

LAW, JUSTICE, AND ETHICS

Resolution LJE-16-22

SUPPORTING THE “#AUTOERASE” INITIATIVE TO ERASE WRONGFUL ARREST RECORDS FOR MISTAKEN IDENTITY OR IDENTITY THEFT

WHEREAS, many people believe if they are released after being mistakenly arrested and the charges were dropped or dismissed without any court date being set that they no longer have an arrest record;

WHEREAS, even in cases of a mistaken arrest, the damaging documents are not automatically removed;

WHEREAS, hundreds of thousands of innocent Americans who are mistakenly arrested because of mistaken identity or identity theft are still haunted by arrest records;

WHEREAS, an arrest record can ruin an innocent individual’s chance to get into college, or secure employment, loans and housing;

WHEREAS, a study conducted by the Department of Labor found only 15 percent of youth who had been arrested by the age of 23 purchased a home, 21 percent lived below the poverty line at age 25 and only 14 percent had a college degree;

WHEREAS, an arrest record is an ugly stain for law-abiding citizens, who in some cases, found themselves arrested for circumstances beyond their control;

WHEREAS, when an individual answer questions about an arrest on a job application, fewer than 58 percent of employers allow candidates to explain their arrest;

WHEREAS, the process to remove an arrest record can cost an innocent individual an average of \$5,000 and can take a significant amount of the individual’s time;

WHEREAS, an arrest record can only be removed if the local court system notifies the Federal Bureau of Investigation (FBI) it should be taken out of the file; and

WHEREAS, the prevalence of private websites that share mug shots works against individuals trying to clear the arrest from their records.

THEREFORE BE IT RESOLVED, that the National Black Caucus of State Legislators (NBCSL) applauds the nationwide effort of the “#AUTOERASE” Campaign to bring awareness to the lasting impact of arrests that occur as a result of identification or identity theft;

BE IT FURTHER RESOLVED, that the NBCSL calls on all local, state, and federal agencies to automatically erase and destroy all information pertaining to arrest records of innocent individuals arrested as a matter of law, immediately after the innocent individual is no longer being detained by the arresting agency, and ensure the arrest record appears in no local, state or federal agency’s

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database;

BE IT FURTHER RESOLVED, that the NBCSL calls on the United States Congress, states and localities to, under such circumstances indicated above, to insure that an innocent individual's record appears as it did before the wrongful arrest occurred, at no expense or actions required by the innocent individual that was wrongfully arrested;

BE IT FURTHER RESOLVED, that the NBCSL supports that, under such circumstances, the innocent individual can proceed in the future and be legally and factually allowed to deny the arrest under ALL circumstances, on any local, state, federal, corporate, or private form, including but not limited to, applying for a state-issued professional license, applying for a law-enforcement job, applying for a federal / national security clearance, applying for a school-related job, buying a firearm or applying for a concealed carry permit, running for public office, or candidate for state bar; and

BE IT FINALLY RESOLVED, that a copy of this resolution be transmitted to the President of the United States, the Vice President of the United States, members of the United States House of Representatives and the United States Senate, and other federal and state government officials as appropriate.

SPONSORS: Representative Ken Dunkin (IL), Senator Floyd McKissick (NC), Representative John Richard King (SC), Representative Alan Williams (FL), and Senator Holly J. Mitchell (CA)

Committee of Jurisdiction: Law, Justice, and Ethics Policy Committee

Certified by Committee Co-Chairs: Senator Arthenia Joyner (FL) and Representative Reginald Meeks (KY)

Ratified in Plenary Session: Ratification Date is December 4, 2015

Ratification is certified by: Senator Catherine Pugh (MD), President