

TESTIMONY OF MIKE FONKERT
JUST CAMPAIGN DIRECTOR
KANSAS APPLESEED CENTER FOR LAW AND JUSTICE

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HOUSE COMMITTEE ON JUDICIARY
IN SUPPORT OF HB 2575
FEBRUARY 7, 2022

Members of the House Committee on Judiciary:

My name is Mike Fonkert; I am a Campaign Director for Kansas Appleseed Center for Law and Justice, a nonprofit, nonpartisan organization dedicated to the belief that Kansans, working together, can build a state full of thriving, inclusive, and just communities.

Kansas Appleseed supports HB 2575. This bill provides automated expungement for Kansans who were acquitted or had their charges dismissed but may lack the time and resources to get their records expunged manually. This bill will help to improve economic opportunities and equity in Kansas.

Expungement is the legal process of removing minor crimes and misdemeanors from one's permanent record, which is done for cases where the likelihood of recurrence is minimal. The current process of expungement requires a petition to courts and a fee of \$195, in addition to any previous fines and fees a person has already paid to the court. Automated expungement would allow for these minor infractions to be removed from records legally without complication. Currently, only a small percentage of those eligible actually obtain expungements, in part due to the barriers that stand between a person and a clean record when manual expungement is the norm.

The automated expungement proposed in HB 2575 will allow people without convictions to have their records expunged. This will allow more Kansans to move on with their lives without needing to worry about the effect background checks by their employers, landlords, or schools will have on their careers, their housing, or their future opportunities. A recent study shows that people whose eligible crimes were expunged saw a 13% increase in odds of being employed and a 22% increase in their annual income within the first year.¹

¹ Prescott, J. & Starr, S. "Expungement of Criminal Convictions: An Empirical Study." Harvard Law Review. 2020.
<https://repository.law.umich.edu/articles/2165>

Automated expungement also contributes to equity. The burden of criminal charges is not evenly distributed across all races. People of color, Black people especially, are arrested at much higher rates than White people. A recent study found that Black young adults were arrested seven times more often than their White counterparts, even after controlling for socioeconomic and behavioral factors.² Higher arrest rates for Black people lead to further inequities in housing, education, and health. By removing the barrier of petition-based expungement for those without convictions, HB 2575 will help level the playing field for ALL Kansans.

In conclusion, implementing an automated expungement process for people without convictions who were charged with minor offenses improves Kansans economic opportunity and addresses racial inequality. Current barriers to obtaining an expungement can prevent people from finding higher-paying jobs. These barriers place an unequal burden on people of color, particularly Black Kansans, because they are more likely to be arrested. HB 2575 would allow those who have not been convicted to have their records cleared without the additional fees and complications of requesting a manual expungement.

² Schleiden, C., Soloski, K., Milstead, K. & Rhynehart, A. "Racial Disparities in Arrests: A Race Specific Model Explaining Arrest Rates Across Black and White Young Adults." *Child and Adolescent Social Work Journal*. 2020. <https://link.springer.com/article/10.1007/s10560-019-00618-7>