

September 22, 2021

The Honorable Richard J. Durbin
Chair
Committee on the Judiciary
United States Senate
Washington, DC 20510

The Honorable Chuck Grassley
Ranking Member
Committee on the Judiciary
United States Senate
Washington, DC 20510

On behalf of the undersigned organizations, we write to express support for S.2502, the Kenneth P. Thompson Begin Again Act, a bill pending before your committee that is led by Sen. Coons and Sen. Cornyn, and that would remove the age requirement for those seeking an expungement order for first-time federal drug possession offenses. This bill is a companion to H.R. 1924, led by Rep. Jeffries and Rep. Taylor. Although the undersigned organizations have varied perspectives on a range of issues, we are united in our view that this legislation is a smart, carefully crafted means to alleviate the collateral consequences associated with a criminal record and that it will help individuals get back to work and make communities safer.

Far too often, punishment does not end once a sentence is completed, but rather has a lasting impact for subsequent years and in many cases a lifetime. A criminal record results in thousands of collateral consequences affecting individuals' and families' everyday lives that are often overlooked by the public and the judiciary. Even misdemeanor offenses can have serious implications on an individual's ability to find steady employment, obtain housing, and access public assistance.

Under 18 U.S.C. § 3607, an individual found guilty of federal misdemeanor drug possession with no prior federal or State controlled substance offenses can seek prejudgment probation for up to one year and, if they comply with all probation conditions during that year, obtain dismissal of the proceedings without entry of a judgment of conviction. If the individual happens to have been under 21 years old at the time of the offense, they can further seek expungement of official records associated with that offense upon completion of the probation term. This bill would remove this age cap and thus expand the expungement availability to anyone who successfully completes prejudgment probation.

States across the nation with different political leanings and cultural backgrounds have increasingly acknowledged the undue burden from collateral consequences and have enacted expungement and record sealing measures to provide second chances. Congress now has the opportunity to join this growing movement with the introduction of this meaningful legislation. This legislation offers a tailored approach to lowering recidivism rates, increasing public safety, and providing second chances so people can contribute to society at their greatest potential.

We are greatly encouraged by your continued bipartisan leadership on criminal justice reform issues in the Senate Judiciary Committee, and we strongly support swift passage of the Kenneth P. Thompson Begin Again Act.

Sincerely,

American Civil Liberties Union
Americans for Prosperity
Association of Prosecuting Attorneys
Due Process Institute
Fair and Just Prosecution
Justice Action Network
Law Enforcement Action Partnership
Law Enforcement Leaders to Reduce Crime & Incarceration
Major Cities Chiefs Association
National Association of Criminal Defense Lawyers
National District Attorneys Association
Prison Fellowship
R Street Institute
The Council of State Governments Justice Center

CC: Sen. Christopher A. Coons
Sen. John Cornyn
Rep. Hakeem Jeffries
Rep. Van Taylor