

113TH CONGRESS  
2D SESSION

# S. 2567

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

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IN THE SENATE OF THE UNITED STATES

JULY 8, 2014

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

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## 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 2014” 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 Attorney  
 18                   General a report that describes the exercise of  
 19                   discretion by the court under subparagraph  
 20                   (B).

21                   **“§ 3632. Sealing petition**

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

23                   “(1) IN GENERAL.—On and after the date de-  
 24                   scribed in paragraph (2), an eligible individual may  
 25                   file a petition for a sealing order with respect to a

1 covered nonviolent offense in a district court of the  
2 United States.

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

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

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

16 “(3) NOTICE OF OPPORTUNITY TO FILE PETI-  
17 TION.—

18 “(A) CONVICTED INDIVIDUALS.—

19 “(i) IN GENERAL.—If an individual is  
20 convicted of a covered nonviolent offense  
21 and will potentially be eligible to file a  
22 sealing petition with respect to the offense  
23 upon fulfilling each requirement of the sen-  
24 tence for the offense as described in sec-  
25 tion 3631(a)(2)(B), the court in which the

1 individual is convicted shall inform the in-  
2 dividual, on each date described in clause  
3 (ii), 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 “(ii) DATES.—The dates described in  
13 this clause are—

14 “(I) the date on which the indi-  
15 vidual is convicted; and

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

20 “(B) INDIVIDUALS NOT CONVICTED.—

21 “(i) ARREST ONLY.—If an individual  
22 is arrested for a covered nonviolent of-  
23 fense, criminal proceedings are not insti-  
24 tuted against the individual for the offense,  
25 and the individual is potentially eligible to



1 file a sealing petition with respect to the  
2 offense, on the date on which the case re-  
3 lating to the offense is disposed of, the ar-  
4 resting authority shall inform the indi-  
5 vidual of—

6 “(I) that potential eligibility;

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

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

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

25 “(I) that potential eligibility;

1                   “(II) the necessary procedures  
2                   for filing the sealing petition; and

3                   “(III) the benefits of sealing a  
4                   record, including protection from civil  
5                   and criminal perjury, false swearing,  
6                   and false statement laws with respect  
7                   to the record.

8                   “(b) PROCEDURES.—

9                   “(1) NOTIFICATION OF PROSECUTOR AND VIC-  
10                  TIMS.—If an individual files a petition under sub-  
11                  section (a) with respect to a covered nonviolent of-  
12                  fense or arrest for a covered nonviolent offense, the  
13                  district court in which the petition is filed shall pro-  
14                  vide notice of the petition—

15                         “(A) to the office of the United States at-  
16                         torney that prosecuted or would have pros-  
17                         ecuted the petitioner for the offense;

18                         “(B) to the extent reasonable and prac-  
19                         ticable, to each victim of the offense; and

20                         “(C) upon the request of the petitioner, to  
21                         any other individual that the petitioner deter-  
22                         mines may testify as to the—

23                                 “(i) conduct of the petitioner since the  
24                                 date of the offense or arrest; or

1           “(ii) reasons that the sealing order  
2           should be entered.

3           “(2) HEARING.—

4           “(A) IN GENERAL.—Not later than 6  
5           months after the date on which an individual  
6           files a sealing petition, the district court shall  
7           conduct a hearing to determine whether to  
8           enter a sealing order for the individual.

9           “(B) OPPORTUNITY TO TESTIFY AND  
10          OFFER EVIDENCE.—

11          “(i) PETITIONER.—The petitioner  
12          may testify or offer evidence at the sealing  
13          hearing in support of sealing.

14          “(ii) PROSECUTOR.—The office of a  
15          United States attorney that receives notice  
16          under paragraph (1)(A) may send a rep-  
17          resentative to testify or offer evidence at  
18          the sealing hearing in support of or  
19          against sealing.

20          “(iii) VICTIMS.—

21          “(I) IN GENERAL.—A victim who  
22          receives notice under paragraph  
23          (1)(B) may testify or offer evidence at  
24          the sealing hearing in support of or  
25          against sealing.

1                   “(II) LOCATING VICTIMS.—The  
2                   inability of a court to locate a victim  
3                   shall not—

4                           “(aa) delay a proceeding  
5                           under this section;

6                           “(bb) preclude the holding  
7                           of a sealing hearing; or

8                           “(cc) impact the issuance of  
9                           a sealing order.

10                   “(iv) OTHER INDIVIDUALS.—An indi-  
11                   vidual who receives notice under paragraph  
12                   (1)(C) may testify or offer evidence at the  
13                   sealing hearing as to the issues described  
14                   in clauses (i) and (ii) of that paragraph.

15                   “(C) MAGISTRATE JUDGES.—A magistrate  
16                   judge may preside over a hearing under this  
17                   paragraph.

18                   “(3) BASIS FOR DECISION.—

19                           “(A) IN GENERAL.—In determining wheth-  
20                           er to enter an sealing order with respect to pro-  
21                           tected information relating to a covered non-  
22                           violent offense, the court—

23                                   “(i) shall consider all the evidence and  
24                                   testimony presented at the sealing hearing;

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 Attorney General  
13          shall create a universal form, available over the  
14          Internet and in paper form, that an individual may  
15          use to file a sealing petition.

16          “(6) FEE WAIVER.—The Attorney General shall  
17          by regulation establish a process under which indi-  
18          gent petitioners may obtain a waiver of any fee for  
19          filing a sealing petition.

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

24                 “(A) describes—

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

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

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

9           “(8) PUBLIC DEFENDER ELIGIBILITY.—

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

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

18           “(i) the anticipated complexity of the  
19           sealing hearing, including the number and  
20           type of witnesses called to advocate against  
21           the sealing of the protected information of  
22           the petitioner; and

23           “(ii) the potential for adverse testi-  
24           mony by a victim or a representative of the  
25           office of the United States attorney.

1 **“§ 3633. Effect of sealing order**

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

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

11 “(1) send a copy of the sealing order to each  
12 entity or person that possesses a record containing  
13 protected information that relates to the offense, in-  
14 cluding each law enforcement agency, each public or  
15 private correctional, detention, or treatment facility,  
16 each other public or private agency, and each person  
17 who provided treatment or rehabilitation services for  
18 the petitioner under an order of the court;

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

21 “(A) seal the record in accordance with  
22 this section; and

23 “(B) submit a written certification to the  
24 court, under penalty of perjury, that the entity  
25 or person has sealed each paper and electronic  
26 copy of the record;



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

3           “(4) after receiving a written certification from  
4           each entity or person under paragraph (2)(B), notify  
5           the petitioner that each entity or person described in  
6           paragraph (1) has sealed each paper and electronic  
7           copy of the record.

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

19          “(d) ATTORNEY GENERAL NONPUBLIC RECORDS.—  
20          The Attorney General—

21                 “(1) shall maintain a nonpublic record of all  
22                 protected information that has been sealed under  
23                 this subchapter; and

24                 “(2) may access or utilize protected information  
25                 only—

1           “(A) for legitimate investigative purposes;

2           “(B) in defense of any civil suit arising out  
3 of the facts of the arrest or subsequent pro-  
4 ceedings; or

5           “(C) if the Attorney General determines  
6 that disclosure is necessary to serve the inter-  
7 ests of justice, public safety, or national secu-  
8 rity.

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

12           “(1) to determine whether the individual to  
13 whom the record relates is eligible for a first-time-  
14 offender diversion program;

15           “(2) for investigatory or prosecutorial purposes;  
16 or

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

20           “(f) PROHIBITION ON DISCLOSURE.—

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

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

4           “(3) EXCEPTIONS.—

5           “(A) BACKGROUND CHECKS.—An indi-  
6 vidual who is the subject of a record sealed  
7 under this subchapter shall, and a Federal or  
8 State law enforcement agency that possesses  
9 such a record may, disclose the record in the  
10 case of a background check for—

11                   “(i) law enforcement employment; or

12                   “(ii) any employment that requires a  
13 government security clearance.

14           “(B) DISCLOSURE TO ARMED FORCES.—A  
15 person may disclose protected information from  
16 a record sealed under this subchapter to the  
17 Secretaries of the military departments (or the  
18 Secretary of Homeland Security with respect to  
19 the Coast Guard when it is not operating as a  
20 service in the Navy) for the purpose of vetting  
21 an enlistment or commission, or with regard to  
22 any member of the Armed Forces.

23           “(C) AUTHORIZATION FOR INDIVIDUAL TO  
24 DISCLOSE OWN RECORD.—An individual who is

1 the subject of a record sealed under this sub-  
2 chapter may choose to disclose the record.”.

3 (b) APPLICABILITY.—The right to file a sealing peti-  
4 tion under section 3632(a) of title 18, United States Code,  
5 as added by subsection (a), shall apply with respect to a  
6 covered nonviolent offense (as defined in section 3631(a)  
7 of such title) that is committed before, on, or after the  
8 date of enactment of this Act.

9 (c) TRANSITION PERIOD FOR HEARINGS DEAD-  
10 LINE.—During the 1-year period beginning on the date  
11 of enactment of this Act, section 3632(b)(2)(A) of title  
12 18, United States Code, as added by subsection (a), shall  
13 be applied by substituting “1 year” for “6 months”.

14 (d) TECHNICAL AND CONFORMING AMENDMENT.—  
15 The table of subchapters for chapter 229 of title 18,  
16 United States Code, is amended by adding at the end the  
17 following:

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

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

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

20 (1) protect children and adults against damage  
21 stemming from their juvenile acts and subsequent  
22 juvenile delinquency records, including law enforce-  
23 ment, arrest, and court records; and

24 (2) prevent the unauthorized use or disclosure  
25 of confidential juvenile delinquency records and any

1 potential employment, financial, psychological, or  
2 other harm that would result from such unauthor-  
3 ized use or disclosure.

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

6 **“§ 5031. Definitions**

7 “In this chapter—

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

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

14 “(3) the term ‘destroy’ means to render a file  
15 unreadable, whether paper, electronic, or otherwise  
16 stored, by shredding, pulverizing, pulping, incin-  
17 erating, overwriting, reformatting the media, or  
18 other means;

19 “(4) the term ‘expunge’—

20 “(A) means to destroy a record and oblit-  
21 erate the name of the person to whom the  
22 record pertains from each official index or pub-  
23 lic record; and

24 “(B) has the effect described in section  
25 5044(c), including—

1           “(i) the right to treat an offense to  
2           which an expunged record relates, and any  
3           arrest, juvenile delinquency proceeding, ad-  
4           judication, or other result of such pro-  
5           ceeding relating to the offense, as if it  
6           never occurred; and

7           “(ii) protection from civil and criminal  
8           perjury, false swearing, and false state-  
9           ment laws with respect to an expunged  
10          record;

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

13          “(6) the term ‘expungement petition’ means a  
14          petition for expungement filed under section  
15          5044(b);

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

17                 “(A) except as provided in subparagraph  
18                 (B), a person who has not attained the age of  
19                 18; and

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

24          “(8) the term ‘juvenile delinquency’ means the  
25          violation of a law of the United States committed by

1 a person before attaining the age of 18 which would  
2 have been a crime if committed by an adult, or a  
3 violation by such a person of section 922(x);

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

6 “(A) a violent crime (as defined in section  
7 103 of the Juvenile Justice and Delinquency  
8 Prevention Act of 1974 (42 U.S.C. 5603)); or

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

12 “(10) the term ‘juvenile record’—

13 “(A) means a record maintained by a  
14 court, the probation system, a law enforcement  
15 agency, or any other government agency, of the  
16 juvenile delinquency proceedings of a person;  
17 and

18 “(B) includes—

19 “(i) a juvenile legal file, including a  
20 formal document such as a petition, notice,  
21 motion, legal memorandum, order, or de-  
22 cree;

23 “(ii) a social record, including—

24 “(I) a record of a probation offi-  
25 cer;

1                   “(II) a record of any government  
2                   agency that keeps records relating to  
3                   juvenile delinquency;

4                   “(III) a medical record;

5                   “(IV) a psychiatric or psycho-  
6                   logical record;

7                   “(V) a birth certificate;

8                   “(VI) an education record, in-  
9                   cluding an individualized education  
10                  plan;

11                  “(VII) a detention record;

12                  “(VIII) demographic information  
13                  that identifies a juvenile or the family  
14                  of a juvenile; or

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

21                  “(iii) a law enforcement record, in-  
22                  cluding—

23                         “(I) fingerprints;

24                         “(II) a DNA sample; or

25                         “(III) a photograph; and



1                   “(iv) a State criminal justice informa-  
2                   tion system record;

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

5                   “(12) the term ‘seal’—

6                   “(A) means—

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

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

14                  “(B) has the effect described in section  
15                  5043(c), including—

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

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

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

3           “(14) the term ‘sealing petition’ means a peti-  
4           tion for a sealing order filed under section  
5           5043(b).”.

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

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

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

17          (d) SEALING; EXPUNGEMENT.—

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

21          **“§ 5043. Sealing**

22          “(a) AUTOMATIC SEALING OF NONVIOLENT OF-  
23          FENSES.—

24          “(1) IN GENERAL.—Three years after the date  
25          on which a person who is adjudicated delinquent

1 under this chapter for a juvenile nonviolent offense  
2 completes every term of probation, official detention,  
3 or juvenile delinquent supervision ordered by the  
4 court with respect to the offense, the court shall  
5 order the sealing of each juvenile record or portion  
6 thereof that relates to the offense if the person—

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

10 “(B) is not engaged in active criminal  
11 court proceedings or juvenile delinquency pro-  
12 ceedings.

13 “(2) AUTOMATIC NATURE OF SEALING.—The  
14 order of sealing under paragraph (1) shall require  
15 no action by the person whose juvenile records are  
16 to be sealed.

17 “(3) NOTICE OF AUTOMATIC SEALING.—A  
18 court that orders the sealing of a juvenile record of  
19 a person under paragraph (1) shall inform the per-  
20 son of the sealing and the benefits of sealing the  
21 record, including protection from civil and criminal  
22 perjury, false swearing, and false statement laws  
23 with respect to the record.

24 “(b) PETITIONING FOR EARLY SEALING OF NON-  
25 VIOLENT OFFENSES.—

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

2           “(A) IN GENERAL.—During the 3-year pe-  
3           riod beginning on the date on which a person  
4           who is adjudicated delinquent under this chap-  
5           ter for a juvenile nonviolent offense completes  
6           every term of probation, official detention, or  
7           juvenile delinquent supervision ordered by the  
8           court with respect to the offense, the person  
9           may petition the court to seal the juvenile  
10          records that relate to the offense.

11          “(B) NOTICE OF OPPORTUNITY TO FILE  
12          PETITION.—If a person is adjudged delinquent  
13          for a juvenile nonviolent offense, the court in  
14          which the person is adjudged delinquent shall  
15          inform the person of the potential eligibility of  
16          the person to file a sealing petition with respect  
17          to the offense upon completing every term of  
18          probation, official detention, or juvenile delin-  
19          quent supervision ordered by the court with re-  
20          spect to the offense, and the necessary proce-  
21          dures for filing the sealing petition—

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

24                  “(ii) on the date on which the indi-  
25                  vidual has completed every term of proba-

1           tion, official detention, or juvenile delin-  
2           quent supervision ordered by the court  
3           with respect to the offense.

4           “(2) PROCEDURES.—

5           “(A) NOTIFICATION OF PROSECUTOR AND  
6           VICTIMS.—If a person files a sealing petition  
7           with respect to a juvenile nonviolent offense, the  
8           court in which the petition is filed shall provide  
9           notice of the petition—

10           “(i) to the Attorney General;

11           “(ii) to the extent reasonable and  
12           practicable, to each victim of the offense;  
13           and

14           “(iii) upon the request of the peti-  
15           tioner, to any other individual that the pe-  
16           titioner determines may testify as to—

17           “(I) the conduct of the petitioner  
18           since the date of the offense; or

19           “(II) the reasons that the sealing  
20           order should be entered.

21           “(B) HEARING.—

22           “(i) IN GENERAL.—Not later than 6  
23           months after the date on which a person  
24           files a sealing petition, the court shall con-

1 duct a hearing to determine whether to  
2 enter a sealing order for the person.

3 “(ii) OPPORTUNITY TO TESTIFY AND  
4 OFFER EVIDENCE.—

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

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

14 “(III) VICTIMS.—

15 “(aa) IN GENERAL.—A vic-  
16 tim who receives notice under  
17 subparagraph (A)(ii) may testify  
18 or offer evidence at the sealing  
19 hearing in support of or against  
20 sealing.

21 “(bb) LOCATING VICTIMS.—  
22 The inability of a court to locate  
23 a victim shall not delay a pro-  
24 ceeding under this subsection,  
25 preclude the holding of a sealing

1 hearing, or preclude the issuance  
2 of a sealing order.

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

9 “(C) BASIS FOR DECISION.—In conducting  
10 the hearing under subparagraph (B), the court  
11 shall determine whether to grant the sealing pe-  
12 tition after considering—

13 “(i) the evidence and testimony pre-  
14 sented by the Attorney General and any  
15 victims at the hearing;

16 “(ii) the best interests of the peti-  
17 tioner;

18 “(iii) the age of the petitioner during  
19 his or her contact with the court or any  
20 law enforcement agency;

21 “(iv) the nature of the juvenile non-  
22 violent offense;

23 “(v) the disposition of the case;

24 “(vi) the manner in which the peti-  
25 tioner participated in any court-ordered re-

1           habilitative programming or supervised  
2           services;

3           “(vii) the length of the time period  
4           during which the petitioner has been with-  
5           out contact with any court or law enforce-  
6           ment agency;

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

11          “(ix) the adverse consequences the pe-  
12          titioner may suffer if the petition is not  
13          granted.

14          “(D) WAITING PERIOD AFTER DENIAL.—If  
15          the court denies a sealing petition, the peti-  
16          tioner may not file a new sealing petition with  
17          respect to the same juvenile nonviolent offense  
18          until the date that is 2 years after the date of  
19          the denial.

20          “(E) UNIVERSAL FORM.—The Attorney  
21          General shall create a universal form, available  
22          over the Internet and in paper form, that an in-  
23          dividual may use to file a sealing petition.

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



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

5           “(i) describes—

6           “(I) the number of sealing peti-  
7 tions granted and denied under this  
8 subsection; and

9           “(II) the number of instances in  
10 which the Attorney General supported  
11 or opposed a sealing petition; and

12           “(ii) includes any supporting data  
13 that the court determines relevant and that  
14 does not name any petitioner.

15           “(H) PUBLIC DEFENDER ELIGIBILITY.—

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

23           “(ii) PETITIONERS AGE 18 AND  
24 OLDER.—

1           “(I) DISCRETION OF COURT.—In  
2           the case of a petitioner who not less  
3           than 18 years of age, the district  
4           court may, in its discretion, appoint  
5           counsel in accordance with the plan of  
6           the district court in operation under  
7           section 3006A to represent the peti-  
8           tioner for purposes of this subsection.

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

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

19                 “(bb) the potential for ad-  
20                 verse testimony by a victim or a  
21                 representative of the Attorney  
22                 General.

23          “(c) EFFECT OF SEALING ORDER.—

24                 “(1) IN GENERAL.—Except as provided in this  
25          subsection, if a court orders the sealing of a juvenile

1 record under subsection (a) or (b) with respect to a  
2 juvenile nonviolent offense, the offense and any ar-  
3 rest, juvenile delinquency proceeding, adjudication,  
4 or other result of such proceeding relating to the of-  
5 fense shall be treated as if it never occurred.

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

10 “(A) send a copy of the sealing order to  
11 each entity or person that possesses a record  
12 relating to the offense, including each law en-  
13 forcement agency, each public or private correc-  
14 tional, detention, or treatment facility, each  
15 other public or private agency, and each person  
16 who provided treatment or rehabilitation serv-  
17 ices for the petitioner under an order of the  
18 court;

19 “(B) in the sealing order, require each en-  
20 tity or person described in paragraph (1) to—

21 “(i) seal the record; and

22 “(ii) submit a written certification to  
23 the court, under penalty of perjury, that  
24 the entity or person has sealed each paper  
25 and electronic copy of the record;

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

3           “(D) after receiving a written certification  
4           from each entity or person under paragraph  
5           (2)(B), notify the petitioner that each entity or  
6           person described in paragraph (1) has sealed  
7           each paper and electronic copy of the record.

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

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

22                 “(A) to determine whether the person is el-  
23                 igible for a first-time-offender diversion pro-  
24                 gram;

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

3           “(C) for a background check that relates  
4 to—

5                   “(i) law enforcement employment; or

6                   “(ii) any employment that requires a  
7 government security clearance.

8           “(5) PROHIBITION ON DISCLOSURE.—

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

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

18                   “(C) EXCEPTIONS.—

19                           “(i) BACKGROUND CHECKS.—A per-  
20 son who is the subject of a juvenile record  
21 sealed under this section shall, and a Fed-  
22 eral or State law enforcement agency that  
23 possesses such a record may, disclose the  
24 record in the case of a background check  
25 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) AUTHORIZATION FOR PERSON  
17                  TO DISCLOSE OWN RECORD.—A person  
18                  who is the subject of a juvenile record  
19                  sealed under this section may choose to  
20                  disclose the record.

21   **“§ 5044. Expungement**

22                  “(a) AUTOMATIC EXPUNGEMENT OF CERTAIN  
23   RECORDS.—

24                  “(1) ATTORNEY GENERAL MOTION.—

1           “(A) NONVIOLENT OFFENSES COMMITTED  
2 BEFORE A PERSON TURNED 15.—If a person is  
3 adjudicated delinquent under this chapter for a  
4 juvenile nonviolent offense committed before the  
5 person attained 15 years of age, on the date on  
6 which the person attains 18 years of age, the  
7 Attorney General shall file a motion in the dis-  
8 trict court of the United States in which the  
9 person was adjudicated delinquent requesting  
10 that each juvenile record of the person that re-  
11 lates to the offense be expunged.

12           “(B) ARRESTS.—If a juvenile is arrested  
13 for an offense for which a juvenile delinquency  
14 proceeding is not instituted under this sub-  
15 chapter, the Attorney General shall file a mo-  
16 tion in the district court of the United States  
17 that would have had jurisdiction of the pro-  
18 ceeding requesting that each juvenile record re-  
19 lating to the arrest be expunged.

20           “(C) EXPUNGEMENT ORDER.—Upon the  
21 filing of a motion in a district court of the  
22 United States with respect to a juvenile non-  
23 violent offense under subparagraph (A) or an  
24 arrest for an offense under subparagraph (B),  
25 the court shall grant the motion and order that

1           each juvenile record relating to the offense or  
2           arrest, as applicable, be expunged.

3           “(2) DISMISSED CASES.—If a district court of  
4           the United States dismisses an information with re-  
5           spect to a juvenile under this subchapter or finds a  
6           juvenile not to be delinquent in a juvenile delin-  
7           quency proceeding under this subchapter, the court  
8           shall concurrently order that each juvenile record re-  
9           lating to the applicable proceeding be expunged.

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

14           “(4) NOTICE OF AUTOMATIC EXPUNGEMENT.—  
15           A court that orders the expungement of a juvenile  
16           record of a person under paragraph (1)(C) or (2)  
17           shall inform the person of the expungement and the  
18           benefits of expunging the record, including protec-  
19           tion from civil and criminal perjury, false swearing,  
20           and false statement laws with respect to the record.

21           “(b) PETITIONING FOR EXPUNGEMENT OF NON-  
22 VIOLENT OFFENSES.—

23           “(1) IN GENERAL.—A person who is adjudged  
24           delinquent under this chapter for a juvenile non-  
25           violent offense committed on or after the date on



1       which the person attained 15 years of age may peti-  
2       tion the court in which the proceeding took place to  
3       order the expungement of the juvenile record that  
4       relates to the offense.

5               “(2) PROCEDURES.—

6               “(A) NOTIFICATION OF PROSECUTOR AND  
7       VICTIMS.—If a person files an expungement pe-  
8       tition with respect to a juvenile nonviolent of-  
9       fense, the court in which the petition is filed  
10      shall provide notice of the petition—

11              “(i) to the Attorney General;

12              “(ii) to the extent reasonable and  
13      practicable, to each victim of the offense;  
14      and

15              “(iii) upon the request of the peti-  
16      tioner, to any other individual that the pe-  
17      titioner determines may testify as to—

18              “(I) the conduct of the petitioner  
19      since the date of the offense; or

20              “(II) the reasons that the  
21      expungement order should be entered.

22              “(B) HEARING.—

23              “(i) IN GENERAL.—Not later than 6  
24      months after the date on which a person  
25      files an expungement petition, the court

1 shall conduct a hearing to determine  
2 whether to enter an expungement order for  
3 the person.

4 “(ii) OPPORTUNITY TO TESTIFY AND  
5 OFFER EVIDENCE.—

6 “(I) PETITIONER.—The peti-  
7 tioner may testify or offer evidence at  
8 the expungement hearing in support  
9 of expungement.

10 “(II) PROSECUTOR.—The Attor-  
11 ney General may send a representa-  
12 tive to testify or offer evidence at the  
13 expungement hearing in support of or  
14 against expungement.

15 “(III) VICTIMS.—

16 “(aa) IN GENERAL.—A vic-  
17 tim who receives notice under  
18 subparagraph (A)(ii) may testify  
19 or offer evidence at the  
20 expungement hearing in support  
21 of or against expungement.

22 “(bb) LOCATING VICTIMS.—  
23 The inability of a court to locate  
24 a victim shall not delay a pro-  
25 ceeding under this subsection,

1 preclude the holding of an  
2 expungement hearing, or pre-  
3 clude the issuance of an  
4 expungement order.

5 “(IV) OTHER INDIVIDUALS.—An  
6 individual who receives notice under  
7 subparagraph (A)(iii) may testify or  
8 offer evidence at the expungement  
9 hearing as to the issues described in  
10 subclauses (I) and (II) of that para-  
11 graph.

12 “(C) BASIS FOR DECISION.—In conducting  
13 a hearing under subparagraph (B), the court  
14 shall determine whether to grant the  
15 expungement petition after considering—

16 “(i) the evidence and testimony pre-  
17 sented by the Attorney General and any  
18 victims at the hearing;

19 “(ii) the best interests of the peti-  
20 tioner;

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

24 “(iv) the nature of the juvenile non-  
25 violent offense;

1           “(v) the disposition of the case;

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

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

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

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

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

22          “(E) UNIVERSAL FORM.—The Attorney  
23          General 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           and

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

21           “(H) PUBLIC DEFENDER ELIGIBILITY.—

22           “(i) PETITIONERS UNDER AGE 18.—  
23           The district court shall appoint counsel in  
24           accordance with the plan of the district  
25           court in operation under section 3006A to

1 represent a petitioner for purposes of this  
2 subsection if the petitioner is less than 18  
3 years of age.

4 “(ii) PETITIONERS AGE 18 AND  
5 OLDER.—

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

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

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

24 “(bb) the potential for ad-  
25 verse testimony by a victim or a

1 representative of the Attorney  
2 General.

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

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

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

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

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

19 “(A) send a copy of the expungement order  
20 to each entity or person that possesses a record  
21 relating to the offense, including each law en-  
22 forcement agency, each public or private correc-  
23 tional, detention, or treatment facility, each  
24 other public or private agency, and each person  
25 who provided treatment or rehabilitation serv-

1           ices for the petitioner under an order of the  
2           court;

3           “(B) in the expungement order, require  
4           each entity or person described in paragraph  
5           (1) 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 paragraph  
16          (2)(B), notify the petitioner that each entity or  
17          person described in paragraph (1) 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) AUTHORIZATION FOR PERSON TO DIS-  
16          CLOSE OWN RECORD.—A person who is the subject  
17          of a juvenile record expunged under this section may  
18          choose to disclose the record.”.

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

“5043. Sealing.

“5044. Expungement.”.

23          (e) JUVENILE SOLITARY CONFINEMENT.—

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

4   **“§ 5045. Juvenile solitary confinement**

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

6                   “(1) the term ‘juvenile detention facility’ means  
7                   any facility to which juveniles are committed, wheth-  
8                   er pursuant to an adjudication of delinquency under  
9                   this subchapter or conviction for an offense; and

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

13           “(b) PROHIBITION.—

14                   “(1) IN GENERAL.—The use of room confine-  
15                   ment at a juvenile detention facility for discipline,  
16                   punishment, retaliation, staffing shortages, adminis-  
17                   trative convenience, or any reason other than as a  
18                   temporary response to the behavior of a juvenile that  
19                   poses a serious and immediate risk of physical harm  
20                   to the juvenile or others is prohibited.

21                   “(2) JUVENILES POSING RISK OF HARM TO  
22                   OTHERS OR TO SELF AND OTHERS.—

23                           “(A) REQUIREMENT TO USE LEAST RE-  
24                           STRICTIVE TECHNIQUES.—

1           “(i) IN GENERAL.—Before an em-  
2           ployee of a juvenile detention facility places  
3           a juvenile in room confinement, the em-  
4           ployee shall attempt to use less restrictive  
5           techniques, including—

6                   “(I) talking with the juvenile to  
7                   de-escalate the situation; and

8                   “(II) when possible, bringing in  
9                   other employees, qualified mental  
10                  health professionals, or other juveniles  
11                  to talk with the juvenile.

12           “(ii) EXPLANATION.—Before an em-  
13           ployee of a juvenile facility places a juve-  
14           nile in room confinement, or immediately  
15           after doing so, the employee shall explain  
16           to the juvenile—

17                   “(I) the reasons for the room  
18                   confinement; and

19                   “(II) the fact that the juvenile  
20                   will be released from room confine-  
21                   ment upon regaining self-control.

22           “(B) 3-HOUR MAXIMUM.—Except as pro-  
23           vided in paragraph (3), if a juvenile is placed  
24           in room confinement because the juvenile poses  
25           a serious and immediate risk of physical harm

1 to others or to the juvenile and others, the juve-  
2 nile shall not remain in room confinement for  
3 more than 3 hours.

4 “(C) RELEASE.—As soon as a juvenile  
5 placed in room confinement under subpara-  
6 graph (A) is sufficiently under control so as to  
7 no longer pose a serious and immediate risk of  
8 physical harm to the juvenile or others, the ju-  
9 venile shall be released from room confinement.

10 “(D) SPIRIT AND PURPOSE.—The use of  
11 consecutive periods of room confinement to  
12 evade the spirit and purpose of this subsection  
13 shall be prohibited.

14 “(E) CONDITIONS.—A room used for room  
15 confinement for a juvenile shall—

16 “(i) have not less than 80 square feet  
17 of floor space;

18 “(ii) have adequate lighting, heating  
19 or cooling (as applicable), and ventilation  
20 for the comfort of the juvenile;

21 “(iii) be suicide-resistant and protru-  
22 sion-free; and

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

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

3           “(i) have access to appropriate med-  
4 ical and psychological services; and

5           “(ii) receive crisis intervention and  
6 one-on-one observation.

7           “(G) RISK OF HARM AFTER 3 HOURS.—If,  
8 after 3 hours of room confinement, a juvenile  
9 continues to pose a serious and immediate risk  
10 of physical harm to others or to the juvenile  
11 and others—

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), an employee of the juvenile de-  
21 tention facility shall initiate a referral to a  
22 mental health facility that can meet the  
23 needs of the juvenile.

24           “(3) JUVENILES POSING RISK OF HARM TO  
25 SELF.—

1           “(A) IN GENERAL.—A juvenile may be  
2 placed in room confinement to protect the juve-  
3 nile from a serious and immediate risk of phys-  
4 ical harm that the juvenile poses to himself or  
5 herself.

6           “(B) RELEASE.—A juvenile placed in room  
7 confinement under subparagraph (A) shall be  
8 released—

9                   “(i) immediately when the juvenile no  
10 longer poses a serious and immediate risk  
11 of physical harm to himself or herself; and

12                   “(ii) not later than 30 minutes after  
13 being placed in room confinement.

14           “(C) EXPLANATION.—Before placing a ju-  
15 venile in room confinement under subparagraph  
16 (A) or immediately after doing so, an employee  
17 of a juvenile detention facility shall explain to  
18 the juvenile—

19                   “(i) the reasons for the room confine-  
20 ment; and

21                   “(ii) the fact that the juvenile will be  
22 released within 30 minutes.

23           “(c) STUDY AND REPORT.—Not later than 2 years  
24 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) has committed an offense that the  
20 court in which the individual is convicted (re-  
21 ferred to in this paragraph as the ‘court’) deter-  
22 mines is rationally related to a substance abuse  
23 disorder;

24 “(B)(i) is on a waiting list for, is accepted  
25 for, successfully participates in, or has satisfac-

1 torily completed a substance abuse treatment  
2 program approved by the court; or

3 “(ii) has been determined by the court to  
4 not need substance abuse treatment; and

5 “(C) complies with all obligations imposed  
6 by the court.”;

7 (2) in subsection (d), by striking “the date of  
8 the enactment of this Act” each place that term ap-  
9 pears and inserting “the date of enactment of the  
10 Record Expungement Designed to Enhance Employ-  
11 ment Act of 2014”; and

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

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

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

20 (1) DEFINITION.—In this subsection, the term  
21 “TANF assistance or SNAP benefits” means assist-  
22 ance or benefits referred to in section 115(a) of the  
23 Personal Responsibility and Work Opportunity Rec-  
24 onciliation Act of 1996 (21 U.S.C. 862a(a)).

1           (2) EFFECT.—A law enacted by a State under  
2           the authority under subparagraph (A) or (B) of sub-  
3           section (d)(1) of section 115 of the Personal Respon-  
4           sibility and Work Opportunity Reconciliation Act of  
5           1996 (21 U.S.C. 862a) (as in effect on the day be-  
6           fore the date of enactment of this Act), and any  
7           State law or regulation enacted to carry out the re-  
8           quirements of such section (as in effect on the day  
9           before the date of enactment of this Act), that im-  
10          poses conditions on eligibility for TANF assistance  
11          or SNAP benefits that are more restrictive than the  
12          conditions on eligibility for TANF assistance or  
13          SNAP benefits under such section as amended by  
14          subsection (a) shall have no force or effect.

15 **SEC. 6. STATE INCENTIVES.**

16          (a) COPS GRANTS PRIORITY.—Section 1701(c) of  
17          the Omnibus Crime Control and Safe Streets Act of 1968  
18          (42 U.S.C. 3796dd(c)) is amended—

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

20                         “(1) IN GENERAL.—In”;

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

24                                 “(A) for hiring and rehiring additional ca-  
25          reer law enforcement officers that involves a

1 non-Federal contribution exceeding the 25 per-  
2 cent minimum under subsection (g); or

3 “(B) from an applicant in a State that has  
4 in effect—

5 “(i) a law relating to the confiden-  
6 tiality, sealing, and expungement of juve-  
7 nile records that is substantially similar to,  
8 or more generous to the former offender  
9 than, the amendments made by subsections  
10 (b) through (d) of section 3 of the Record  
11 Expungement Designed to Enhance Em-  
12 ployment Act of 2014;

13 “(ii) a law prohibiting juvenile solitary  
14 confinement that is substantially similar  
15 to, or more restrictive than, the amend-  
16 ment made by subsection (e) of section 3  
17 of the Record Expungement Designed to  
18 Enhance Employment Act of 2014;

19 “(iii) a law relating to the sealing of  
20 adult records that is substantially similar  
21 to, or more generous to the former of-  
22 fender than, the amendments made by sec-  
23 tion 2 of the Record Expungement De-  
24 signed to Enhance Employment Act of  
25 2014;

1           “(iv) subject to paragraph (2), a law  
2           that establishes that an adult criminal  
3           court may not have original jurisdiction  
4           over an individual who was less than 18  
5           years of age when the individual committed  
6           an offense;

7           “(v) a law that allows an individual  
8           who has successfully sealed or expunged a  
9           criminal record to be free from civil and  
10          criminal perjury laws; or

11          “(vi) a law relating to the eligibility of  
12          individuals for assistance or benefits re-  
13          ferred to in subsection (a) of section 115  
14          of the Personal Responsibility and Work  
15          Opportunity Reconciliation Act of 1996  
16          (21 U.S.C. 862a(a)) that is no more re-  
17          strictive than such section, as amended by  
18          section 5 of the Record Expungement De-  
19          signed to Enhance Employment Act of  
20          2014.”; and

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

22          “(2) JUVENILE TRANSFER PROVISIONS.—Para-  
23          graph (1)(B)(iv) shall not be construed to preclude  
24          from preferential consideration an application from  
25          an applicant in a State that—

1           “(A) has in effect a law that authorizes the  
2           transfer of an individual who is less than 18  
3           years of age to adult criminal court if the indi-  
4           vidual commits a specified offense or an offense  
5           that falls under a specified category of offenses;  
6           or

7           “(B) exercises other case-specific transfer  
8           mechanisms.

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

20          (b) ATTORNEY GENERAL GUIDELINES AND TECH-  
21          NICAL ASSISTANCE.—The Attorney General shall issue  
22          guidelines and provide technical assistance to assist States  
23          in complying with the incentive under section  
24          1701(c)(1)(B) of the Omnibus Crime Control and Safe

1 Streets Act of 1968 (42 U.S.C. 3796dd(c)(1)(B)), as  
2 added by subsection (a).

3 **SEC. 7. ENSURING ACCURACY IN THE FBI BACKGROUND**  
4 **CHECK SYSTEM.**

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

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

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

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

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

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

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



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

3           “(D) the term ‘reporting jurisdiction’  
4 means any person or entity that provides a  
5 record to the Attorney General under this sec-  
6 tion; and

7           “(E) the term ‘requesting entity’—

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

13           “(ii) does not include a law enforce-  
14 ment or intelligence agency that seeks the  
15 exchange of a record for—

16           “(I) investigative purposes; or

17           “(II) purposes relating to—

18           “(aa) law enforcement em-  
19 ployment; or

20           “(bb) employment that re-  
21 quires a government security  
22 clearance.

23           “(2) PERIODIC REVIEW AND UPDATE OF  
24 RECORDS.—Not later than 1 year after the date of  
25 enactment of the Record Expungement Designed to

1 Enhance Employment Act of 2014, and every 2  
2 years thereafter, the Attorney General shall—

3 “(A) review each record for completeness  
4 and accuracy; and

5 “(B) to the extent feasible, update or cor-  
6 rect each incomplete or inaccurate record.

7 “(3) INCOMPLETE OR INACCURATE RECORDS.—

8 If the Attorney General determines under paragraph  
9 (2)(A) that a record is incomplete or inaccurate, the  
10 Attorney General—

11 “(A) shall notify each relevant reporting  
12 jurisdiction that the record is incomplete or in-  
13 accurate; and

14 “(B) may not exchange the record with a  
15 requesting entity until the Attorney General up-  
16 dates or corrects the record.”.

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

22 (1) the number of exchanges of records or in-  
23 formation for employment-related purposes made  
24 with entities in each State through the records sys-

1       tem created under section 534 of title 28, United  
2       States Code;

3             (2) appropriate statistical information to deter-  
4       mine whether the exchange of records or information  
5       about arrests that did not result in convictions is af-  
6       fecting the employment opportunities of employees  
7       to whom those records or information pertain;

8             (3) any prolonged failure of a reporting juris-  
9       diction to comply with a request by the Attorney  
10       General for information about dispositions of ar-  
11       rests; and

12            (4) the numbers of successful and unsuccessful  
13       challenges to the accuracy and completeness of  
14       records or information, by State where the records  
15       and information originated.

16 **SEC. 8. REPORT ON STATUTORY AND REGULATORY RE-**  
17                                   **STRICTIONS AND DISQUALIFICATIONS BASED**  
18                                   **ON CRIMINAL RECORDS.**

19       (a) IN GENERAL.—Not later than 2 years after the  
20       date of enactment of this Act, the Attorney General, in  
21       consultation with the Secretary of Labor and the Director  
22       of the Office of Personnel Management, shall submit to  
23       Congress a report on each Federal statute, regulation, or  
24       policy that authorizes a restriction on, or disqualification

1 of, an applicant for employment or for a Federal license  
2 or permit based on the criminal record of the applicant.

3 (b) IDENTIFICATION OF INFORMATION.—In the re-  
4 port submitted under subsection (a), the Attorney General  
5 shall—

6 (1) identify each occupation, position, license,  
7 or permit to which a restriction or disqualification  
8 described in subsection (a) applies; and

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

11 (A) a description of the restriction or dis-  
12 qualification;

13 (B) the duration of the restriction or dis-  
14 qualification;

15 (C) an evaluation of the rationale for the  
16 restriction or disqualification and its continuing  
17 usefulness;

18 (D) the procedures, if any, to appeal, waive  
19 or exempt the restriction or disqualification  
20 based on a showing of rehabilitation or other  
21 relevant evidence;

22 (E) any information available about the  
23 numbers of individuals restricted or disqualified  
24 on the basis of a criminal record; and

1 (F) the identity of the Federal agency with  
2 jurisdiction over the restriction or disqualifica-  
3 tion.

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