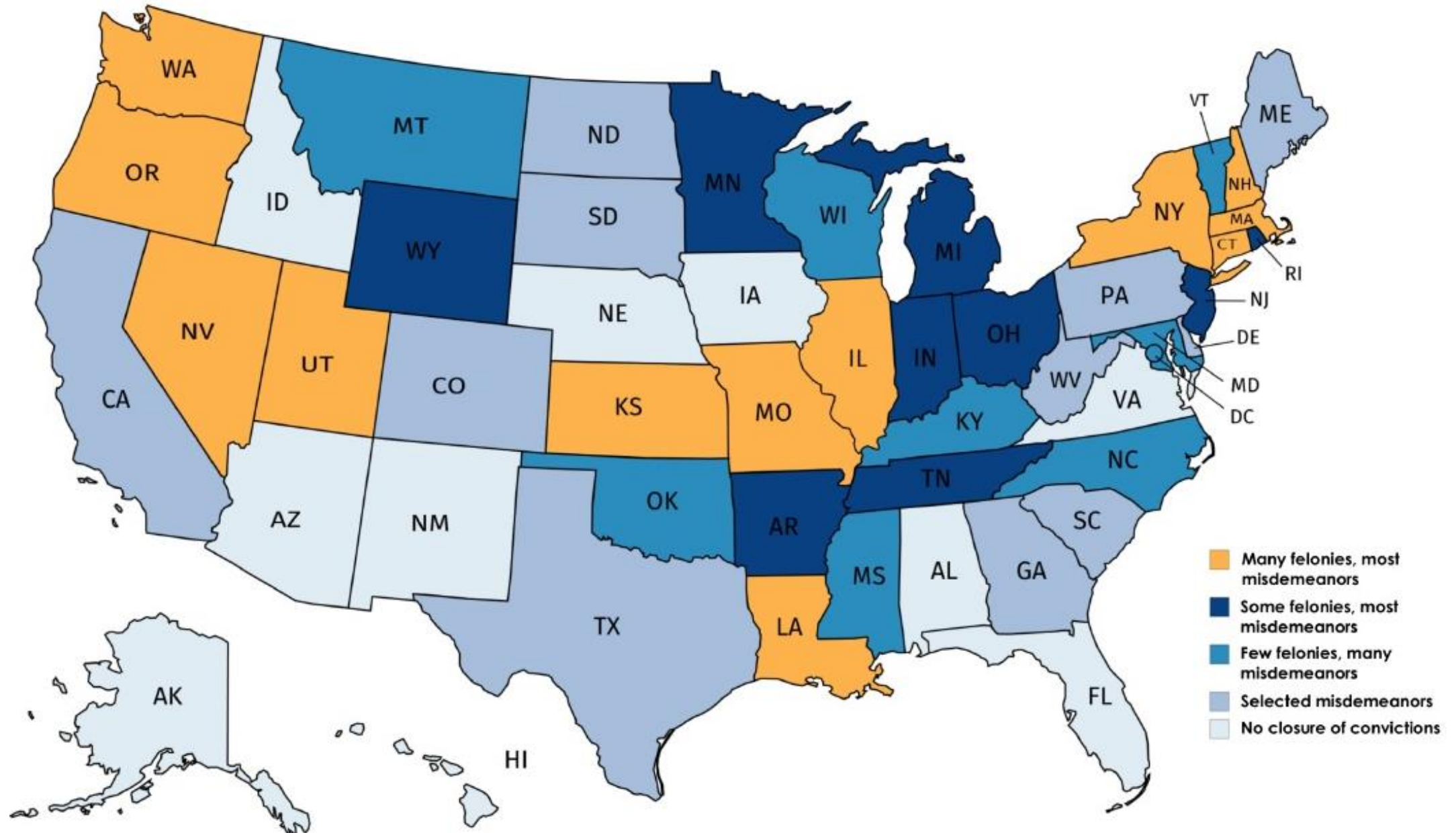
# WISCONSIN'S EXPUNGEMENT LAW

- Offenders under age 25 are eligible
- Misdemeanors and non-violent Class H and Class I felonies are eligible
- Must be approved at sentencing

# UNCOMMON FEATURES OF WI'S LAW

- Only state where approval must be made at sentencing
- One of a few states where eligibility is restricted only to young adults
- One of a few states with no provision for non-convictions

# EXPUNGEMENT & RECORD SEALING





# SURROUNDING STATES

	Adult Cases	More or Less Restrictive than WI?
Iowa	Expungement only allowed for non-convictions.	More
Illinois	All misdemeanors, most felonies, and all non-convictions are eligible for expungement regardless of offender age.	Less
Indiana	All misdemeanors, most felonies, and all non-convictions are eligible for expungement regardless of offender age.	Less
Michigan	Individuals can seal up to one felony and two misdemeanor convictions in their lifetime regardless of age at time of offense. Most felony convictions are eligible. Non-convictions for first offenses also eligible.	Less
Minnesota	All misdemeanors, many non-violent felonies, and all non-convictions are eligible for expungement regardless of offender age.	Less

# OTHER EXPUNGEMENT ISSUES

- Ambiguity in statute appears to have resulted in lack of uniformity in its application
- Wisconsin Department of Justice also maintains online criminal history database
- Lack of awareness of expungement eligibility among ex-offenders

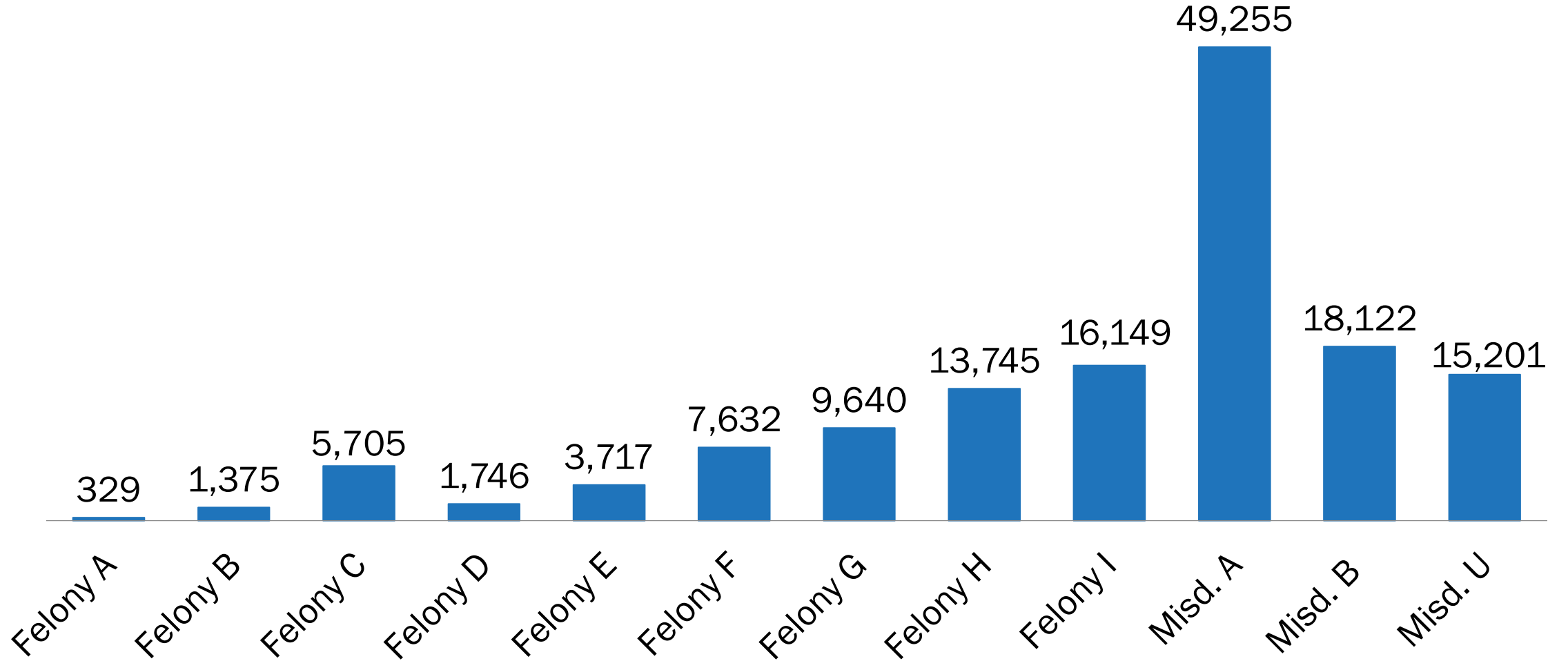
# OTHER RELATED ISSUES

**Criminal records also can affect access to:**

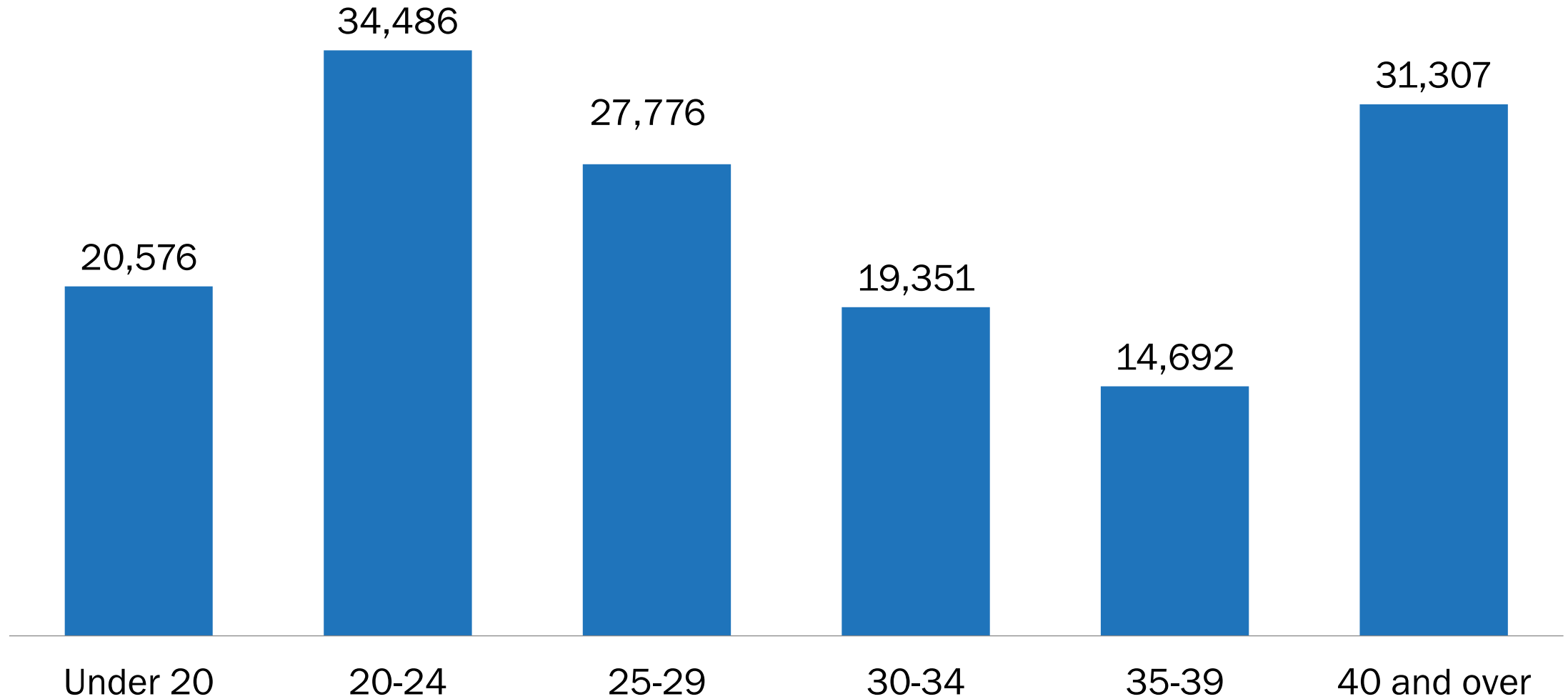
- **Professional licenses**
- **Small business loans and grants**
- **Financial aid for higher education**
- **Housing assistance**



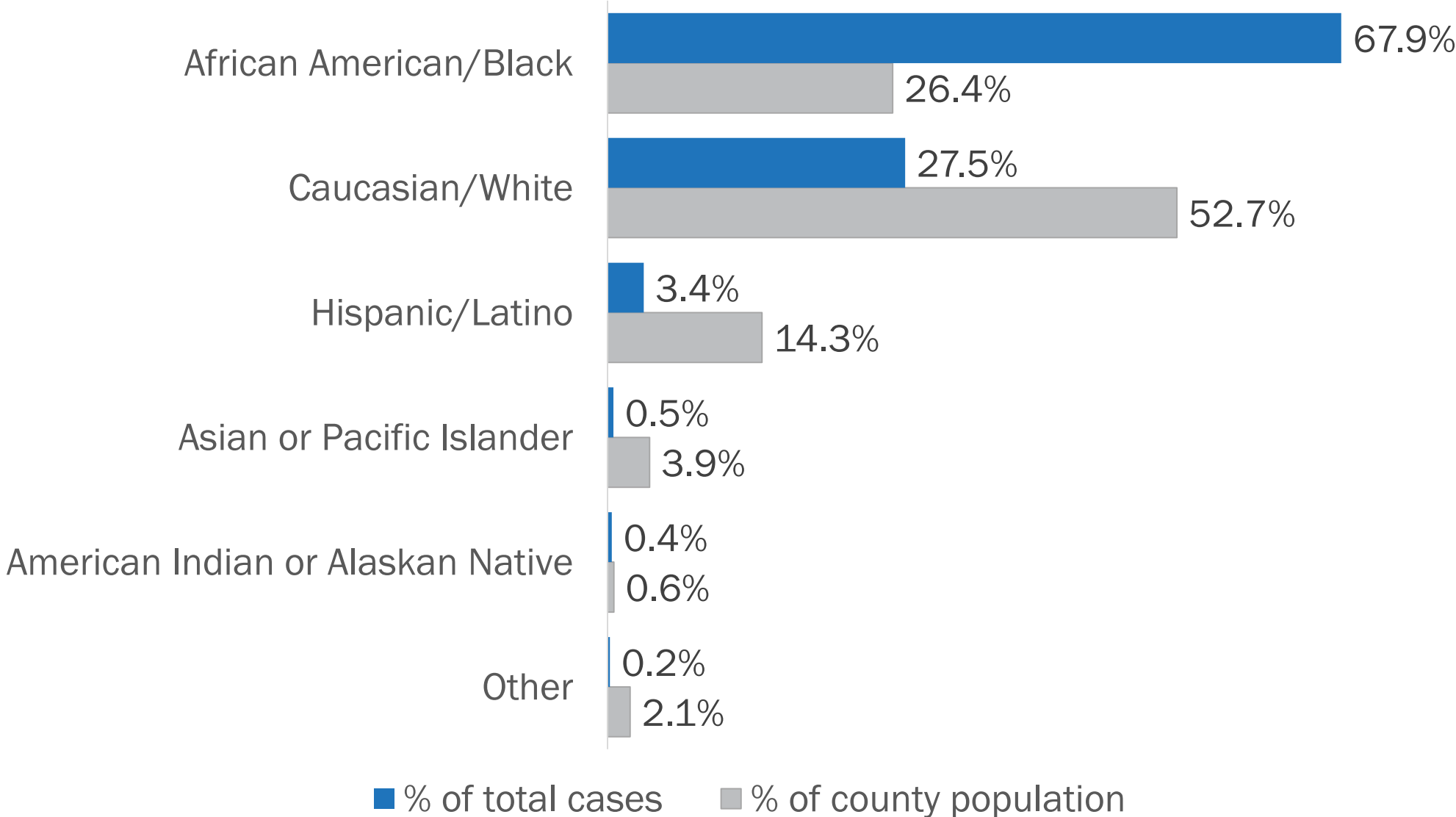
# MOST SEVERE CHARGE IN MKE COUNTY CASES 2006-2017



# OFFENDER AGE IN MKE COUNTY CASES 2006-2017



# OFFENDER RACE IN MKE COUNTY CASES 2006-2017

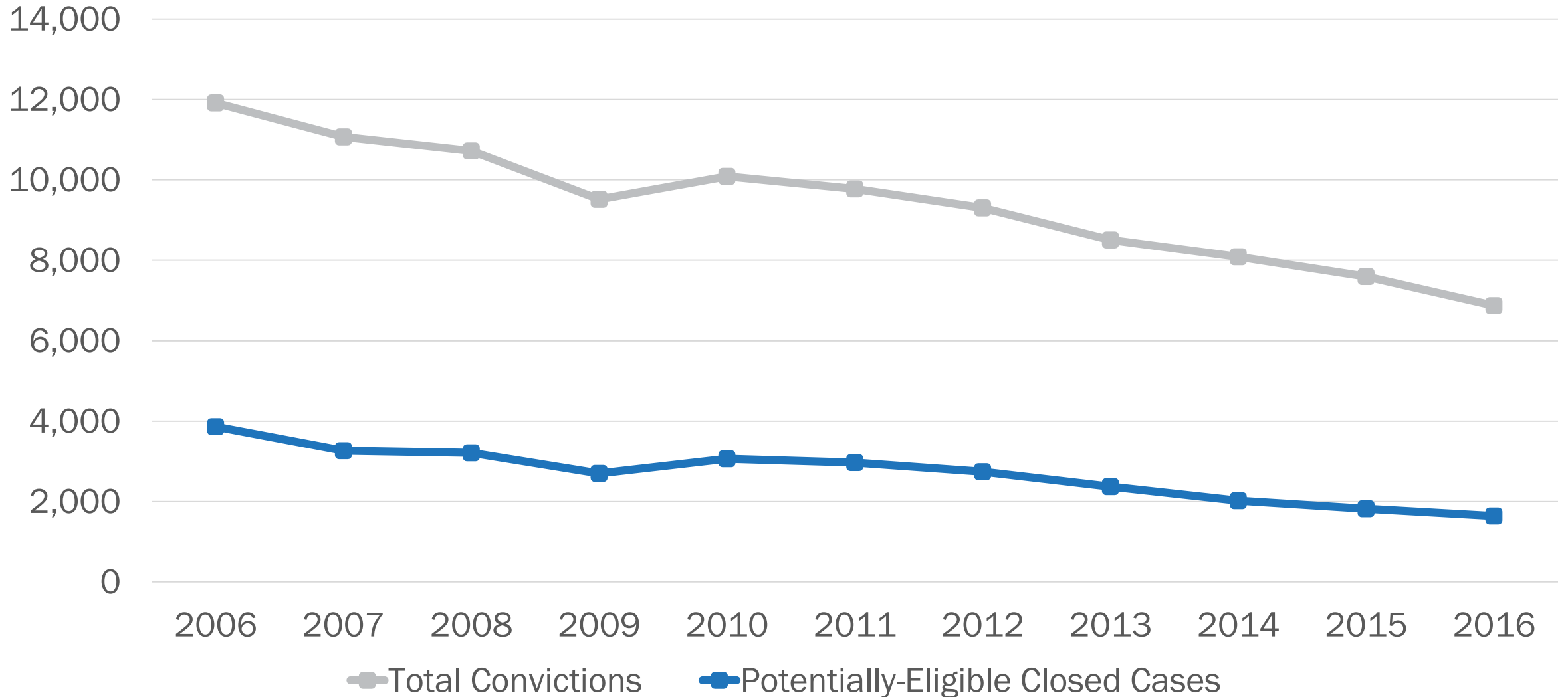


## **OPTION 1:**

**ALLOW DECISION-MAKING  
AFTER SENTENCE COMPLETION**

A hand holding a stack of blue cards in front of a blurred background of a door with a keyhole.

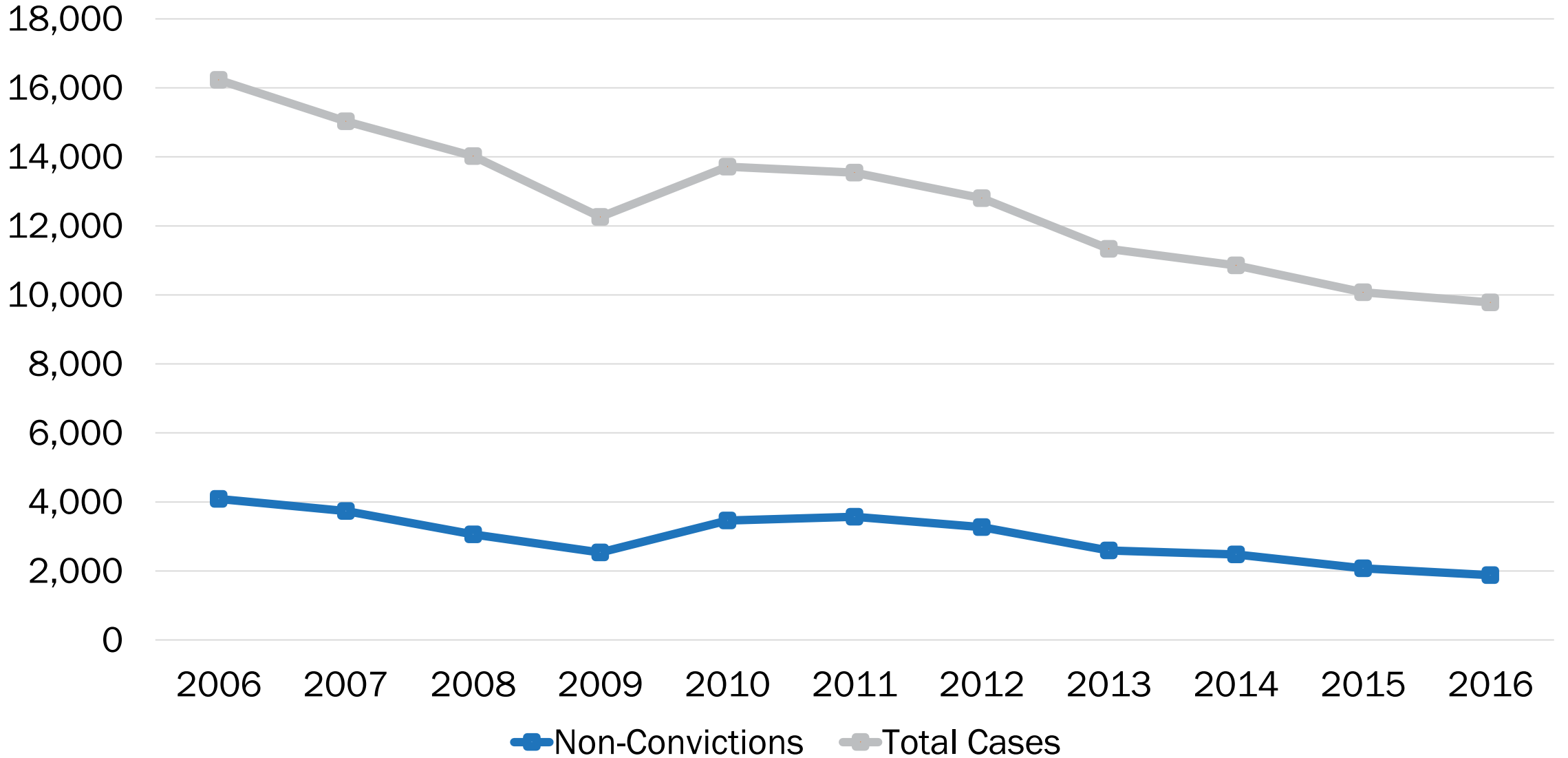
# OPTION 2: PERMIT EXPUNGEMENT FOR CLOSED CASES



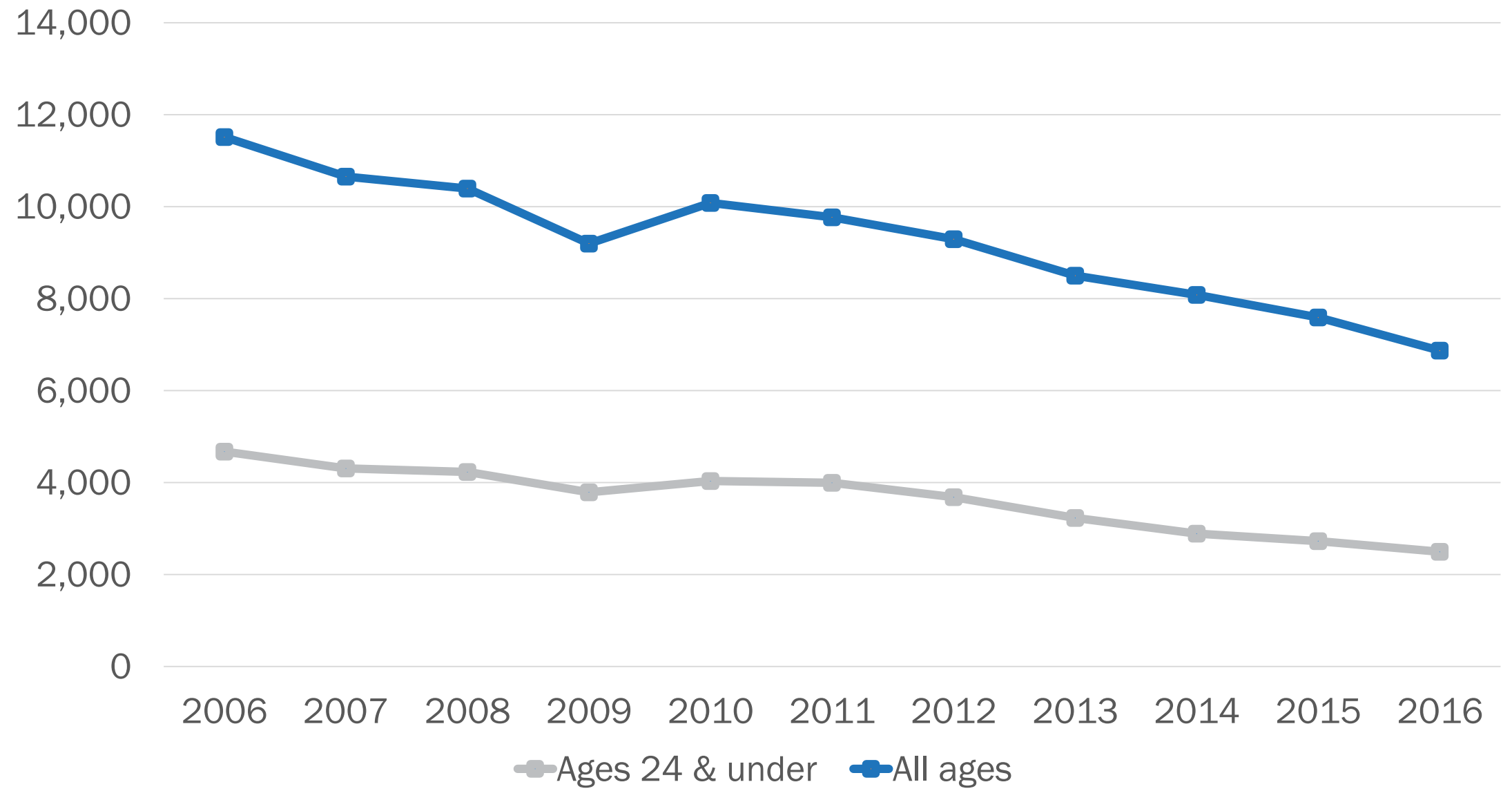


# OPTION 3:

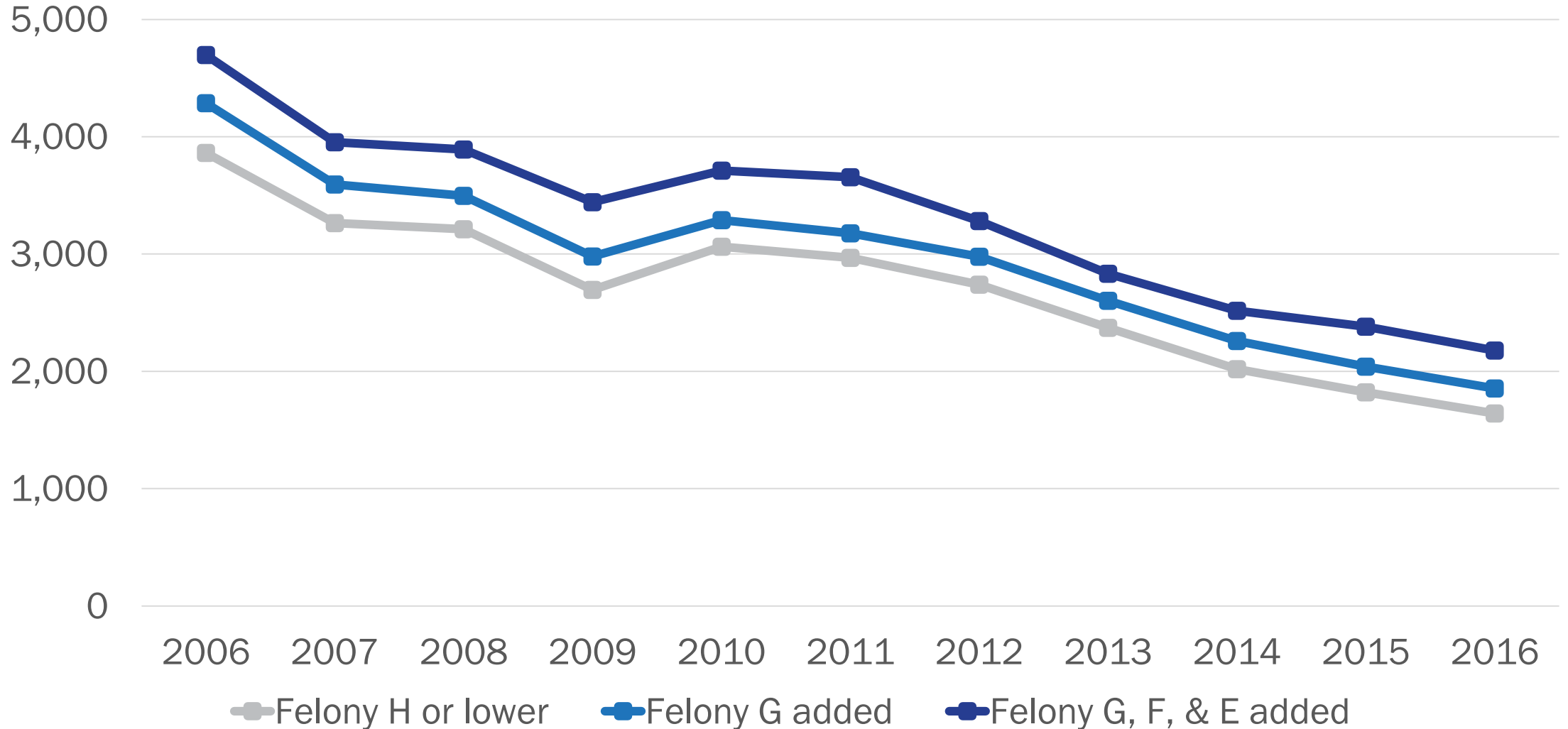
# ALLOW NON-CONVICTIONS TO BE EXPUNGED



# OPTION 4: REMOVE AGE REQUIREMENT

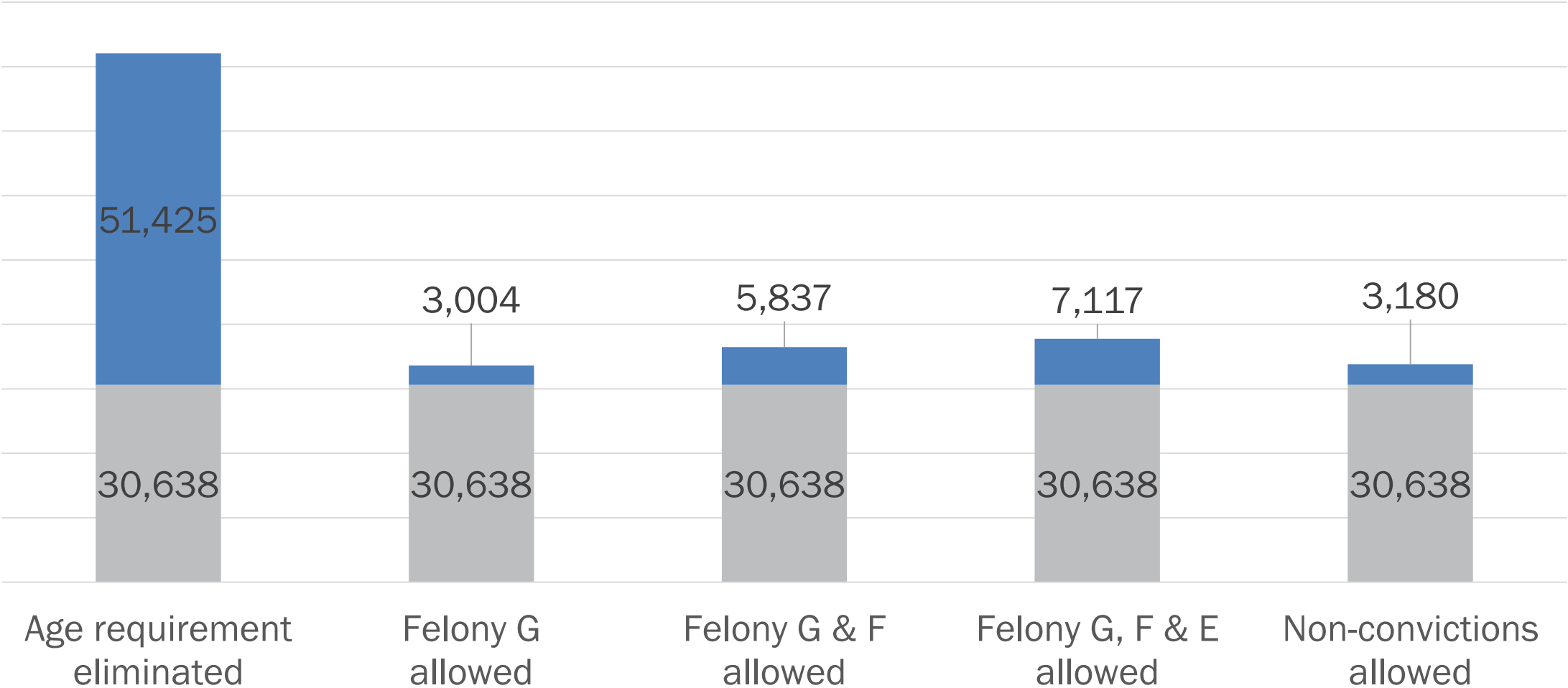


# OPTION 5: PERMIT EXPUNGEMENT OF MORE FELONIES

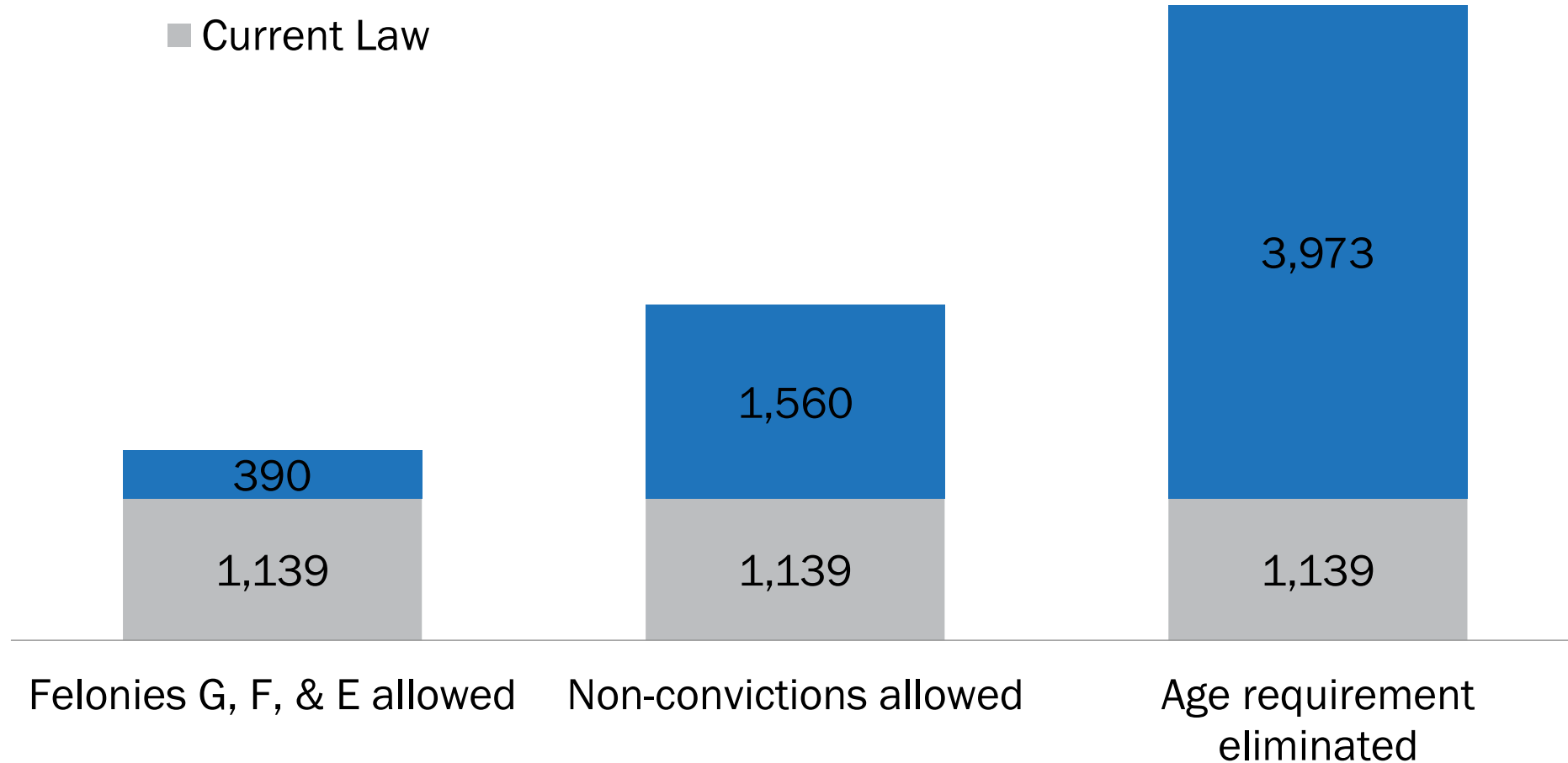


# RELATIVE IMPACT OF CHANGES ON CASES 2006-2017

■ Closed cases allowed   ■ Additional cases

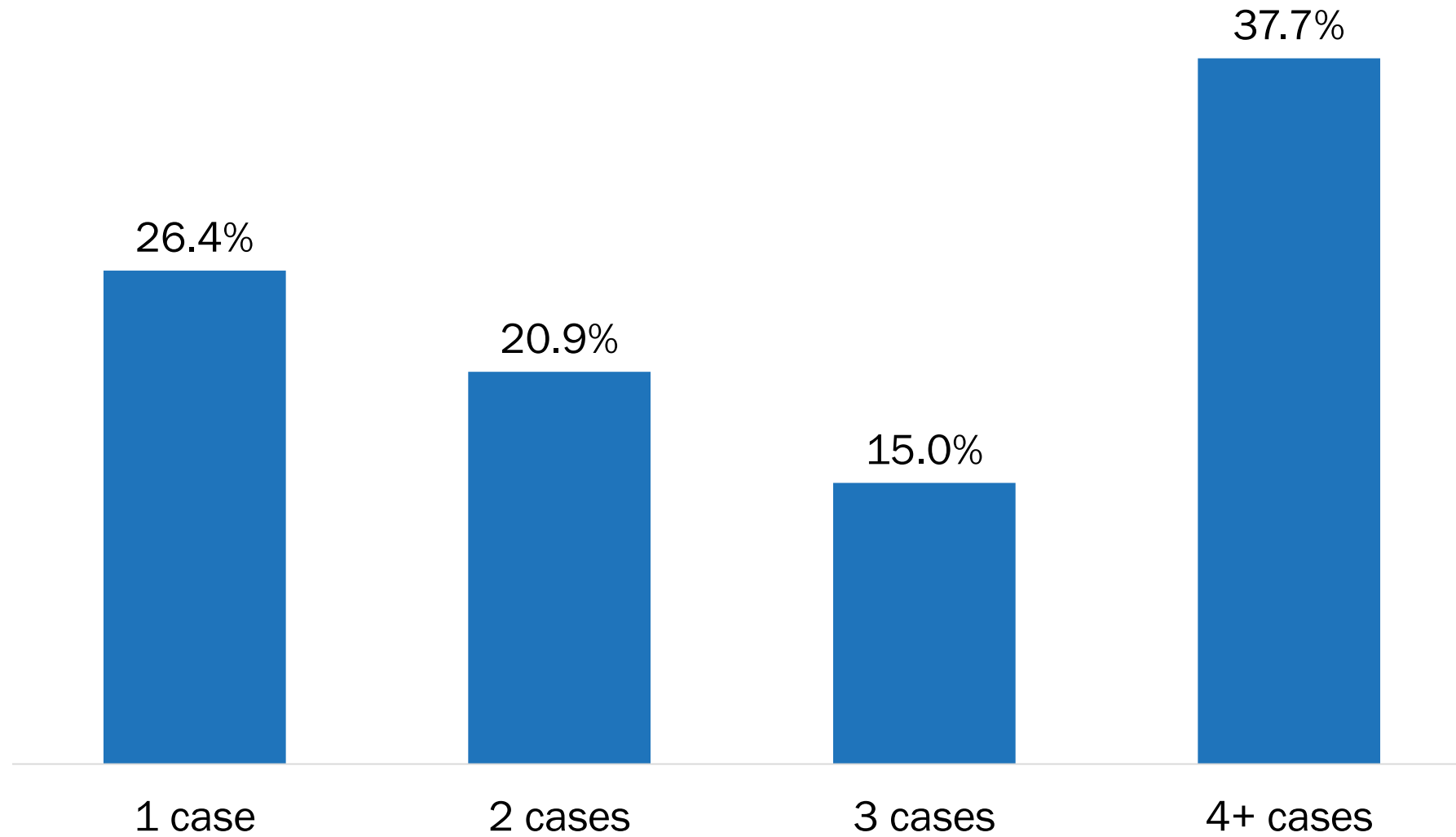


# PROJECTED ADDITIONAL MKE COUNTY CASES THAT COULD BECOME ELIGIBLE IN 2019



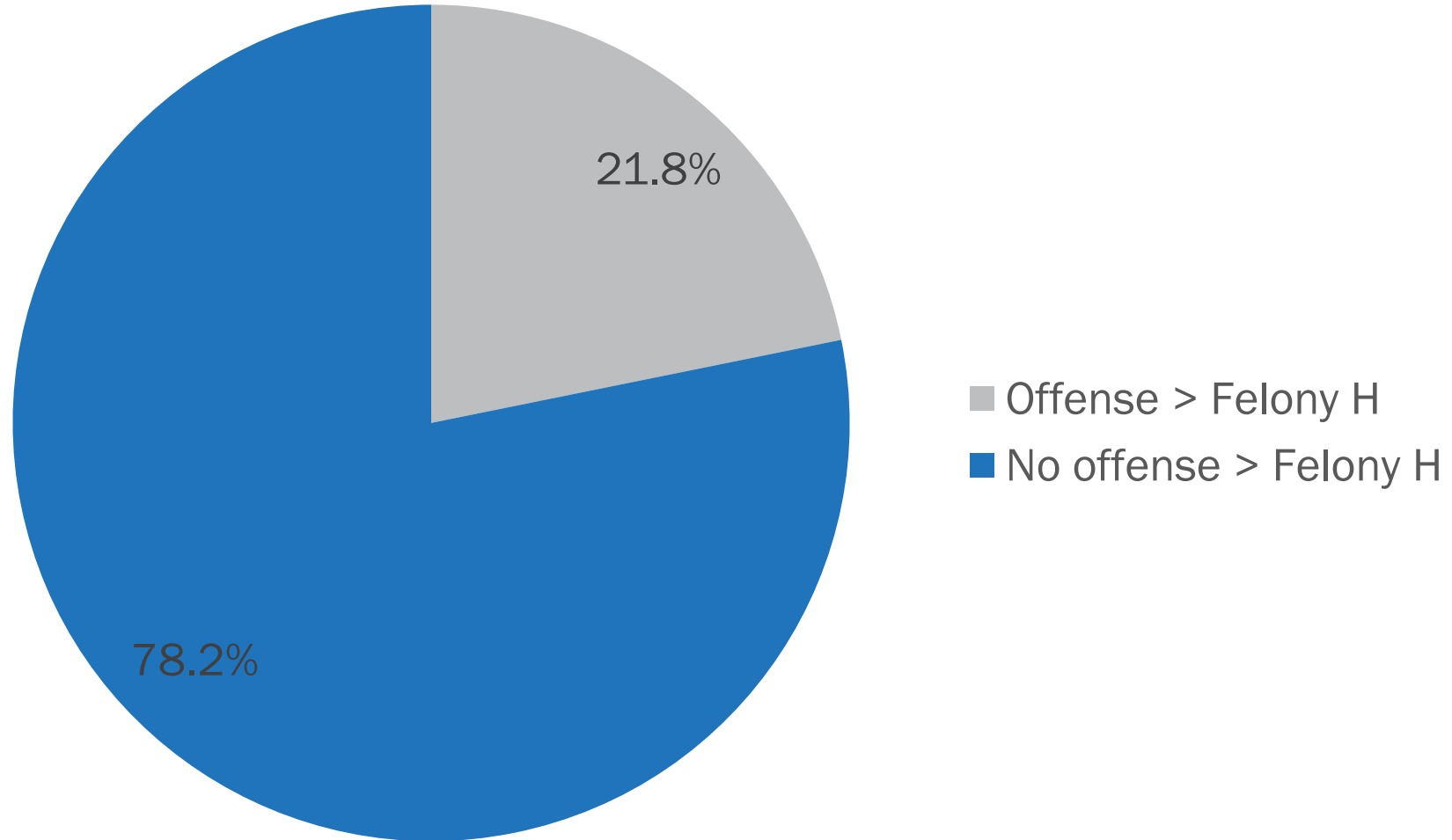
# INDIVIDUALS BY NUMBER OF CASES

N=573



# INDIVIDUALS BY SEVERITY OF CONVICTIONS

## N=573



# POTENTIAL IMPACTS ON CRIMINAL JUSTICE SYSTEM

- Clerks of courts offices
- Court system
- D.A. offices
- Public defender's offices





# RECENT ACTION AT THE STATE CAPITOL

- Senate – approved 2017 Senate Bill 53 by a 30-2 margin
- Assembly – committee approved 2017 Assembly Bill 331; full Assembly approved Senate Bill 53 by a 95-0 margin and sent it back to Senate with Assembly Bill 331 attached
- Senate took no further action



# WISCONSIN LEGISLATURE

P.O. BOX 8952 • MADISON, WI 53708

**FOR IMMEDIATE RELEASE**

June 7, 2018

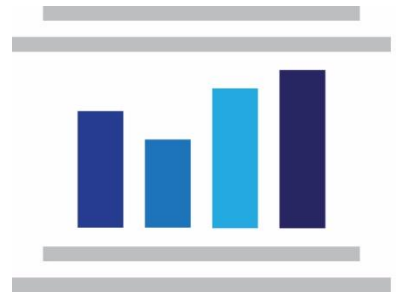
Contact: Rep. David Steffen, 608.266.5840 & Rep. Evan Goyke, 608.266.0645

## **Rep. Steffen & Rep. Goyke to Reintroduce Expungement Reform Legislation**

*Non-Partisan Wisconsin Policy Forum Report Validates Need for Wisconsin Expungement Law Reform to Help Citizens and Strengthen Wisconsin's Workforce*

**MADISON** – This week the non-partisan Wisconsin Policy Forum released a report, [\*A Fresh Start: Wisconsin's Atypical Expungement Law and Options for Reform\*](#), highlighting the need for reform to Wisconsin's current expungement law. The report follows on bi-partisan legislation introduced this session by Rep. David Steffen (R-Green Bay) and Rep. Evan Goyke (D-Milwaukee) that provides comprehensive reform to Wisconsin's outdated and inconsistent expungement law. [\*Assembly Bill 331\*](#), introduced last May, lays the groundwork legislatively for many of the policy recommendations found within the report.

Rep. Steffen and Rep. Goyke thank the Wisconsin Policy Forum for publishing this important report.



WISCONSIN

**POLICY FORUM**

[www.wispolicyforum.org](http://www.wispolicyforum.org)