



Record Sealing Modernization Amendment Act of 2019

D.C.'s current record sealing policy relies on the assumption that the public has the right to know about someone's criminal history unless the person can prove that having a criminal record has impacted her ability to contribute positively to society. This legislation instead assumes that the existence of a criminal record negatively harms individuals as they seek to reintegrate into society, and should be sealed unless the justice system finds a compelling reason why sealing the record would threaten public safety. A review of record sealing legislation around the country shows that D.C., which prides itself on a progressive criminal justice system, lags behind other jurisdictions in reforming its record sealing laws.

- Establishes automatic **expungement** of arrests that are not prosecuted.
- Establishes automatic **expungement** of most cases that do not result in a conviction, **except most severe felonies.**
- Shortens the time period a person must wait before their record can be sealed
- Repeals law that states individuals must prove they deserve to have their record sealed, and **creates presumption that record will be sealed unless there is clear reason not to.**
- **Expands record sealing eligibility to all convictions except the most serious felonies, including:**
 - Automatic sealing for most misdemeanor convictions 3 months after completion of sentence.
 - Presumption of sealing for remainder of misdemeanor and some minor felony convictions 2 years after completion of sentence.
 - Allows for sealing of felony convictions after certain waiting periods of 2, 5, 8 or 10 years, except for most severe felonies.
- Creates expungement as an option for criminal & arrest records--not available to anyone except the subject of the record.
- Changes relief in cases of actual innocence and decriminalized/legalized offenses from sealing to expungement.
- Allows for sealing of more than one record.
- Repeals law barring sealing of any record for people with certain convictions.



Detailed Breakdown

If someone has...	Then...
No papered—all cases; and Charges dismissed or otherwise no conviction—all but most serious felonies.	Automatic expungement 90 days after termination of case.
Actual innocence and decriminalized/legalized offenses.	Expungement at any point, must file petition.
“Qualifying misdemeanor” (formerly “eligible misdemeanor”) convictions; Felony drug convictions except “while armed”; and Charges dismissed or otherwise no conviction—most serious felonies.	90 day wait, Court shall seal unless prosecution shows new charges/conviction, without need for petition.
Non-Qualifying misdemeanor convictions (except sex offender); and Felony convictions with max sentence of 5 years or less.	2 year wait, Court shall seal unless prosecution shows new charges/conviction, without need for petition.
Sex offender misdemeanor convictions; and Felony convictions with max sentence 5+ to 10 years.	2 year wait and file a petition, Court shall seal unless prosecution shows new charges/conviction, or compelling public safety reason.
Felony convictions with max sentence 10+ to 15 years.	5 year wait and file a petition, Court shall seal unless prosecution shows new charges/conviction, or compelling public safety reason.
Felony convictions with max sentence 15+ to 20 years.	8 year wait and file a petition, Court shall seal unless prosecution shows new charges/conviction, or compelling public safety reason.
Felony convictions with max sentence 20+ to 30 years.	10 year wait and file a petition, Court shall seal unless prosecution shows new charges/conviction, or compelling public safety reason.