

114TH CONGRESS  
1ST SESSION

# S. 675

To provide for the sealing or expungement of records relating to Federal nonviolent criminal offenses, and for other purposes.

---

IN THE SENATE OF THE UNITED STATES

MARCH 9, 2015

Mr. PAUL (for himself and Mr. BOOKER) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

---

## A BILL

To provide for the sealing or expungement of records relating to Federal nonviolent criminal offenses, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Record Expungement Designed to Enhance Employment  
6 Act of 2015” or the “REDEEM Act”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. Sealing of criminal records.
- Sec. 3. Juvenile sealing and expungement.

- Sec. 4. Study and report on cost savings from sealing and expungement provisions.
- Sec. 5. TANF assistance and SNAP benefits.
- Sec. 6. State incentives.
- Sec. 7. Ensuring accuracy in the FBI background check system.
- Sec. 8. Report on statutory and regulatory restrictions and disqualifications based on criminal records.

1 **SEC. 2. SEALING OF CRIMINAL RECORDS.**

2 (a) IN GENERAL.—Chapter 229 of title 18, United  
3 States Code, is amended by adding at the end the fol-  
4 lowing:

5 **“Subchapter D—Sealing of Criminal Records**

- “Sec.  
“3631. Definitions; eligible individuals.  
“3632. Sealing petition.  
“3633. Effect of sealing order.

6 **“§ 3631. Definitions; eligible individuals**

7 “(a) DEFINITIONS.—In this subchapter—

8 “(1) the term ‘covered nonviolent offense’  
9 means a Federal criminal offense that is not—

10 “(A) a crime of violence (as that term is  
11 defined in section 16); or

12 “(B) a sex offense (as that term is defined  
13 in section 111 of the Sex Offender Registration  
14 and Notification Act (42 U.S.C. 16911));

15 “(2) the term ‘eligible individual’ means an in-  
16 dividual who—

17 “(A) has been arrested for or convicted of  
18 a covered nonviolent offense;

1           “(B) in the case of a conviction described  
2           in subparagraph (A), has fulfilled each require-  
3           ment of the sentence for the covered nonviolent  
4           offense, including—

5                   “(i) completing each term of imprison-  
6                   ment, probation, or supervised release; and

7                   “(ii) satisfying each condition of im-  
8                   prisonment, probation, or supervised re-  
9                   lease;

10           “(C) subject to subsection (b), has not  
11           been convicted of more than 2 felonies that are  
12           covered nonviolent offenses, including any such  
13           convictions that have been sealed; and

14           “(D) has not been convicted of any felony  
15           that is not a covered nonviolent offense;

16           “(3) the term ‘petitioner’ means an individual  
17           who files a sealing petition; and

18           “(4) the term ‘protected information’, with re-  
19           spect to a covered nonviolent offense, means any ref-  
20           erence to—

21                   “(A) an arrest, conviction, or sentence of  
22                   an individual for the offense;

23                   “(B) the institution of criminal pro-  
24                   ceedings against an individual for the offense;

25           or

1           “(C) the result of criminal proceedings de-  
2 scribed in subparagraph (B);

3           “(5) the term ‘seal’—

4           “(A) means—

5           “(i) to close a record from public  
6 viewing so that the record cannot be exam-  
7 ined except by court order; and

8           “(ii) to physically seal the record shut  
9 and label the record ‘SEALED’ or, in the  
10 case of an electronic record, the sub-  
11 stantive equivalent; and

12           “(B) has the effect described in section  
13 3633, including—

14           “(i) the right to treat the offense to  
15 which a sealed record relates, and any ar-  
16 rest, criminal proceeding, conviction, or  
17 sentence relating to the offense, as if it  
18 never occurred; and

19           “(ii) protection from civil and criminal  
20 perjury, false swearing, and false state-  
21 ment laws with respect to a sealed record;

22           “(6) the term ‘sealing hearing’ means a hearing  
23 held under section 3632(b)(2); and

24           “(7) the term ‘sealing petition’ means a petition  
25 for a sealing order filed under section 3632(a).

1 “(b) ELIGIBLE INDIVIDUALS.—

2 “(1) MULTIPLE CONVICTIONS DEEMED TO BE  
3 ONE CONVICTION.—For purposes of subsection  
4 (a)(2)(C)—

5 “(A) multiple convictions shall be deemed  
6 to be 1 conviction if the convictions result from  
7 or relate to—

8 “(i) the same act; or

9 “(ii) acts committed at the same time;

10 and

11 “(B) subject to paragraph (2), multiple  
12 convictions, not to exceed 3, that do not result  
13 from or relate to the same act or acts com-  
14 mitted at the same time shall be deemed to be  
15 1 conviction if the convictions—

16 “(i) result from or relate to—

17 “(I) the same—

18 “(aa) indictment, informa-  
19 tion, or complaint;

20 “(bb) plea of guilty; or

21 “(cc) official proceeding; or

22 “(II) related criminal acts that  
23 were committed within a 3-month pe-  
24 riod; or

1                   “(ii) are determined to be directly re-  
 2                   lated to addiction or a substance use dis-  
 3                   order.

4                   “(2) DISCRETION OF COURT.—

5                   “(A) IN GENERAL.—A court reviewing a  
 6                   sealing petition may determine that it is not in  
 7                   the public interest to deem multiple convictions  
 8                   described in paragraph (1)(B) to be 1 convic-  
 9                   tion.

10                   “(B) REASONING.—If a court makes a de-  
 11                   termination under subparagraph (A), the court  
 12                   shall make available to the public the reasoning  
 13                   for the determination.

14                   “(C) REPORTING.—Not later than 2 years  
 15                   after the date of enactment of this subchapter,  
 16                   and each year thereafter, each district court of  
 17                   the United States shall submit to the appro-  
 18                   priate committees of Congress a report that de-  
 19                   scribes the exercise of discretion by the court  
 20                   under subparagraph (B), with all relevant data  
 21                   disaggregated by race, ethnicity, gender, and  
 22                   the nature of the offense.

23                   **“§ 3632. Sealing petition**

24                   “(a) RIGHT TO FILE SEALING PETITION.—

1           “(1) IN GENERAL.—On and after the date de-  
2           scribed in paragraph (2), an eligible individual may  
3           file a petition for a sealing order with respect to a  
4           covered nonviolent offense in a district court of the  
5           United States.

6           “(2) DATES.—The date described in this para-  
7           graph is—

8                   “(A) for an eligible individual who is con-  
9                   victed of a covered nonviolent offense and sen-  
10                   tenced to a term of imprisonment, probation, or  
11                   supervised release, the date that is 1 year after  
12                   the date on which the eligible individual has  
13                   completed every such term of imprisonment,  
14                   probation, or supervised release; and

15                   “(B) for an eligible individual not de-  
16                   scribed in subparagraph (A), the date on which  
17                   the case relating to the covered nonviolent of-  
18                   fense is disposed of.

19           “(3) NOTICE OF OPPORTUNITY TO FILE PETI-  
20           TION.—

21                   “(A) CONVICTED INDIVIDUALS.—

22                           “(i) IN GENERAL.—If an individual is  
23                           convicted of a covered nonviolent offense  
24                           and will potentially be eligible to file a  
25                           sealing petition with respect to the offense

1 upon fulfilling each requirement of the sen-  
2 tence for the offense as described in sec-  
3 tion 3631(a)(2)(B), the court in which the  
4 individual is convicted shall, in writing, in-  
5 form the individual, on each date described  
6 in clause (ii), of—

7 “(I) that potential eligibility;

8 “(II) the necessary procedures  
9 for filing the sealing petition; and

10 “(III) the benefits of sealing a  
11 record, including protection from civil  
12 and criminal perjury, false swearing,  
13 and false statement laws with respect  
14 to the record.

15 “(ii) DATES.—The dates described in  
16 this clause are—

17 “(I) the date on which the indi-  
18 vidual is convicted; and

19 “(II) the date on which the indi-  
20 vidual has completed every term of  
21 imprisonment, probation, or super-  
22 vised release relating to the offense.

23 “(B) INDIVIDUALS NOT CONVICTED.—

24 “(i) ARREST ONLY.—If an individual  
25 is arrested for a covered nonviolent of-



1           fense, criminal proceedings are not insti-  
2           tuted against the individual for the offense,  
3           and the individual is potentially eligible to  
4           file a sealing petition with respect to the  
5           offense, on the date on which the case re-  
6           lating to the offense is disposed of, the ar-  
7           resting authority shall, in writing, inform  
8           the individual of—

9                   “(I) that potential eligibility;

10                   “(II) the necessary procedures  
11                   for filing the sealing petition; and

12                   “(III) the benefits of sealing a  
13                   record, including protection from civil  
14                   and criminal perjury, false swearing,  
15                   and false statement laws with respect  
16                   to the record.

17                   “(ii) COURT PROCEEDINGS.—If an in-  
18                   dividual is arrested for a covered non-  
19                   violent offense, criminal proceedings are in-  
20                   stituted against the individual for the of-  
21                   fense, the individual is not convicted of the  
22                   offense, and the individual is potentially el-  
23                   igible to file a sealing petition with respect  
24                   to the offense, on the date on which the  
25                   case relating to the offense is disposed of,

1 the court in which the criminal proceedings  
2 take place shall, in writing, inform the in-  
3 dividual of—

4 “(I) that potential eligibility;

5 “(II) the necessary procedures  
6 for filing the sealing petition; and

7 “(III) the benefits of sealing a  
8 record, including protection from civil  
9 and criminal perjury, false swearing,  
10 and false statement laws with respect  
11 to the record.

12 “(b) PROCEDURES.—

13 “(1) NOTIFICATION TO PROSECUTOR.—If an in-  
14 dividual files a petition under subsection (a) with re-  
15 spect to a covered nonviolent offense or arrest for a  
16 covered nonviolent offense, the district court in  
17 which the petition is filed shall provide notice of the  
18 petition—

19 “(A) to the office of the United States at-  
20 torney that prosecuted or would have pros-  
21 ecuted the petitioner for the offense; and

22 “(B) upon the request of the petitioner, to  
23 any other individual that the petitioner deter-  
24 mines may testify as to the—

1           “(i) conduct of the petitioner since the  
2           date of the offense or arrest; or

3           “(ii) reasons that the sealing order  
4           should be entered.

5           “(2) HEARING.—

6           “(A) IN GENERAL.—Not later than 6  
7           months after the date on which an individual  
8           files a sealing petition, the district court shall—

9           “(i) except as provided in subpara-  
10          graph (D), conduct a hearing in accord-  
11          ance with subparagraph (B); and

12          “(ii) determine whether to enter a  
13          sealing order for the individual in accord-  
14          ance with paragraph (3).

15          “(B) OPPORTUNITY TO TESTIFY AND  
16          OFFER EVIDENCE.—

17          “(i) PETITIONER.—The petitioner  
18          may testify or offer evidence at the sealing  
19          hearing in support of sealing.

20          “(ii) PROSECUTOR.—The office of a  
21          United States attorney that receives notice  
22          under paragraph (1)(A) may send a rep-  
23          resentative to testify or offer evidence at  
24          the sealing hearing in support of or  
25          against sealing.

1           “(iii) OTHER INDIVIDUALS.—An indi-  
2           vidual who receives notice under paragraph  
3           (1)(B) may testify or offer evidence at the  
4           sealing hearing as to the issues described  
5           in clauses (i) and (ii) of that paragraph.

6           “(C) MAGISTRATE JUDGES.—A magistrate  
7           judge may preside over a hearing under this  
8           paragraph.

9           “(D) WAIVER OF HEARING.—If the peti-  
10          tioner and the United States attorney that re-  
11          ceives notice under paragraph (1)(A) so agree,  
12          the court shall make a determination under  
13          paragraph (3) without a hearing.

14          “(3) BASIS FOR DECISION.—

15          “(A) IN GENERAL.—In determining wheth-  
16          er to enter a sealing order with respect to pro-  
17          tected information relating to a covered non-  
18          violent offense, the court—

19                 “(i) shall consider—

20                         “(I) the petition and any docu-  
21                         ments in the possession of the court;  
22                         and

23                         “(II) all the evidence and testi-  
24                         mony presented at the sealing hear-  
25                         ing, if such a hearing is conducted;

1 “(ii) may not consider any non-Fed-  
2 eral nonviolent crimes for which the peti-  
3 tioner has been arrested or proceeded  
4 against, or of which the petitioner has been  
5 convicted; and

6 “(iii) shall balance—

7 “(I)(aa) the interest of public  
8 knowledge and safety; and

9 “(bb) the legitimate interest, if  
10 any, of the Government in maintain-  
11 ing the accessibility of the protected  
12 information, including any potential  
13 impact of sealing the protected infor-  
14 mation on Federal licensure, permit,  
15 or employment restrictions; against

16 “(II)(aa) the conduct and dem-  
17 onstrated desire of the petitioner to be  
18 rehabilitated and positively contribute  
19 to the community; and

20 “(bb) the interest of the peti-  
21 tioner in having the protected infor-  
22 mation sealed, including the harm of  
23 the protected information to the abil-  
24 ity of the petitioner to secure and  
25 maintain employment.

1           “(B) BURDEN ON GOVERNMENT.—The  
2           burden shall be on the Government to show  
3           that the interests under subclause (I) of sub-  
4           paragraph (A)(iii) outweigh the interests of the  
5           petitioner under subclause (II) of that subpara-  
6           graph.

7           “(4) WAITING PERIOD AFTER DENIAL.—If the  
8           district court denies a sealing petition, the petitioner  
9           may not file a new sealing petition with respect to  
10          the same offense until the date that is 2 years after  
11          the date of the denial.

12          “(5) UNIVERSAL FORM.—The Director of the  
13          Administrative Office of the United States Courts  
14          shall create a universal form, available over the  
15          Internet and in paper form, that an individual may  
16          use to file a sealing petition.

17          “(6) FEE WAIVER.—The Director of the Ad-  
18          ministrative Office of the United States Courts shall  
19          by regulation establish a minimally burdensome  
20          process under which indigent petitioners may obtain  
21          a waiver of any fee for filing a sealing petition.

22          “(7) REPORTING.—Not later than 2 years after  
23          the date of enactment of this subchapter, and each  
24          year thereafter, each district court of the United  
25          States shall issue a public report that—

1 “(A) describes—

2 “(i) the number of sealing petitions  
3 granted and denied under this section; and

4 “(ii) the number of instances in which  
5 the office of a United States attorney sup-  
6 ported or opposed a sealing petition;

7 “(B) includes any supporting data that the  
8 court determines relevant and that does not  
9 name any petitioner; and

10 “(C) disaggregates all relevant data by  
11 race, ethnicity, gender, and the nature of the  
12 offense.

13 “(8) PUBLIC DEFENDER ELIGIBILITY.—

14 “(A) IN GENERAL.—The district court  
15 may, in its discretion, appoint counsel in ac-  
16 cordance with the plan of the district court in  
17 operation under section 3006A to represent a  
18 petitioner for purposes of this section.

19 “(B) CONSIDERATIONS.—In making a de-  
20 termination whether to appoint counsel under  
21 subparagraph (A), the court shall consider—

22 “(i) the anticipated complexity of the  
23 sealing hearing, including the number and  
24 type of witnesses called to advocate against

1 the sealing of the protected information of  
2 the petitioner; and

3 “(ii) the potential for adverse testi-  
4 mony by a victim or a representative of the  
5 office of the United States attorney.

6 **“§ 3633. Effect of sealing order**

7 “(a) IN GENERAL.—Except as provided in this sec-  
8 tion, if a district court of the United States enters a seal-  
9 ing order with respect to a covered nonviolent offense, the  
10 offense and any arrest, criminal proceeding, conviction, or  
11 sentence relating to the offense shall be treated as if it  
12 never occurred.

13 “(b) VERIFICATION OF SEALING.—If a district court  
14 of the United States enters a sealing order with respect  
15 to a covered nonviolent offense, the court shall—

16 “(1) send a copy of the sealing order to each  
17 entity or person known to the court that possesses  
18 a record containing protected information that re-  
19 lates to the offense, including each—

20 “(A) law enforcement agency; and

21 “(B) public or private correctional or de-  
22 tention facility;

23 “(2) in the sealing order, require each entity or  
24 person described in paragraph (1) to—



1           “(A) seal the record in accordance with  
2           this section; and

3           “(B) submit a written certification to the  
4           court, under penalty of perjury, that the entity  
5           or person has sealed each paper and electronic  
6           copy of the record;

7           “(3) seal each paper and electronic copy of the  
8           record in the possession of the court; and

9           “(4) after receiving a written certification from  
10          each entity or person under paragraph (2)(B), notify  
11          the petitioner that each entity or person described in  
12          paragraph (1) has sealed each paper and electronic  
13          copy of the record.

14          “(c) PROTECTION FROM PERJURY LAWS.—Except as  
15          provided in subsection (f)(3)(A), a petitioner with respect  
16          to whom a sealing order has been entered for a covered  
17          nonviolent offense shall not be subject to prosecution  
18          under any civil or criminal provision of Federal or State  
19          law relating to perjury, false swearing, or making a false  
20          statement, including section 1001, 1621, 1622, or 1623,  
21          for failing to recite or acknowledge any protected informa-  
22          tion with respect to the offense or respond to any inquiry  
23          made of the petitioner, relating to the protected informa-  
24          tion, for any purpose.

1 “(d) ATTORNEY GENERAL NONPUBLIC RECORDS.—

2 The Attorney General—

3 “(1) shall maintain a nonpublic record of all  
4 protected information that has been sealed under  
5 this subchapter; and

6 “(2) may access or utilize protected information  
7 only—

8 “(A) for legitimate investigative purposes;

9 “(B) in defense of any civil suit arising out  
10 of the facts of the arrest or subsequent pro-  
11 ceedings; or

12 “(C) if the Attorney General determines  
13 that disclosure is necessary to serve the inter-  
14 ests of justice, public safety, or national secu-  
15 rity.

16 “(e) LAW ENFORCEMENT ACCESS.—A Federal or  
17 State law enforcement agency may access a record that  
18 is sealed under this subchapter solely—

19 “(1) to determine whether the individual to  
20 whom the record relates is eligible for a first-time-  
21 offender diversion program;

22 “(2) for investigatory, prosecutorial, or Federal  
23 supervision purposes; or

1           “(3) for a background check that relates to law  
2 enforcement employment or any employment that re-  
3 quires a government security clearance.

4           “(f) PROHIBITION ON DISCLOSURE.—

5           “(1) PROHIBITION.—Except as provided in  
6 paragraph (3), it shall be unlawful to intentionally  
7 make or attempt to make an unauthorized disclosure  
8 of any protected information from a record that has  
9 been sealed under this subchapter.

10           “(2) PENALTY.—Any person who violates para-  
11 graph (1) shall be fined under this title, imprisoned  
12 for not more than 1 year, or both.

13           “(3) EXCEPTIONS.—

14           “(A) BACKGROUND CHECKS.—An indi-  
15 vidual who is the subject of a record sealed  
16 under this subchapter shall, and a Federal or  
17 State law enforcement agency that possesses  
18 such a record may, disclose the record in the  
19 case of a background check for—

20                   “(i) law enforcement employment; or

21                   “(ii) any position that a Federal agen-  
22 cy designates as a—

23                           “(I) national security position; or

24                           “(II) high-risk, public trust posi-  
25 tion.

1           “(B) DISCLOSURE TO ARMED FORCES.—A  
2 person may disclose protected information from  
3 a record sealed under this subchapter to the  
4 Secretaries of the military departments (or the  
5 Secretary of Homeland Security with respect to  
6 the Coast Guard when it is not operating as a  
7 service in the Navy) for the purpose of vetting  
8 an enlistment or commission, or with regard to  
9 any member of the Armed Forces.

10           “(C) CRIMINAL AND JUVENILE PRO-  
11 CEEDINGS.—A prosecutor may disclose pro-  
12 tected information from a record sealed under  
13 this subchapter if the information pertains to a  
14 potential witness in a Federal or State—

15                   “(i) criminal proceeding; or

16                   “(ii) juvenile delinquency proceeding.

17           “(D) AUTHORIZATION FOR INDIVIDUAL TO  
18 DISCLOSE OWN RECORD.—An individual who is  
19 the subject of a record sealed under this sub-  
20 chapter may choose to disclose the record.”.

21           (b) APPLICABILITY.—The right to file a sealing peti-  
22 tion under section 3632(a) of title 18, United States Code,  
23 as added by subsection (a), shall apply with respect to a  
24 covered nonviolent offense (as defined in section 3631(a)  
25 of such title) that is committed or alleged to have been

1 committed before, on, or after the date of enactment of  
2 this Act.

3 (c) **TRANSITION PERIOD FOR HEARINGS DEAD-**  
4 **LINE.**—During the 1-year period beginning on the date  
5 of enactment of this Act, section 3632(b)(2)(A) of title  
6 18, United States Code, as added by subsection (a), shall  
7 be applied by substituting “1 year” for “6 months”.

8 (d) **TECHNICAL AND CONFORMING AMENDMENT.**—  
9 The table of subchapters for chapter 229 of title 18,  
10 United States Code, is amended by adding at the end the  
11 following:

**“D. Sealing of Criminal Records ..... 3631”.**

12 **SEC. 3. JUVENILE SEALING AND EXPUNGEMENT.**

13 (a) **PURPOSE.**—The purpose of this section is to—

14 (1) protect children and adults against damage  
15 stemming from their juvenile acts and subsequent  
16 juvenile delinquency records, including law enforce-  
17 ment, arrest, and court records; and

18 (2) prevent the unauthorized use or disclosure  
19 of confidential juvenile delinquency records and any  
20 potential employment, financial, psychological, or  
21 other harm that would result from such unauthor-  
22 ized use or disclosure.

23 (b) **DEFINITIONS.**—Section 5031 of title 18, United  
24 States Code, is amended to read as follows:

1 **“§ 5031. Definitions**

2 “In this chapter—

3 “(1) the term ‘adjudication’ means a deter-  
4 mination by a judge that a person committed an act  
5 of juvenile delinquency;

6 “(2) the term ‘conviction’ means a judgment or  
7 disposition in criminal court against a person fol-  
8 lowing a finding of guilt by a judge or jury;

9 “(3) the term ‘destroy’ means to render a file  
10 unreadable, whether paper, electronic, or otherwise  
11 stored, by shredding, pulverizing, pulping, incin-  
12 erating, overwriting, reformatting the media, or  
13 other means;

14 “(4) the term ‘expunge’—

15 “(A) means to destroy a record and oblit-  
16 erate the name of the person to whom the  
17 record pertains from each official index or pub-  
18 lic record; and

19 “(B) has the effect described in section  
20 5044(c), including—

21 “(i) the right to treat an offense to  
22 which an expunged record relates, and any  
23 arrest, juvenile delinquency proceeding, ad-  
24 judication, or other result of such pro-  
25 ceeding relating to the offense, as if it  
26 never occurred; and

1                   “(ii) protection from civil and criminal  
2                   perjury, false swearing, and false state-  
3                   ment laws with respect to an expunged  
4                   record;

5                   “(5) the term ‘expungement hearing’ means a  
6                   hearing held under section 5044(b)(2)(B);

7                   “(6) the term ‘expungement petition’ means a  
8                   petition for expungement filed under section  
9                   5044(b);

10                  “(7) the term ‘juvenile’ means—

11                   “(A) except as provided in subparagraph  
12                   (B), a person who has not attained the age of  
13                   18; and

14                   “(B) for the purpose of proceedings and  
15                   disposition under this chapter for an alleged act  
16                   of juvenile delinquency, a person who has not  
17                   attained the age of 21;

18                   “(8) the term ‘juvenile delinquency’ means the  
19                   violation of a law of the United States committed by  
20                   a person before attaining the age of 18 which would  
21                   have been a crime if committed by an adult, or a  
22                   violation by such a person of section 922(x);

23                   “(9) the term ‘juvenile nonviolent offense’  
24                   means an act of juvenile delinquency that is not—

1           “(A) a violent crime (as defined in section  
2 103 of the Juvenile Justice and Delinquency  
3 Prevention Act of 1974 (42 U.S.C. 5603)); or

4           “(B) a sex offense (as that term is defined  
5 in section 111 of the Sex Offender Registration  
6 and Notification Act (42 U.S.C. 16911));

7           “(10) the term ‘juvenile record’—

8           “(A) means a record maintained by a  
9 court, the probation system, a law enforcement  
10 agency, or any other government agency, of the  
11 juvenile delinquency proceedings of a person;  
12 and

13           “(B) includes—

14           “(i) a juvenile legal file, including a  
15 formal document such as a petition, notice,  
16 motion, legal memorandum, order, or de-  
17 cree;

18           “(ii) a social record, including—

19           “(I) a record of a probation offi-  
20 cer;

21           “(II) a record of any government  
22 agency that keeps records relating to  
23 juvenile delinquency;

24           “(III) a medical record;



1                   “(IV) a psychiatric or psycho-  
2                   logical record;

3                   “(V) a birth certificate;

4                   “(VI) an education record, in-  
5                   cluding an individualized education  
6                   plan;

7                   “(VII) a detention record;

8                   “(VIII) demographic information  
9                   that identifies a juvenile or the family  
10                  of a juvenile; or

11                  “(IX) any other record that in-  
12                  cludes personally identifiable informa-  
13                  tion that may be associated with a ju-  
14                  venile delinquency proceeding, an act  
15                  of juvenile delinquency, or an alleged  
16                  act of juvenile delinquency;

17                  “(iii) a law enforcement record, in-  
18                  cluding—

19                         “(I) fingerprints;

20                         “(II) a DNA sample; or

21                         “(III) a photograph; and

22                         “(iv) a State criminal justice informa-  
23                         tion system record;

24                   “(11) the term ‘petitioner’ means a person who  
25                   files an expungement petition or a sealing petition;

1 “(12) the term ‘seal’—

2 “(A) means—

3 “(i) to close a record from public  
4 viewing so that the record cannot be exam-  
5 ined except by court order; and

6 “(ii) to physically seal the record shut  
7 and label the record ‘SEALED’ or, in the  
8 case of an electronic record, the sub-  
9 stantive equivalent; and

10 “(B) has the effect described in section  
11 5043(c), including—

12 “(i) the right to treat an offense to  
13 which a sealed record relates, and any ar-  
14 rest, juvenile delinquency proceeding, adju-  
15 dication, or other result of such proceeding  
16 relating to the offense, as if it never oc-  
17 curred; and

18 “(ii) protection from civil and criminal  
19 perjury, false swearing, and false state-  
20 ment laws with respect to a sealed record;

21 “(13) the term ‘sealing hearing’ means a hear-  
22 ing held under section 3632(b)(2)(B); and

23 “(14) the term ‘sealing petition’ means a peti-  
24 tion for a sealing order filed under section  
25 5043(b).”.

1 (c) CONFIDENTIALITY.—Section 5038 of title 18,  
2 United States Code, is amended—

3 (1) in subsection (a), in the flush text following  
4 paragraph (6), by inserting after “bonding,” the fol-  
5 lowing: “participation in an educational system,”;  
6 and

7 (2) in subsection (b), by striking “District  
8 courts exercising jurisdiction over any juvenile” and  
9 inserting the following: “Not later than 7 days after  
10 the date on which a district court exercises jurisdic-  
11 tion over a juvenile, the district court”.

12 (d) SEALING; EXPUNGEMENT.—

13 (1) IN GENERAL.—Chapter 403 of title 18,  
14 United States Code, is amended by adding at the  
15 end the following:

16 **“§ 5043. Sealing**

17 “(a) AUTOMATIC SEALING OF NONVIOLENT OF-  
18 FENSES.—

19 “(1) IN GENERAL.—Three years after the date  
20 on which a person who is adjudicated delinquent  
21 under this chapter for a juvenile nonviolent offense  
22 completes every term of probation, official detention,  
23 or juvenile delinquent supervision ordered by the  
24 court with respect to the offense, the court shall

1 order the sealing of each juvenile record or portion  
2 thereof that relates to the offense if the person—

3 “(A) has not been convicted of a crime or  
4 adjudicated delinquent for an act of juvenile de-  
5 linquency since the date of the disposition; and

6 “(B) is not engaged in active criminal  
7 court proceedings or juvenile delinquency pro-  
8 ceedings.

9 “(2) AUTOMATIC NATURE OF SEALING.—The  
10 order of sealing under paragraph (1) shall require  
11 no action by the person whose juvenile records are  
12 to be sealed.

13 “(3) NOTICE OF AUTOMATIC SEALING.—A  
14 court that orders the sealing of a juvenile record of  
15 a person under paragraph (1) shall, in writing, in-  
16 form the person of the sealing and the benefits of  
17 sealing the record, including protection from civil  
18 and criminal perjury, false swearing, and false state-  
19 ment laws with respect to the record.

20 “(b) PETITIONING FOR EARLY SEALING OF NON-  
21 VIOLENT OFFENSES.—

22 “(1) RIGHT TO FILE SEALING PETITION.—

23 “(A) IN GENERAL.—During the 3-year pe-  
24 riod beginning on the date on which a person  
25 who is adjudicated delinquent under this chap-

1           ter for a juvenile nonviolent offense completes  
2           every term of probation, official detention, or  
3           juvenile delinquent supervision ordered by the  
4           court with respect to the offense, the person  
5           may petition the court to seal the juvenile  
6           records that relate to the offense.

7           “(B) NOTICE OF OPPORTUNITY TO FILE  
8           PETITION.—If a person is adjudged delinquent  
9           for a juvenile nonviolent offense, the court in  
10          which the person is adjudged delinquent shall,  
11          in writing, inform the person of the potential  
12          eligibility of the person to file a sealing petition  
13          with respect to the offense upon completing  
14          every term of probation, official detention, or  
15          juvenile delinquent supervision ordered by the  
16          court with respect to the offense, and the nec-  
17          essary procedures for filing the sealing peti-  
18          tion—

19                 “(i) on the date on which the indi-  
20                 vidual is adjudged delinquent; and

21                 “(ii) on the date on which the indi-  
22                 vidual has completed every term of proba-  
23                 tion, official detention, or juvenile delin-  
24                 quent supervision ordered by the court  
25                 with respect to the offense.

1           “(2) PROCEDURES.—

2                   “(A) NOTIFICATION TO PROSECUTOR.—If  
3 a person files a sealing petition with respect to  
4 a juvenile nonviolent offense, the court in which  
5 the petition is filed shall provide notice of the  
6 petition—

7                           “(i) to the Attorney General; and

8                           “(ii) upon the request of the peti-  
9 tioner, to any other individual that the pe-  
10 tioner determines may testify as to—

11                                   “(I) the conduct of the petitioner  
12 since the date of the offense; or

13                                   “(II) the reasons that the sealing  
14 order should be entered.

15           “(B) HEARING.—

16                   “(i) IN GENERAL.—Not later than 6  
17 months after the date on which a person  
18 files a sealing petition, the court shall—

19                           “(I) except as provided in clause  
20 (iii), conduct a hearing in accordance  
21 with clause (ii); and

22                           “(II) determine whether to enter  
23 a sealing order for the person in ac-  
24 cordance with subparagraph (C).

1                   “(ii) OPPORTUNITY TO TESTIFY AND  
2 OFFER EVIDENCE.—

3                   “(I) PETITIONER.—The peti-  
4 tioner may testify or offer evidence at  
5 the sealing hearing in support of seal-  
6 ing.

7                   “(II) PROSECUTOR.—The Attor-  
8 ney General may send a representa-  
9 tive to testify or offer evidence at the  
10 sealing hearing in support of or  
11 against sealing.

12                   “(III) OTHER INDIVIDUALS.—An  
13 individual who receives notice under  
14 subparagraph (A)(ii) may testify or  
15 offer evidence at the sealing hearing  
16 as to the issues described in sub-  
17 clauses (I) and (II) of that subpara-  
18 graph.

19                   “(iii) WAIVER OF HEARING.—If the  
20 petitioner and the Attorney General so  
21 agree, the court shall make a determina-  
22 tion under subparagraph (C) without a  
23 hearing.

1           “(C) BASIS FOR DECISION.—The court  
2 shall determine whether to grant the sealing pe-  
3 tition after considering—

4                   “(i) the sealing petition and any docu-  
5 ments in the possession of the court;

6                   “(ii) all the evidence and testimony  
7 presented at the sealing hearing, if such a  
8 hearing is conducted;

9                   “(iii) the best interests of the peti-  
10 tioner;

11                   “(iv) the age of the petitioner during  
12 his or her contact with the court or any  
13 law enforcement agency;

14                   “(v) the nature of the juvenile non-  
15 violent offense;

16                   “(vi) the disposition of the case;

17                   “(vii) the manner in which the peti-  
18 tioner participated in any court-ordered re-  
19 habilitative programming or supervised  
20 services;

21                   “(viii) the length of the time period  
22 during which the petitioner has been with-  
23 out contact with any court or law enforce-  
24 ment agency;



1           “(ix) whether the petitioner has had  
2           any criminal or juvenile delinquency in-  
3           volvement since the disposition of the juve-  
4           nile delinquency proceeding; and

5           “(x) the adverse consequences the pe-  
6           titioner may suffer if the petition is not  
7           granted.

8           “(D) WAITING PERIOD AFTER DENIAL.—If  
9           the court denies a sealing petition, the peti-  
10          tioner may not file a new sealing petition with  
11          respect to the same juvenile nonviolent offense  
12          until the date that is 2 years after the date of  
13          the denial.

14          “(E) UNIVERSAL FORM.—The Director of  
15          the Administrative Office of the United States  
16          Courts shall create a universal form, available  
17          over the Internet and in paper form, that an in-  
18          dividual may use to file a sealing petition.

19          “(F) NO FEE FOR SEALING.—There shall  
20          be no cost for filing a sealing petition.

21          “(G) REPORTING.—Not later than 2 years  
22          after the date of enactment of this section, and  
23          each year thereafter, each district court of the  
24          United States shall issue a public report that—

25                 “(i) describes—

1           “(I) the number of sealing peti-  
2           tions granted and denied under this  
3           subsection; and

4           “(II) the number of instances in  
5           which the Attorney General supported  
6           or opposed a sealing petition;

7           “(ii) includes any supporting data  
8           that the court determines relevant and that  
9           does not name any petitioner; and

10          “(iii) disaggregates all relevant data  
11          by race, ethnicity, gender, and the nature  
12          of the offense.

13          “(H) PUBLIC DEFENDER ELIGIBILITY.—

14          “(i) PETITIONERS UNDER AGE 18.—  
15          The district court shall appoint counsel in  
16          accordance with the plan of the district  
17          court in operation under section 3006A to  
18          represent a petitioner for purposes of this  
19          subsection if the petitioner is less than 18  
20          years of age.

21          “(ii) PETITIONERS AGE 18 AND  
22          OLDER.—

23          “(I) DISCRETION OF COURT.—In  
24          the case of a petitioner who not less  
25          than 18 years of age, the district

1 court may, in its discretion, appoint  
2 counsel in accordance with the plan of  
3 the district court in operation under  
4 section 3006A to represent the peti-  
5 tioner for purposes of this subsection.

6 “(II) CONSIDERATIONS.—In de-  
7 termining whether to appoint counsel  
8 under subclause (I), the court shall  
9 consider—

10 “(aa) the anticipated com-  
11 plexity of the sealing hearing, in-  
12 cluding the number and type of  
13 witnesses called to advocate  
14 against the sealing of the records  
15 of the petitioner; and

16 “(bb) the potential for ad-  
17 verse testimony by a victim or a  
18 representative of the Attorney  
19 General.

20 “(c) EFFECT OF SEALING ORDER.—

21 “(1) IN GENERAL.—Except as provided in this  
22 subsection, if a court orders the sealing of a juvenile  
23 record under subsection (a) or (b) with respect to a  
24 juvenile nonviolent offense, the offense and any ar-  
25 rest, juvenile delinquency proceeding, adjudication,

1 or other result of such proceeding relating to the of-  
2 fense shall be treated as if it never occurred.

3 “(2) VERIFICATION OF SEALING.—If a court  
4 orders the sealing of a juvenile record under sub-  
5 section (a) or (b) with respect to a juvenile non-  
6 violent offense, the court shall—

7 “(A) send a copy of the sealing order to  
8 each entity or person known to the court that  
9 possesses a record relating to the offense, in-  
10 cluding each—

11 “(i) law enforcement agency; and

12 “(ii) public or private correctional or  
13 detention facility;

14 “(B) in the sealing order, require each en-  
15 tity or person described in subparagraph (A)  
16 to—

17 “(i) seal the record; and

18 “(ii) submit a written certification to  
19 the court, under penalty of perjury, that  
20 the entity or person has sealed each paper  
21 and electronic copy of the record;

22 “(C) seal each paper and electronic copy of  
23 the record in the possession of the court; and

24 “(D) after receiving a written certification  
25 from each entity or person under subparagraph

1 (B)(ii), notify the petitioner that each entity or  
2 person described in subparagraph (A) has  
3 sealed each paper and electronic copy of the  
4 record.

5 “(3) PROTECTION FROM PERJURY LAWS.—Ex-  
6 cept as provided in paragraph (5)(C)(i), the person  
7 who is the subject of a juvenile record sealed under  
8 subsection (a) or (b) or a parent of the person shall  
9 not be subject to prosecution under any civil or  
10 criminal provision of Federal or State law relating to  
11 perjury, false swearing, or making a false statement,  
12 including section 1001, 1621, 1622, or 1623, for  
13 failing to acknowledge the record or respond to any  
14 inquiry made of the person or the parent, relating  
15 to the record, for any purpose.

16 “(4) LAW ENFORCEMENT ACCESS TO SEALED  
17 RECORDS.—A law enforcement agency may access a  
18 sealed juvenile record of a person solely—

19 “(A) to determine whether the person is el-  
20 igible for a first-time-offender diversion pro-  
21 gram;

22 “(B) for investigatory or prosecutorial pur-  
23 poses within the juvenile justice system; or

24 “(C) for a background check that relates  
25 to—

- 1                   “(i) law enforcement employment; or  
2                   “(ii) any position that a Federal agen-  
3                   cy designates as a—  
4                   “(I) national security position; or  
5                   “(II) high-risk, public trust posi-  
6                   tion.

7                   “(5) PROHIBITION ON DISCLOSURE.—

8                   “(A) PROHIBITION.—Except as provided  
9                   in subparagraph (C), it shall be unlawful to in-  
10                  tentionally make or attempt to make an unau-  
11                  thorized disclosure of any information from a  
12                  sealed juvenile record in violation of this sec-  
13                  tion.

14                  “(B) PENALTY.—Any person who violates  
15                  subparagraph (A) shall be fined under this title,  
16                  imprisoned for not more than 1 year, or both.

17                  “(C) EXCEPTIONS.—

18                  “(i) BACKGROUND CHECKS.—A per-  
19                  son who is the subject of a juvenile record  
20                  sealed under this section shall, and a Fed-  
21                  eral or State law enforcement agency that  
22                  possesses such a record may, disclose the  
23                  record in the case of a background check  
24                  for—

1                   “(I) law enforcement employ-  
2                   ment; or

3                   “(II) any employment that re-  
4                   quires a government security clear-  
5                   ance.

6                   “(ii) DISCLOSURE TO ARMED  
7                   FORCES.—A person may disclose informa-  
8                   tion from a sealed juvenile record to the  
9                   Secretaries of the military departments (or  
10                  the Secretary of Homeland Security with  
11                  respect to the Coast Guard when it is not  
12                  operating as a service in the Navy) for the  
13                  purpose of vetting an enlistment or com-  
14                  mission, or with regard to any member of  
15                  the Armed Forces.

16                  “(iii) CRIMINAL AND JUVENILE PRO-  
17                  CEEDINGS.—A prosecutor may disclose in-  
18                  formation from a juvenile record sealed  
19                  under this section if the information per-  
20                  tains to a potential witness in a Federal or  
21                  State—

22                               “(I) criminal proceeding; or

23                               “(II) juvenile delinquency pro-  
24                               ceeding.

1                   “(iv) AUTHORIZATION FOR PERSON  
2                   TO DISCLOSE OWN RECORD.—A person  
3                   who is the subject of a juvenile record  
4                   sealed under this section may choose to  
5                   disclose the record.

6 **“§ 5044. Expungement**

7                   “(a) AUTOMATIC EXPUNGEMENT OF CERTAIN  
8 RECORDS.—

9                   “(1) ATTORNEY GENERAL MOTION.—

10                   “(A) NONVIOLENT OFFENSES COMMITTED  
11 BEFORE A PERSON TURNED 15.—If a person is  
12 adjudicated delinquent under this chapter for a  
13 juvenile nonviolent offense committed before the  
14 person attained 15 years of age, on the date on  
15 which the person attains 18 years of age, the  
16 Attorney General shall file a motion in the dis-  
17 trict court of the United States in which the  
18 person was adjudicated delinquent requesting  
19 that each juvenile record of the person that re-  
20 lates to the offense be expunged.

21                   “(B) ARRESTS.—If a juvenile is arrested  
22 for an offense for which a juvenile delinquency  
23 proceeding is not instituted under this sub-  
24 chapter, the Attorney General shall file a mo-  
25 tion in the district court of the United States



1 that would have had jurisdiction of the pro-  
2 ceeding requesting that each juvenile record re-  
3 lating to the arrest be expunged.

4 “(C) EXPUNGEMENT ORDER.—Upon the  
5 filing of a motion in a district court of the  
6 United States with respect to a juvenile non-  
7 violent offense under subparagraph (A) or an  
8 arrest for an offense under subparagraph (B),  
9 the court shall grant the motion and order that  
10 each juvenile record relating to the offense or  
11 arrest, as applicable, be expunged.

12 “(2) DISMISSED CASES.—If a district court of  
13 the United States dismisses an information with re-  
14 spect to a juvenile under this subchapter or finds a  
15 juvenile not to be delinquent in a juvenile delin-  
16 quency proceeding under this subchapter, the court  
17 shall concurrently order that each juvenile record re-  
18 lating to the applicable proceeding be expunged.

19 “(3) AUTOMATIC NATURE OF EXPUNGEMENT.—  
20 An order of expungement under paragraph (1)(C) or  
21 (2) shall not require any action by the person whose  
22 records are to be expunged.

23 “(4) NOTICE OF AUTOMATIC EXPUNGEMENT.—  
24 A court that orders the expungement of a juvenile  
25 record of a person under paragraph (1)(C) or (2)

1 shall, in writing, inform the person of the  
2 expungement and the benefits of expunging the  
3 record, including protection from civil and criminal  
4 perjury, false swearing, and false statement laws  
5 with respect to the record.

6 “(b) PETITIONING FOR EXPUNGEMENT OF NON-  
7 VIOLENT OFFENSES.—

8 “(1) IN GENERAL.—A person who is adjudged  
9 delinquent under this chapter for a juvenile non-  
10 violent offense committed on or after the date on  
11 which the person attained 15 years of age may peti-  
12 tion the court in which the proceeding took place to  
13 order the expungement of the juvenile record that  
14 relates to the offense.

15 “(2) PROCEDURES.—

16 “(A) NOTIFICATION OF PROSECUTOR AND  
17 VICTIMS.—If a person files an expungement pe-  
18 tition with respect to a juvenile nonviolent of-  
19 fense, the court in which the petition is filed  
20 shall provide notice of the petition—

21 “(i) to the Attorney General; and

22 “(ii) upon the request of the peti-  
23 tioner, to any other individual that the pe-  
24 titioner determines may testify as to—

1           “(I) the conduct of the petitioner  
2           since the date of the offense; or

3           “(II) the reasons that the  
4           expungement order should be entered.

5           “(B) HEARING.—

6           “(i) IN GENERAL.—Not later than 6  
7           months after the date on which a person  
8           files an expungement petition, the court  
9           shall—

10           “(I) except as provided in clause  
11           (iii), conduct a hearing in accordance  
12           with clause (ii); and

13           “(II) determine whether to enter  
14           an expungement order for the person  
15           in accordance with subparagraph (C).

16           “(ii) OPPORTUNITY TO TESTIFY AND  
17           OFFER EVIDENCE.—

18           “(I) PETITIONER.—The peti-  
19           tioner may testify or offer evidence at  
20           the expungement hearing in support  
21           of expungement.

22           “(II) PROSECUTOR.—The Attor-  
23           ney General may send a representa-  
24           tive to testify or offer evidence at the

1 expungement hearing in support of or  
2 against expungement.

3 “(III) OTHER INDIVIDUALS.—An  
4 individual who receives notice under  
5 subparagraph (A)(ii) may testify or  
6 offer evidence at the expungement  
7 hearing as to the issues described in  
8 subclauses (I) and (II) of that sub-  
9 paragraph.

10 “(C) BASIS FOR DECISION.—The court  
11 shall determine whether to grant an  
12 expungement petition after considering—

13 “(i) the petition and any documents in  
14 the possession of the court;

15 “(ii) all the evidence and testimony  
16 presented at the expungement hearing, if  
17 such a hearing is conducted;

18 “(iii) the best interests of the peti-  
19 tioner;

20 “(iv) the age of the petitioner during  
21 his or her contact with the court or any  
22 law enforcement agency;

23 “(v) the nature of the juvenile non-  
24 violent offense;

25 “(vi) the disposition of the case;

1           “(vii) the manner in which the peti-  
2           tioner participated in any court-ordered re-  
3           habilitative programming or supervised  
4           services;

5           “(viii) the length of the time period  
6           during which the petitioner has been with-  
7           out contact with any court or any law en-  
8           forcement agency;

9           “(ix) whether the petitioner has had  
10          any criminal or juvenile delinquency in-  
11          volvement since the disposition of the juve-  
12          nile delinquency proceeding; and

13          “(x) the adverse consequences the pe-  
14          titioner may suffer if the petition is not  
15          granted.

16          “(D) WAITING PERIOD AFTER DENIAL.—If  
17          the court denies an expungement petition, the  
18          petitioner may not file a new expungement peti-  
19          tion with respect to the same offense until the  
20          date that is 2 years after the date of the denial.

21          “(E) UNIVERSAL FORM.—The Director of  
22          the Administrative Office of the United States  
23          Courts shall create a universal form, available  
24          over the Internet and in paper form, that an in-

1           dividual may use to file an expungement peti-  
2           tion.

3           “(F) NO FEE FOR EXPUNGEMENT.—There  
4           shall be no cost for filing an expungement peti-  
5           tion.

6           “(G) REPORTING.—Not later than 2 years  
7           after the date of enactment of this section, and  
8           each year thereafter, each district court of the  
9           United States shall issue a public report that—

10           “(i) describes—

11           “(I) the number of expungement  
12           petitions granted and denied under  
13           this subsection; and

14           “(II) the number of instances in  
15           which the Attorney General supported  
16           or opposed an expungement petition;

17           “(ii) includes any supporting data  
18           that the court determines relevant and that  
19           does not name any petitioner; and

20           “(iii) disaggregates all relevant data  
21           by race, ethnicity, gender, and the nature  
22           of the offense.

23           “(H) PUBLIC DEFENDER ELIGIBILITY.—

24           “(i) PETITIONERS UNDER AGE 18.—

25           The district court shall appoint counsel in

1           accordance with the plan of the district  
2           court in operation under section 3006A to  
3           represent a petitioner for purposes of this  
4           subsection if the petitioner is less than 18  
5           years of age.

6           “(ii) PETITIONERS AGE 18 AND  
7           OLDER.—

8           “(I) DISCRETION OF COURT.—In  
9           the case of a petitioner who not less  
10          than 18 years of age, the district  
11          court may, in its discretion, appoint  
12          counsel in accordance with the plan of  
13          the district court in operation under  
14          section 3006A to represent the peti-  
15          tioner for purposes of this subsection.

16          “(II) CONSIDERATIONS.—In de-  
17          termining whether to appoint counsel  
18          under subclause (I), the court shall  
19          consider—

20                 “(aa) the anticipated com-  
21                 plexity of the expungement hear-  
22                 ing, including the number and  
23                 type of witnesses called to advo-  
24                 cate against the expungement of  
25                 the records of the petitioner; and

1                   “(bb) the potential for ad-  
2                   verse testimony by a victim or a  
3                   representative of the Attorney  
4                   General.

5           “(c) EFFECT OF EXPUNGED JUVENILE RECORD.—

6                   “(1) IN GENERAL.—Except as provided in this  
7                   subsection, if a court orders the expungement of a  
8                   juvenile record under subsection (a) or (b) with re-  
9                   spect to a juvenile nonviolent offense—

10                   “(A) the offense and any arrest, juvenile  
11                   delinquency proceeding, adjudication, or other  
12                   result of such proceeding relating to the offense  
13                   shall be treated as if it never occurred; and

14                   “(B) the person to whom the record per-  
15                   tains shall not be required to disclose the exist-  
16                   ence of the record.

17                   “(2) VERIFICATION OF EXPUNGEMENT.—If a  
18                   court orders the expungement of a juvenile record  
19                   under subsection (a) or (b) with respect to a juvenile  
20                   nonviolent offense, the court shall—

21                   “(A) send a copy of the expungement order  
22                   to each entity or person known to the court  
23                   that possesses a record relating to the offense,  
24                   including each—

25                   “(i) law enforcement agency; and



1                   “(ii) public or private correctional or  
2                   detention facility;

3                   “(B) in the expungement order, require  
4                   each entity or person described in subparagraph  
5                   (A) to—

6                   “(i) destroy the record; and

7                   “(ii) submit a written certification to  
8                   the court, under penalty of perjury, that  
9                   the entity or person has destroyed each  
10                  paper and electronic copy of the record;

11                  “(C) destroy each paper and electronic  
12                  copy of the record in the possession of the  
13                  court; and

14                  “(D) after receiving a written certification  
15                  from each entity or person under subparagraph  
16                  (B)(ii), notify the petitioner that each entity or  
17                  person described in subparagraph (A) has de-  
18                  stroyed each paper and electronic copy of the  
19                  record.

20                  “(3) REPLY TO INQUIRIES.—In the case of an  
21                  inquiry relating to a juvenile record of a person that  
22                  is expunged under this section, the court in which  
23                  the proceeding took place, each law enforcement offi-  
24                  cer, any agency that provided treatment or rehabili-  
25                  tation services to the person, and the person (except

1 as provided in paragraph (6)) shall reply to the in-  
2 quiry that no such juvenile record exists.

3 “(4) PROTECTION FROM PERJURY LAWS.—Ex-  
4 cept as provided in paragraph (5), if a juvenile  
5 record of a person is expunged under this section,  
6 the person who is the subject of the record or a par-  
7 ent of the person shall not be subject to prosecution  
8 under any civil or criminal provision of Federal or  
9 State law relating to perjury, false swearing, or  
10 making a false statement, including section 1001,  
11 1621, 1622, or 1623, for failing to acknowledge the  
12 record or respond to any inquiry made of the person  
13 or the parent, relating to the record, for any pur-  
14 pose.

15 “(5) CIVIL ACTIONS.—

16 “(A) IN GENERAL.—If a person whose ju-  
17 venile record is expunged under this section  
18 brings an action that might be defended with  
19 the contents of the record, there shall be a re-  
20 buttable presumption that the defendant has a  
21 complete defense to the action.

22 “(B) SHOWING BY PLAINTIFF.—In an ac-  
23 tion described in subparagraph (A), the plaintiff  
24 may rebut the presumption of a complete de-  
25 fense by showing that the contents of the ex-

1           punged record would not prevent the defendant  
2           from being liable.

3           “(C) DUTY TO TESTIFY AS TO EXISTENCE  
4           OF RECORD.—The court in which an action de-  
5           scribed in subparagraph (A) is filed may re-  
6           quire the plaintiff to state under oath whether  
7           the plaintiff had a juvenile record and whether  
8           the record was expunged.

9           “(D) PROOF OF EXISTENCE OF JUVENILE  
10          RECORD.—If the plaintiff in an action described  
11          in subparagraph (A) denies the existence of a  
12          juvenile record, the defendant may prove the ex-  
13          istence of the record in any manner compatible  
14          with the applicable laws of evidence.

15          “(6) CRIMINAL AND JUVENILE PRO-  
16          CEEDINGS.—A prosecutor may disclose information  
17          from a juvenile record expunged under this section  
18          if the information pertains to a potential witness in  
19          a Federal or State—

20                  “(A) criminal proceeding; or

21                  “(B) juvenile delinquency proceeding.

22          “(7) AUTHORIZATION FOR PERSON TO DIS-  
23          CLOSE OWN RECORD.—A person who is the subject  
24          of a juvenile record expunged under this section may  
25          choose to disclose the record.”.

1           (2) TECHNICAL AND CONFORMING AMEND-  
 2           MENT.—The table of sections for chapter 403 of  
 3           title 18, United States Code, is amended by adding  
 4           at the end the following:

“5043. Sealing.

“5044. Expungement.”.

5           (3) APPLICABILITY.—Sections 5043 and 5044  
 6           of title 18, United States Code, as added by para-  
 7           graph (1), shall apply with respect to a juvenile non-  
 8           violent offense (as defined in section 5031 of such  
 9           title, as amended by subsection (b)) that is com-  
 10          mitted or alleged to have been committed before, on,  
 11          or after the date of enactment of this Act.

12          (e) JUVENILE SOLITARY CONFINEMENT.—

13           (1) IN GENERAL.—Chapter 403 of title 18,  
 14           United States Code, as amended by subsection (d),  
 15           is amended by adding at the end the following:

16   **“§ 5045. Juvenile solitary confinement**

17          “(a) DEFINITIONS.—In this section—

18           “(1) the term ‘juvenile detention facility’ means  
 19           any facility—

20           “(A) to which juveniles are committed,  
 21           whether pursuant to an adjudication of delin-  
 22           quency under this subchapter or conviction for  
 23           an offense; or

1           “(B) where juveniles are detained prior to  
2           disposition or conviction; and

3           “(2) the term ‘room confinement’ means the in-  
4           voluntary restriction of a juvenile alone in a cell,  
5           room, or other area for any reason.

6           “(b) PROHIBITION.—

7           “(1) IN GENERAL.—The use of room confine-  
8           ment at a juvenile detention facility for discipline,  
9           punishment, retaliation, staffing shortages, adminis-  
10          trative convenience, or any reason other than as a  
11          temporary response to the behavior of a juvenile that  
12          poses a serious and immediate risk of physical harm  
13          to the juvenile, to others, or to the juvenile and oth-  
14          ers, is prohibited.

15          “(2) JUVENILES POSING RISK OF HARM.—

16                 “(A) REQUIREMENT TO USE LEAST RE-  
17                 STRICTIVE TECHNIQUES.—

18                         “(i) IN GENERAL.—Before a staff  
19                         member of a juvenile detention facility  
20                         places a juvenile in room confinement, the  
21                         staff member shall attempt to use less re-  
22                         strictive techniques, including—

23                                 “(I) talking with the juvenile to  
24                                 de-escalate the situation; and

1                   “(II) when possible, bringing in  
2                   other staff members, qualified mental  
3                   health professionals, or other juveniles  
4                   to talk with the juvenile.

5                   “(ii) EXPLANATION.—Before a staff  
6                   member of a juvenile facility places a juve-  
7                   nile in room confinement, or immediately  
8                   after doing so, the staff member shall ex-  
9                   plain to the juvenile—

10                   “(I) the reasons for the room  
11                   confinement; and

12                   “(II) the fact that the juvenile  
13                   will be released from room confine-  
14                   ment—

15                   “(aa) immediately upon re-  
16                   gaining self-control, as described  
17                   in clause (i)(I) or (ii)(I) of sub-  
18                   paragraph (B), as applicable; and

19                   “(bb) not later than after  
20                   the expiration of the time period  
21                   described in clause (i)(II) or  
22                   (ii)(II) of subparagraph (B), as  
23                   applicable.

24                   “(B) MAXIMUM PERIOD OF CONFINE-  
25                   MENT.—

1                   “(i) RISK OF HARM TO OTHERS OR TO  
2                   SELF AND OTHERS.—If a juvenile is placed  
3                   in room confinement because the juvenile  
4                   poses a serious and immediate risk of  
5                   physical harm to others or to the juvenile  
6                   and others, the juvenile shall be released—

7                                 “(I) immediately when the juve-  
8                                 nile has sufficiently gained control so  
9                                 as to no longer engage in behavior  
10                                that threatens serious and immediate  
11                                risk of physical harm to others or to  
12                                the juvenile or others; and

13                               “(II) not later than 3 hours after  
14                               being placed in room confinement.

15                   “(ii) RISK OF HARM TO SELF ONLY.—  
16                   If a juvenile is placed in room confinement  
17                   because the juvenile poses a serious and  
18                   immediate risk of physical harm to himself  
19                   or herself, the juvenile shall be released—

20                               “(I) immediately when the juve-  
21                               nile has sufficiently gained control so  
22                               as to no longer engage in behavior  
23                               that threatens serious and immediate  
24                               risk of physical harm to himself or  
25                               herself; and

1                   “(II) not later than 30 minutes  
2                   after being placed in room confine-  
3                   ment.

4                   “(C) RISK OF HARM AFTER MAXIMUM PE-  
5                   RIOD OF CONFINEMENT.—If, after the applica-  
6                   ble maximum period of confinement under  
7                   clause (i)(II) or (ii)(II) of subparagraph (B)  
8                   has expired, a juvenile continues to pose a seri-  
9                   ous and immediate risk of physical harm de-  
10                  scribed in clause (i) or (ii) of that subpara-  
11                  graph, as applicable—

12                  “(i) the juvenile shall be transferred  
13                  to another juvenile detention facility or in-  
14                  ternal location where services can be pro-  
15                  vided to the juvenile without relying on  
16                  room confinement; or

17                  “(ii) if the juvenile cannot be trans-  
18                  ferred to another juvenile detention facility  
19                  or internal location in accordance with  
20                  clause (i), and a qualified medical or men-  
21                  tal health professional believes the level of  
22                  crisis service needed is not available in the  
23                  current environment, a staff member of the  
24                  juvenile detention facility shall initiate a



1 referral to a location that can meet the  
2 needs of the juvenile.

3 “(D) SPIRIT AND PURPOSE.—The use of  
4 consecutive periods of room confinement to  
5 evade the spirit and purpose of this subsection  
6 shall be prohibited.

7 “(E) CONDITIONS.—A room used for room  
8 confinement for a juvenile shall—

9 “(i) have not less than 80 square feet  
10 of floor space;

11 “(ii) have adequate lighting, heating  
12 or cooling (as applicable), and ventilation  
13 for the comfort of the juvenile;

14 “(iii) be suicide-resistant and protru-  
15 sion-free; and

16 “(iv) have reasonable access to water,  
17 toilet facilities, and hygiene supplies.

18 “(F) ACCESS TO SERVICES.—A juvenile  
19 placed in room confinement shall—

20 “(i) have access to appropriate med-  
21 ical and psychological services; and

22 “(ii) receive crisis intervention and  
23 one-on-one observation.

24 “(c) STUDY AND REPORT.—Not later than 2 years  
25 after the date of enactment of this section, and each year

1 thereafter, the Attorney General shall submit to Congress  
2 a report that—

3 “(1) contains a detailed description of the type  
4 of physical force, restraints, and room confinement  
5 used at juvenile detention facilities; and

6 “(2) describes the number of instances physical  
7 force, restraints, or room confinement are used at  
8 juvenile detention facilities, disaggregated by race,  
9 ethnicity, and gender.”.

10 (2) TECHNICAL AND CONFORMING AMEND-  
11 MENT.—The table of sections for chapter 403 of  
12 title 18, United States Code, as amended by sub-  
13 section (d), is amended by adding at the end the fol-  
14 lowing:

“5045. Juvenile solitary confinement.”.

15 **SEC. 4. STUDY AND REPORT ON COST SAVINGS FROM SEAL-**  
16 **ING AND EXPUNGEMENT PROVISIONS.**

17 (a) STUDY.—

18 (1) IN GENERAL.—Not later than 5 years after  
19 the date of enactment of this Act, the Attorney Gen-  
20 eral, in consultation with the Secretary of Labor and  
21 the Director of the Office of Management and Budg-  
22 et, shall conduct a study on the cost savings and  
23 broader economic impact of the sealing and  
24 expungement provisions in the amendments made by  
25 sections 2, 3, and 6 of this Act.

1           (2) CONSIDERATIONS.—In conducting the study  
2 under paragraph (1), the Attorney General shall  
3 consider—

4           (A) the reduction in recidivism and associ-  
5 ated cost savings related to corrections and  
6 public safety;

7           (B) increased economic activity by former  
8 offenders, including by conducting an analysis  
9 of the tax revenue generated by that activity;  
10 and

11           (C) the economic impact on the household  
12 of former offenders and the children of former  
13 offenders.

14       (b) REPORT.—Not later than 5 years after the date  
15 of enactment of this Act, the Attorney General shall sub-  
16 mit to Congress a report on the study conducted under  
17 subsection (a).

18 **SEC. 5. TANF ASSISTANCE AND SNAP BENEFITS.**

19       (a) AMENDMENT TO BAN ON ASSISTANCE.—Section  
20 115 of the Personal Responsibility and Work Opportunity  
21 Reconciliation Act of 1996 (21 U.S.C. 862a) is amend-  
22 ed—

23           (1) in subsection (a)—

1 (A) by redesignating paragraphs (1) and  
2 (2) as subparagraphs (A) and (B), respectively,  
3 and adjusting the margins accordingly;

4 (B) in the matter preceding subparagraph  
5 (A), as redesignated—

6 (i) by striking “An individual” and in-  
7 serting the following:

8 “(1) DENIAL OF ASSISTANCE AND BENEFITS.—  
9 Except as provided in paragraph (2), an individual”;  
10 and

11 (ii) by striking “possession, use, or”;  
12 and

13 (C) by adding at the end the following:

14 “(2) EXCEPTION FOR INDIVIDUALS WHO RE-  
15 CEIVE TREATMENT AND OTHER INDIVIDUALS.—The  
16 prohibition under paragraph (1) shall not apply to  
17 an individual convicted of an offense described in  
18 paragraph (1) who—

19 “(A)(i) has successfully completed a cer-  
20 tified substance abuse treatment program; and

21 “(ii) has not committed a subsequent of-  
22 fense described in paragraph (1);

23 “(B) is participating in a certified sub-  
24 stance abuse treatment program;

1           “(C)(i) is eligible for and has sought to  
2 participate in a certified substance abuse treat-  
3 ment program; and

4           “(ii) agrees to immediately enroll and par-  
5 ticipate in a certified substance abuse treatment  
6 program once a slot becomes available for the  
7 individual;

8           “(D) is a custodial parent;

9           “(E)(i) is suffering from a serious illness,  
10 other than a substance abuse disorder; and

11           “(ii) provides documentation of the illness  
12 described in clause (i) with a letter of diagnosis  
13 from a medical provider;

14           “(F) is pregnant; or

15           “(G) is in compliance with the terms of the  
16 sentence imposed on the individual for the con-  
17 viction.”;

18           (2) in subsection (d), by striking “the date of  
19 the enactment of this Act” each place that term ap-  
20 pears and inserting “the date of enactment of the  
21 Record Expungement Designed to Enhance Employ-  
22 ment Act of 2015”;

23           (3) by striking subsection (e) and inserting the  
24 following:

25           “(e) DEFINITIONS.—For purposes of this section—

1           “(1) the term ‘certified substance abuse treat-  
2           ment program’ means a course of substance abuse  
3           disorder treatment prescribed by a qualified behav-  
4           ioral health provider;

5           “(2) the term ‘custodial parent’ means an indi-  
6           vidual who has custody of, and lives in the same  
7           household as—

8                   “(A) a dependent child who is less than 18  
9                   years of age; or

10                   “(B) a disabled child of the individual who  
11                   is not less than 18 years of age;

12           “(3) the term ‘State’ has the meaning given the  
13           term—

14                   “(A) in section 419(5) of the Social Secu-  
15                   rity Act, when referring to assistance provided  
16                   under a State program funded under part A of  
17                   title IV of the Social Security Act; and

18                   “(B) in section 3 of the Food and Nutri-  
19                   tion Act of 2008 (7 U.S.C. 2012), when refer-  
20                   ring to the supplemental nutrition assistance  
21                   program (as defined in that section) or any  
22                   State program carried out under that Act; and

23           “(4) the term ‘successfully completed’, with re-  
24           spect to an individual who participates in a certified  
25           substance abuse treatment program, means the indi-

1       vidual has completed the prescribed course of treat-  
2       ment for a substance abuse disorder.”; and

3               (4) in subsection (f), by striking paragraph (5)  
4       and inserting the following:

5               “(5) Employment services, including job train-  
6       ing programs and any other employment services  
7       that are funded using assistance or benefits referred  
8       to in subsection (a).”.

9       (b) EFFECT ON STATE ELECTIONS TO OPT OUT OR  
10   LIMIT PERIOD OF PROHIBITION.—

11           (1) DEFINITIONS.—In this subsection—

12               (A) the term “State” has the meaning  
13       given the term in section 115(e) of the Personal  
14       Responsibility and Work Opportunity Reconcili-  
15       ation Act of 1996 (21 U.S.C. 862a(e)); and

16               (B) the term “TANF assistance or SNAP  
17       benefits” means assistance or benefits referred  
18       to in section 115(a) of the Personal Responsi-  
19       bility and Work Opportunity Reconciliation Act  
20       of 1996.

21           (2) EFFECT.—A law enacted by a State under  
22       the authority under subparagraph (A) or (B) of sub-  
23       section (d)(1) of section 115 of the Personal Respon-  
24       sibility and Work Opportunity Reconciliation Act of  
25       1996 (21 U.S.C. 862a) (as in effect on the day be-

1 fore the date of enactment of this Act), and any  
2 State law or regulation enacted to carry out the re-  
3 quirements of such section (as in effect on the day  
4 before the date of enactment of this Act), that im-  
5 poses conditions on eligibility for TANF assistance  
6 or SNAP benefits that are more restrictive than the  
7 conditions on eligibility for TANF assistance or  
8 SNAP benefits under such section as amended by  
9 subsection (a) shall have no force or effect.

10 **SEC. 6. STATE INCENTIVES.**

11 (a) COPS GRANTS PRIORITY.—Section 1701(c) of  
12 the Omnibus Crime Control and Safe Streets Act of 1968  
13 (42 U.S.C. 3796dd(c)) is amended—

14 (1) by striking “In” and inserting the following:

15 “(1) IN GENERAL.—In”;

16 (2) by striking “where feasible” and all that fol-  
17 lows, and inserting the following: “where feasible, to  
18 an application—

19 “(A) for hiring and rehiring additional ca-  
20 reer law enforcement officers that involves a  
21 non-Federal contribution exceeding the 25 per-  
22 cent minimum under subsection (g); or

23 “(B) from an applicant in a State that has  
24 in effect—



1           “(i) a law relating to the confiden-  
2           tiality, sealing, and expungement of juve-  
3           nile records that is substantially similar to,  
4           or more generous to the former offender  
5           than, the amendments made by subsections  
6           (b) through (d) of section 3 of the Record  
7           Expungement Designed to Enhance Em-  
8           ployment Act of 2015;

9           “(ii) a law prohibiting juvenile solitary  
10          confinement that is substantially similar  
11          to, or more restrictive than, the amend-  
12          ment made by subsection (e) of section 3  
13          of the Record Expungement Designed to  
14          Enhance Employment Act of 2015;

15          “(iii) a law relating to the sealing of  
16          adult records that is substantially similar  
17          to, or more generous to the former of-  
18          fender than, the amendments made by sec-  
19          tion 2 of the Record Expungement De-  
20          signed to Enhance Employment Act of  
21          2015;

22          “(iv) subject to paragraph (2), a law  
23          that establishes that an adult criminal  
24          court may not have original jurisdiction  
25          over an individual who was less than 18

1 years of age when the individual committed  
2 an offense;

3 “(v) a law that allows an individual  
4 who has successfully sealed or expunged a  
5 criminal record to be free from civil and  
6 criminal perjury laws; or

7 “(vi) a law relating to the eligibility of  
8 individuals for assistance or benefits re-  
9 ferred to in subsection (a) of section 115  
10 of the Personal Responsibility and Work  
11 Opportunity Reconciliation Act of 1996  
12 (21 U.S.C. 862a(a)) that is no more re-  
13 strictive than such section, as amended by  
14 section 5 of the Record Expungement De-  
15 signed to Enhance Employment Act of  
16 2015.”; and

17 (3) by adding at the end the following:

18 “(2) JUVENILE TRANSFER PROVISIONS.—Para-  
19 graph (1)(B)(iv) shall not be construed to preclude  
20 from preferential consideration an application from  
21 an applicant in a State that—

22 “(A) has in effect a law that authorizes the  
23 transfer of an individual who is less than 18  
24 years of age to adult criminal court if the indi-  
25 vidual commits a specified offense or an offense

1           that falls under a specified category of offenses;

2           or

3           “(B) exercises other case-specific transfer  
4           mechanisms.

5           “(3) DEGREE OF PRIORITY COMMENSURATE  
6           WITH DEGREE OF COMPLIANCE.—If the Attorney  
7           General, in awarding grants under this part, gives  
8           preferential consideration to any application as au-  
9           thorized under paragraph (1)(B), the Attorney Gen-  
10          eral shall base the degree of preferential consider-  
11          ation given to an application from an applicant in a  
12          particular State on the number of clauses under  
13          paragraph (1)(B) that the State has satisfied, rel-  
14          ative to the number of such clauses that each other  
15          State has satisfied.”.

16          (b) ATTORNEY GENERAL GUIDELINES AND TECH-  
17          NICAL ASSISTANCE.—The Attorney General shall issue  
18          guidelines and provide technical assistance to assist States  
19          in complying with the incentive under section  
20          1701(c)(1)(B) of the Omnibus Crime Control and Safe  
21          Streets Act of 1968 (42 U.S.C. 3796dd(c)(1)(B)), as  
22          added by subsection (a).

1 **SEC. 7. ENSURING ACCURACY IN THE FBI BACKGROUND**  
2 **CHECK SYSTEM.**

3 (a) IN GENERAL.—Section 534 of title 28, United  
4 States Code, is amended by adding at the end the fol-  
5 lowing:

6 “(g) ENSURING ACCURACY IN THE FBI BACK-  
7 GROUND CHECK SYSTEM.—

8 “(1) DEFINITIONS.—In this subsection—

9 “(A) the term ‘applicant’ means the indi-  
10 vidual to whom a record sought to be exchanged  
11 pertains;

12 “(B) the term ‘incomplete’, with respect to  
13 a record, means the record—

14 “(i) indicates that an individual was  
15 arrested but does not describe the offense  
16 for which the individual was arrested; or

17 “(ii) indicates that an individual was  
18 arrested or criminal proceedings were insti-  
19 tuted against an individual but does not  
20 include the final disposition of the arrest  
21 or of the proceedings if a final disposition  
22 has been reached;

23 “(C) the term ‘record’ means a record or  
24 other information collected under this section;

25 “(D) the term ‘reporting jurisdiction’  
26 means any person or entity that provides a

1 record to the Attorney General under this sec-  
2 tion; and

3 “(E) the term ‘requesting entity’—

4 “(i) means a person or entity that  
5 seeks the exchange of a record for civil  
6 purposes that include employment, hous-  
7 ing, credit, or any other type of applica-  
8 tion; and

9 “(ii) does not include a law enforce-  
10 ment or intelligence agency that seeks the  
11 exchange of a record for—

12 “(I) investigative purposes; or

13 “(II) purposes relating to law en-  
14 forcement employment.

15 “(2) INCOMPLETE OR INACCURATE RECORDS.—

16 The Attorney General shall establish and enforce  
17 procedures to ensure the prompt release of accurate  
18 records exchanged for employment-related purposes  
19 through the records system created under this sec-  
20 tion.

21 “(3) REQUIRED PROCEDURES.—The procedures  
22 established under paragraph (2) shall include the  
23 following:

24 “(A) INACCURATE RECORD OR INFORMA-  
25 TION.—If the Attorney General determines that

1 a record is inaccurate, the Attorney General  
2 shall promptly correct the record, including by  
3 making deletions to the record if appropriate.

4 “(B) INCOMPLETE RECORD.—

5 “(i) IN GENERAL.—If the Attorney  
6 General determines that a record is incom-  
7 plete or cannot be verified, the Attorney  
8 General—

9 “(I) shall attempt to complete or  
10 verify the record; and

11 “(II) if unable to complete or  
12 verify the record, may promptly make  
13 any changes or deletions to the  
14 record.

15 “(ii) LACK OF DISPOSITION OF AR-  
16 REST.—For purposes of this subpara-  
17 graph, an incomplete record includes a  
18 record that indicates there was an arrest  
19 and does not include the disposition of the  
20 arrest.

21 “(iii) OBTAINING DISPOSITION OF AR-  
22 REST.—If the Attorney General determines  
23 that a record is an incomplete record de-  
24 scribed in clause (ii), the Attorney General  
25 shall, not later than 10 days after the date

1           on which the requesting entity requests the  
2           exchange and before the exchange is made,  
3           obtain the disposition (if any) of the ar-  
4           rest.

5           “(C) NOTIFICATION OF REPORTING JURIS-  
6           DICTION.—The Attorney General shall notify  
7           each appropriate reporting jurisdiction of any  
8           action taken under subparagraph (A) or (B).

9           “(D) OPPORTUNITY TO REVIEW RECORDS  
10          BY APPLICANT.—In connection with an ex-  
11          change of a record under this section, the At-  
12          torney General shall—

13               “(i) obtain the consent of the appli-  
14               cant to exchange the record with the re-  
15               questing entity;

16               “(ii) at the time of consent, notify the  
17               applicant that the applicant can obtain a  
18               copy of the record;

19               “(iii) provide to the applicant an op-  
20               portunity to—

21                       “(I) obtain a copy of the record  
22                       upon request; and

23                       “(II) challenge the accuracy and  
24                       completeness of the record;

1           “(iv) promptly notify the requesting  
2           entity of any such challenge;

3           “(v) not later than 30 days after the  
4           date on which the challenge is made, com-  
5           plete an investigation of the challenge;

6           “(vi) provide to the applicant the spe-  
7           cific findings and results of that investiga-  
8           tion;

9           “(vii) promptly make any changes or  
10          deletions to the records required as a re-  
11          sult of the challenge; and

12          “(viii) report those changes to the re-  
13          questing entity.

14          “(E) CERTAIN EXCHANGES PROHIBITED.—

15          An exchange shall not include any record—

16                 “(i) about an arrest more than 2  
17                 years old as of the date of the request for  
18                 the exchange, that does not also include a  
19                 disposition (if any) of that arrest;

20                 “(ii) relating to an adult or juvenile  
21                 non-serious offense of the sort described in  
22                 section 20.32(b) of title 28, Code of Fed-  
23                 eral Regulations, as in effect on July 1,  
24                 2009; or



1                   “(iii) to the extent the record is not  
2                   clearly an arrest or a disposition of an ar-  
3                   rest.

4                   “(4) FEES.—The Attorney General may collect  
5                   a reasonable fee for an exchange of records for em-  
6                   ployment-related purposes through the records sys-  
7                   tem created under this section to defray the costs  
8                   associated with exchanges for those purposes, includ-  
9                   ing any costs associated with the investigation of in-  
10                  accurate or incomplete records.”.

11                  (b) REGULATIONS ON REASONABLE PROCEDURES.—  
12                  Not later than 1 year after the date of enactment of this  
13                  Act, the Attorney General shall issue regulations to carry  
14                  out section 534(g) of title 28, United States Code, as  
15                  added by subsection (a).

16                  (c) REPORT.—Not later than 2 years after the date  
17                  of enactment of this Act, the Attorney General shall sub-  
18                  mit to Congress a report on the implementation of sub-  
19                  section (g) of section 534 of title 28, United States Code,  
20                  as added by subsection (a), that includes—

21                         (1) the number of exchanges of records for em-  
22                         ployment-related purposes made with entities in each  
23                         State through the records system created under such  
24                         section 534;

1           (2) any prolonged failure of a reporting jurisdic-  
2           tion to comply with a request by the Attorney  
3           General for information about dispositions of ar-  
4           rests; and

5           (3) the numbers of successful and unsuccessful  
6           challenges to the accuracy and completeness of  
7           records, organized by State of origination of each  
8           record.

9   **SEC. 8. REPORT ON STATUTORY AND REGULATORY RE-**  
10                           **STRICTIONS AND DISQUALIFICATIONS BASED**  
11                           **ON CRIMINAL RECORDS.**

12           (a) IN GENERAL.—Not later than 2 years after the  
13           date of enactment of this Act, the Attorney General, in  
14           consultation with the Secretary of Labor and the Director  
15           of the Office of Personnel Management, shall submit to  
16           Congress a report on each Federal statute, regulation, or  
17           policy that authorizes a restriction on, or disqualification  
18           of, an applicant for employment or for a Federal license  
19           or permit based on the criminal record of the applicant.

20           (b) IDENTIFICATION OF INFORMATION.—In the re-  
21           port submitted under subsection (a), the Attorney General  
22           shall—

23           (1) identify each occupation, position, license,  
24           or permit to which a restriction or disqualification  
25           described in subsection (a) applies; and

1           (2) for each occupation, position, license, or  
2 permit identified under paragraph (1), include—

3           (A) a description of the restriction or dis-  
4 qualification;

5           (B) the duration of the restriction or dis-  
6 qualification;

7           (C) an evaluation of the rationale for the  
8 restriction or disqualification and its continuing  
9 usefulness;

10          (D) the procedures, if any, to appeal, waive  
11 or exempt the restriction or disqualification  
12 based on a showing of rehabilitation or other  
13 relevant evidence;

14          (E) any information available about the  
15 numbers of individuals restricted or disqualified  
16 on the basis of a criminal record; and

17          (F) the identity of the Federal agency with  
18 jurisdiction over the restriction or disqualifica-  
19 tion.

○