

**AMENDMENT IN THE NATURE OF A SUBSTITUTE
TO H.R. 5651
OFFERED BY MR. NADLER OF NEW YORK**

Strike all that follows after the enacting clause and
insert the following:

1 SECTION 1. SHORT TITLE.

2 This Act may be cited as the “Fresh Start Act of
3 2022”.

4 SEC. 2. ESTABLISHMENT.

5 (a) **IN GENERAL.**—The Attorney General may make
6 not more than 1 grant under this Act to each eligible
7 State. Each such grant shall be in an amount of not more
8 than \$5,000,000.

9 (b) **ELIGIBILITY.**—A State shall be eligible if—

10 (1) the State has in effect a covered
11 expungement law;

12 (2) the law of the State provides that
13 expungement or sealing of a criminal record shall
14 not be delayed by reason of a failure to pay a fee
15 or fine; and

16 (3) the State submits an application to the At-
17 torney General, containing such information as the

1 Attorney General may require, including, at a min-
2 imum—

3 (A) information identifying whether there
4 is a system that, as of the date of the applica-
5 tion, exists for record expungement or record
6 sealing in the State;

7 (B) a description of how infrastructure
8 created through grant funding will facilitate
9 automatic expungement or record sealing fund-
10 ing for individuals eligible for record sealing or
11 expungement; and

12 (C) an identification of the anticipated
13 number of individuals that would benefit from
14 the implementation of automated expungement
15 or record sealing infrastructure.

16 (c) CONSULTATION.—The Attorney General shall de-
17 velop the grant program under this section in consultation
18 with all relevant stakeholders including State and local law
19 enforcement agencies, directly impacted individuals, orga-
20 nizations with expertise in justice information systems and
21 digital information sharing processes, associations of State
22 and local prosecutors, State and local corrections agencies,
23 associations representing State court systems, family ad-
24 vocacy organizations, and civil rights and civil liberties
25 groups.

1 **SEC. 3. USE OF GRANT AMOUNTS.**

2 A grant under section 2 shall be used to implement
3 a covered expungement law in accordance with the fol-
4 lowing:

5 (1) Not more than 10 percent of such grant
6 shall be used for research or planning for criminal
7 record data infrastructure improvements that will
8 make criminal record expungement or sealing auto-
9 matic.

10 (2) Any remaining amounts shall be used to im-
11 plement such improvements.

12 (3) The portion of the costs of implementing
13 such a law provided by a grant under this section
14 may not exceed 75 percent.

15 **SEC. 4. REPORTING REQUIREMENTS.**

16 (a) IN GENERAL.—A State receiving a grant under
17 section 2 shall report to the Attorney General, each year
18 of the grant term, pursuant to guidelines established by
19 the Attorney General, information regarding the following:

20 (1) The number of individuals eligible for auto-
21 matic expungement or sealing under the covered
22 expungement law of that State, disaggregated by
23 race, ethnicity, and gender.

24 (2) The number of individuals whose records
25 have been expunged or sealed annually since the en-

1 actment of such law, disaggregated by race, eth-
2 nicity, and gender.

3 (3) The number of individuals whose applica-
4 tion for expungement or sealing under such law are
5 still pending, disaggregated by race, ethnicity, and
6 gender.

7 (b) INACCESSIBILITY OF DATA FOR REPORTING.—In
8 the event that elements of the data on expungement and
9 sealing required to be reported under subsection (a) are
10 not able to be compiled and reported, the State shall de-
11 velop and report a comprehensive plan to obtain as much
12 of the unavailable data as possible not later than the date
13 that is one year after the first year of the grant being
14 awarded.

15 (c) PUBLICATION.—Not later than 1 year after the
16 date of enactment of this Act, and each year thereafter,
17 the Attorney General shall publish, and make available to
18 the public, a report containing the data reported to the
19 Attorney General under this section.

20 **SEC. 5. DEFINITIONS.**

21 In this Act:

22 (1) Terms used have the meanings given such
23 terms in section 901 of the Omnibus Crime Control
24 and Safe Streets Act of 1968 (34 U.S.C. 10251).

1 (2) The term “automatic” means, with regard
2 to the expungement or sealing of a criminal record,
3 that such expungement or sealing occurs without
4 any action required on the part of the State from an
5 eligible individual.

6 (3) The term “covered expungement law”
7 means a law of a State providing for the automatic
8 expungement or sealing, subject to such require-
9 ments as the State may impose, of a criminal record
10 of an individual.

11 **SEC. 6. AUTHORIZATION OF APPROPRIATIONS.**

12 There are authorized to be appropriated \$50,000,000
13 for each of fiscal years 2023 through 2027 to carry out
14 this Act.

