



29TH JUDICIAL DISTRICT OF KANSAS

February 5, 2021

The Honorable Fred Patton, Chairperson
House Judiciary Committee

Hearing Date: February 8, 2021

**TESTIMONY OF WYANDOTTE COUNTY DISTRICT ATTORNEY MARK A. DUPREE,
SR. REGARDING HB2326**

Chairman Patton and Members of the Committee:

I am the duly elected and serving Wyandotte County District Attorney. Prior to this position, I worked in private practice in a firm with my wife, Shanelle Dupree. My primary practice area was criminal defense. The majority of my work has been in the Kansas City Metropolitan area, and a significant portion of that has been on the Kansas side. Thank you for the opportunity to speak on automatic expungements.

Since taking office in Wyandotte County in 2017, I have implemented an expungement program for people who have been convicted of crimes in Wyandotte County. In June of 2019, the Wyandotte County District Attorney's Office began offering expungement clinics. Since then, over 400 people have contacted my office about getting an expungement. The people who call my office wanting expungements are hoping to achieve better housing, better employment, better stability in their lives. That is exactly what automatic expungement would do for Kansans: make it easier to take the next step towards becoming productive members of Wyandotte County and the State of Kansas. Automatic expungement would help not only the specific individuals, but also our community as a whole. It is with this background and knowledge that I offer my support for House Bill 2226, amending both K.S.A. 12-4516 and 21-6614 to grant automatic expungements in certain cases.

One in three American adults have a criminal record. That is one in three people who likely have a harder time obtaining employment. That is one in three people who, if unable to get a meaningful job they so desperately need to maintain a stable lifestyle, may resort to further criminal activity in order to make ends meet. As unemployment is directly correlated with criminal recidivism, an expungement could be key to stopping the cycle we so often see in individuals that reoffend. A steady job often equals a more productive lifestyle. Automatic expungement is aimed at tapping into that equation.

Automatic expungement allows some of those one in three people that have paid their debt to society and are ready to move on with their life in a positive way to achieve expungement efficiently. Ensuring justice is served in Wyandotte County and across the State of Kansas means that we need to be doing all we can to make our State safer. Automatic expungements aid that goal. By automatically filing expungements, the government is helping our citizens gain and maintain employment opportunities, stabilize their family structure, and improve their chances of a productive life. This in turn helps make Kansas a safer and better place to live.

One of the biggest obstacles for citizens that my office observed when starting our expungement processes, was that individuals desperately want to follow the process correctly, but do not know how to navigate the court system to ultimately attain expungement. Attempting to complete any action in court can be difficult, and having to do the entire process without an attorney can feel impossible. Many individuals do not have the funds to have a lawyer assist them. The forms are confusing to people if they try to proceed on their own. Even if they can figure out the forms successfully, the filing fee hinders and stops many people from applying. Automatic expungement would eliminate that confusion. One goal, whether someone is sent to prison or placed on probation, is to rehabilitate the offender. Probation and post-release supervision programs assist offenders in reintegrating into society and aim to improve their ability to be successful. Automatic expungements can be an extension of that assistance and would help immensely in that goal.

CONCLUSION

In conclusion, HB226 will make it easier for Kansans to regain productive and stable lives. By automatically expunging the convictions of those offenders who *qualify*, we are not only helping those individuals, but helping the community as a whole.

Be Blessed,



Mark A. Dupree, Sr.